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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, MAY 26, 1937. No. 66.

SENATE

WEDNESDAY, MAY 26, 1937

The Senate met at 1:00 o'clock p. m.
The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L. L.D. offered the following prayer:

Our Father, we thank Thee for another day. It brings us trials; yet it is brimmed with opportunity. Much has been accomplished—much is yet to be done; and we appear to have come to the kingdom for a time such as this yet if we altogether hold our peace, deliverance may come from another place. Give us strength for the journey to the Journey's end.

Keep us free these days, representing a free people, seeking a higher freedom. We would follow the counsel of reason, and obey the voice of conscience.

Make us quick to discern flitting shadows that fall upon our paths, strange faces that appear and vanish. May we be keen to detect the voice of Jacob and the hand of Essau. Our God, give us a vision of the glory of right. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. McGinnis, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, this body has learned from experience in providing funds for institutions of learning, medical care and attention throughout the Commonwealth and by our Constitution a great many worthy institutions who are performing activities of merit to a wide extent are prevented from receiving State aid because of the fact that they are engaged in sectarian work, notwithstanding the fact that the work is of equal ability and extent, and I think the Senators know that five institutions of that kind are being deprived of State aid or are activities of others along certain lines who are receiving State aid. I received a communication, or rather a copy of a letter from a Congressman of the United States, which he forwarded to me. It emanates from the Pennsylvania Hospital, at Eighth and Spruce Streets, Philadelphia, and is included in one of the hospitals receiving State aid. I think the letter is its own condemnation and without saying anything further about the letter I offer it for the purpose of having it read into the records: Pennsylvania Hospital, Eighth and Spruce Streets, Philadelphia, Pennsylvania. I prefer not to read the name of the addressee because it is unimportant except to state that the letter is addressed to Texas State College for Women:

"Thanking you for your interest in making application for our course in dietician intern. We do not accept students of Jewish nationality and I am therefore returning at once your photograph so that you may apply elsewhere.

Very cordially yours,

Julian E. Gelson,
Director of Dietary Department."

I ask that this be spread upon the records of the Journal.

The PRESIDENT. The communication will be received and spread upon the records of the Journal of the Senate.

PETITIONS

URGING PASSAGE OF SENATE BILL No. 343

Communication from the Union of United Brewery Flour Cereal and Soft Drink Workers of America, urging the passage of Senate Bill No. 343.

Which was referred to the Committee on State Boards.

NOMINATION BY THE GOVERNOR

The Secretary to the Governor, being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BERKS COUNTY

Roland S. Rhode, Kutztown

CAMBRIA COUNTY

Miss M. Edith Gobin, Johnstown.

CRAWFORD COUNTY

Miss Mytrle E. Chamberlain, Meadville.
Mrs. Dorothy M. Lewis, Conneaut Lake.

MERCER COUNTY

J. Walter Routman, Sharon.

MONTOUR COUNTY

Miss Bertha M. Gaskins, Danville.

PHILADELPHIA COUNTY

William S. Bender, 9508 Bustleton Av., Philadelphia.
Frank M. Harrold, 5736 N. Front St., Philadelphia.
Charles Lazaroff, 6134 Market St., Philadelphia.
Bernard J. Markowitz 327 Penfield Bldg., Philadelphia.
Louis A. Persichetti, 1944 S. 11th St., Philadelphia.
Miss C. Isabel Willey, Broad St. and Nedro Ave., Philadelphia.

YORK COUNTY

Mrs. A. Margaret Shepperd, Glen Rock, Shrewsbury Twp.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 143, (Senate Bill No. 1435), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 844, (Senate Bill No. 1436), entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating, repairing, restoring, maintaining and re-conditioning the property at Ambridge, Beaver County, Pennsylvania, formerly owned and occupied by the Harmony Society and known as "Old Economy."

Which was committee to the Committee on Appropriations.

House Bill No. 865, (Senate Bill No. 1437), entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1135, (Senate Bill No. 1438), entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration, preservation, development and maintenance of the Ephrata Cloisters Park.

Which was committed to the Committee on Appropriations.

House Bill No. 1237, (Senate Bill No. 1439), entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeen, one thousand nine hundred and nineteen (P. L. 1003), entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries, and providing penalties," as amended; providing for the method of reimbursement to such licensees, and making an appropriation therefor.

Which was committed to the Committee on Appropriations.

House Bill No. 2402, (Senate Bill No. 1440), entitled:

An Act making an appropriation to the Flagship Niagara Commission.

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1764

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives, informing the Senate that the House had concurred in amendments made by the Senate to House Bill No. 1764, entitled:

An Act authorizing the payment of benefits by certain beneficial societies in the event of sickness accident disability or death or in the event of any or all such contingencies authorizing certain existing beneficial or protective societies heretofore incorporated to re-incorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death regulating such societies and corporations and limiting the amount for which such societies and corporations may issue policies providing for reserves of such societies and corporations providing penalties and repealing existing laws.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1792

He also presented communication from the House of Representatives, informing the Senate that the House had concurred in amendments made by the Senate to House Bill No. 1792, entitled:

An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1161

He also presented communication from the House of Representatives informing the Senate that the House of Representatives had adopted the report of the Committee of Conference on House Bill No. 1161, entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three), entitled "Fiscal Code," by making further provision for the appointment of mercantile appraisers.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 213

He also presented communications from the House of Representatives informing the Senate that the House in-

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sists upon its amendments, non-concurred in by the Senate to Senate Bill No. 213, entitled:

An Act to amend section eighteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties." requiring local ordinances in certain cases to conform to this act and the regulations made thereunder.

and has appointed Messrs. SMITH, MOUL and SCHROCK as a Committee of Conference to confer with a similar committee of the Senate, (already appointed), to consider the differences existing between the two Houses in relation to said bill.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 965 AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 965, entitled:

An Act to further amend the act, approved the sixteenth day of April, one thousand nine hundred and twenty-five (P. L. 244), entitled "An act applying to third class counties only, and regulating the selection, drawing, and summoning of all jurors and talesmen, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," by abolishing the jury board and transferring its powers and duties to the jury commissioners.

and has appointed Messrs. O'TOOLE, DAUGHERTY and WEIDEMAN as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the difference existing between the two houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. RICE. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (already appointed) to consider the difference existing between the two houses in relation to said bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. MUNDY, DENT and BEAN be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 1754 AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 1754, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred eighty-nine), entitled "Non-profit Corporation Law," by providing for, and regulating the incorporation of, non-profit corporations organized to provide hospital care and service for subscribers; and conferring powers on the Insurance Department with respect thereto.

and has appointed Messrs. COHEN, LOVETT and WINNER as a Committee of Conference to confer with a similar committee on the Senate (if the Senate shall appoint such committee) to consider the difference existing between the two houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. RICE. Mr. President, I move that a Committee of conference be appointed to confer with a committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs PYTKO, RUTH and HOWELL be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 1755 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 1755, entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers; prescibing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospital care and service; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties.

and has appointed Messrs. COHEN, LOVETT and WINNER as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the difference existing between the two houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. RICE. Mr. President, I move that a Committee of Conference be appointed to confer with a committee or the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. PYTKO, RUTH and HOWELL be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Education reported as committed, Senate Bill No. 1413 (House Bill No. 1465), entitled:

An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes provid-

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ing for their government, prescribing their powers and duties, conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases.

Also, from the Committee on Education, reported as committed, Senate Bill No. 1276 (House Bill No. 1049), entitled:

An Act providing for the creation of a legal holiday on April 8, 1938, to be known and observed as "Forefathers Day."

Mr. RUTH, from the Committee on Education, reported as amended, Senate Bill No. 1128 (House Bill No. 1765), entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by restricting the number of assistant county superintendents; providing for supervisors of special education and establishing standards of eligibility, methods of appointment, duties, salaries and methods for the payment thereof, for such supervisors of special education.

Also, from the Committee on Education re-reported as amended, Senate Bill No. 1146 (House Bill No. 1055), entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments, prescribed for members of teaching and supervisory staffs.

Mr. RODGERS, from the Committee on Welfare, reported as committed, Senate Bill No. 159, entitled:

An Act to amend section seven of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-six, (P. L. 28), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," providing that all eligible applicants shall be entitled to assistance and preventing discrimination.

Also, from the Committee on Forests and Waters, reported as committed, Senate Bill No. 1378 (House Bill No. 583), entitled:

An Act authorizing the Water and Power Resources Board to make a survey and investigation to determine to what extent the beds of rivers, lakes and streams, title to which is in the Commonwealth have been and are occupied or encroached upon and making an appropriation.

Mr. HALUSKA, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 1290 (House Bill No. 1963), entitled:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties.

Mr. RUPP, from the Committee on Agriculture, reported as committed, Senate Bill No. 1426 (House Bill No. 1959), entitled:

An Act to provide for the conservation protection, improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer state plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation.

REPORT OF THE DELAWARE RIVER BRIDGE COMMISSION

Mr. BUCKMAN. Mr. President, I desire to present to the Legislature of the Session of 1937 the report of the Delaware River Bridge Commission, between Pennsylvania and New Jersey, as required by law, with the request that it be noted in the Legislative Journal.

(For report see Appendix).

REPORTS FROM COMMITTEES

Mr. WOLFENDEN, from the Committee on Welfare, re-reported as committed, Senate Bill No. 882, entitled:

An Act to amend section seventeen of the act approved the twenty-fifth day of June, one thousand nine hundred thirty-six (P. L. 28), entitled, "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mother's Assistance Funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by making further provision for the cost of administering the act.

Mr. RICE, from the Committee on Agriculture, reported as committed, Senate Bill No. 1425 (House Bill No. 1894), entitled:

An Act relating to soil conservation and soil erosion and regulating land use practices, contributing to soil wastage

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and soil erosion, providing for the organization of soil conservation districts as governmental sub-divisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources, prescribing the officers and employes thereof and defining their powers and duties, creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act, providing financial assistance to such soil conservation districts, prescribing penalties and making an appropriation.

Mr. McCREESH, from the Committee on County Government, reported as committed, Senate Bill No. 1291 (House Bill No. 2029), entitled:

An Act to amend Article Five of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth. fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing counties to make appropriations for the maintenance of short wave radio broadcasting stations.

Also, from the Committee on County Government, reported as committed, Senate Bill No. 1100 (House Bill No. 1476), entitled:

An Act to amend section one of the act approved the sixth day of May, one thousand eight hundred and seventy-four (Pamphlet Laws one hundred twenty-five) entitled, "An act regulating State tax on certain county offices," as amended, regulating the payment over to the county of excess earnings of county officers.

Mr. SONES, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1277 (House Bill No. 1093), entitled:

An Act to amend clause XLIX of section one thousand two hundred of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled, "An act concerning boroughs and revising, amending and consolidating the law relating to boroughs," authorizing boroughs to expend moneys for the purchase and planting of trees.

Also. from the Committee on Welfare, reported as committed. Senate Bill No. 1403, entitled:

An Act to amend the act approved the seventh day of June, one thousand nine hundred and fifteen, (Pamphlet Laws nine hundred) entitled, "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages. deaths, and diseases, or practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled, 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act;" by adding thereto section 18.1; providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War, and making an appropriation.

Mr. HENNEY, from the Committee on Welfare, reported as committed, Senate Bill No. 1421 (House Bill No. 1640), entitled:

A Supplement to the act approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation, providing procedure for the determination of liability and compensation thereunder and prescribing penalties," as amended, and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions, provisions and procedure related to such diseases and making an appropriation.

Mr. SHAPIRO, from the Committee on Public Utilities, re-reported as amended, Senate Bill No. 1320, (House Bill No. 851), entitled:

An Act relating to the regulation of public utilities defining as public utilities certain corporations, companies, associations and persons providing for the regulation of public utilities including to a limited extent municipalities. engaging in public utility business by prescribing defining and limiting their duties, powers and liabilities and regulating the exercise, surrender or abandonment of their powers, privileges and franchises, defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicles, conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act, authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters, authorizing a permissive or mandatory sliding scale method of regulating rates, providing for the supervision of financial and con tractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons, associations, companies, corporations or municipal corporations, subject to this act, conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration, relocation, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages, authorizing owners of such property to sue the Commonwealth for such damages, providing for ejectment proceedings in connection with the appropriation of property for crossings, conferring upon the commission power to control and regulate budgets of public utilities, imposing upon persons, associations, companies and corporations (except municipal corporations) subject to regulation the cost of administering this act, prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings, prescribinging penalties, fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act.

Also, from the Committee on City Government reported as committed, Senate Bill No. 1416, entitled:

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens.

Mr. KUNKEL, from the Committee on Aeronautics reported as committed, Senate Bill No. 1346, (House Bill No. 1636), entitled:

An Act to amend section six hundred one of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto, providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of space; providing for lawfulness of flights; regulating civil causes of action arisnig out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft, and extending certain penalties to owners of aircraft.

Mr. LAW, from the Committee on Highways reported as committed, Senate Bill No. 1446, (House Bill No. 1781), entitled:

An Act to amend sections two and three of the act approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled. "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles, operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said non-resident upon whom civil process may be served and providing for further notice to the defendant in any such suit," as amended by providing further for the return of and fees for service.

RESOLUTIONS

Resolution on the death of Mrs. Catherine A. Earle Mather.

Mr. PYTKO offered the following resolution, which was twice read considered and agreed to:

In the Senate of Pennsylvania, May 26, 1937.

Whereas. It has pleased Almighty Providence to take from this life. the beloved sister of the Governor of this Commonwealth. Mrs. Catherine A. Earle Mather, who died at her home in Haverford on May 17th; therefore be it

Resolved. That. the Members of the Senate offer their sincere sympathy to the Governor and to Mrs. George H. Earle, Jr., the mother of Mrs. Mather. in the loss they have sustained in the death of this sister and daughter, and direct the Chief Clerk of the Senate to transmit a copy of this resolution to the Governor and to his mother.

Suspending Rule 21, for balance of 1937 Session.

Mr. HUFFMAN offered the following resolution, which was twice read:

In the Senate, May 26, 1937.

Resolved, That Rule 21 of the Senate, to wit: "That the vote on concurring in bills amended by the House or on adopting reports of committees of conference, shall not be taken until said bills and reports have been placed on the files of Senators, and particularly referred to on their calendars", be suspended for the balance of the 1937 regular session

On the question,

Will the Senate agree to the Resolution?

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated.

Mr. HUFFMAN. Mr. President, certainly.

Mr. BUCKMAN. Mr. President, do I understand that this is suspending the rule for the balance of the present Session, requiring Conference Reports and House amendments to be mentioned on the Calendar? Is that the purport of this resolution?

Mr. HUFFMAN. Mr. President, Yes.

Mr. BUCKMAN. Mr. President, is that all the farther it goes? Of course this would not then, Mr. President, I take it, and I would like the Senator from Monroe to inform me if I am not correct, this would not permit the consideration of amendments or conference reports unless they were printed on the calendar of the Senate.

Mr. HUFFMAN. Mr. President, Oh, no, they would be put on the desks.

And the question recurring

Will the Senate agree to the resolution.

It was agreed to.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 916

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 916, entitled: "An Act to amend section one of the act, approved the seventeenth day of July, one thousand nine hundred nineteen, (Pamphlet Laws one thousand twenty-five), entitled 'A supplement to an act, approved the second day of May. one thousand eight hundred and ninety-nine, (Pamphlet Laws one hundred and eighty-four), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares and merchandise and providing for the collection of said tax,"' by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class, and terminating the terms of certain mercantile appraisers." Respectfully submit the following bill as our report:

HARRY SHAPIRO.
WALTER S. PYTKO.
GEORGE A. DEITRICK,
(Committee on the part of the Senate.)

SAMUEL A. BLANK,
JAMES F. WALSH.
(Committee on the part of the House of Representatives.)

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entiled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and

merchandise and providing for the collection of said tax" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cities of the first class on or before the [thirteenth] first day of June one thousand nine hundred and thirty-seven and [quadriennially] on or before the first day of June of each year thereafter the Auditor General [and the city treasurer] shall appoint five suitable qualified citizens as mercantile appraisers for [terms of four years each] a period of one year Not all of said appraisers shall be members of the same political party The powers duties and compensation of said appraisers shall be as now provided by law

Section 2 The terms of mercantile appraisers in cities of the first class in office immediately prior to the first day of June one thousand nine hundred thirty-seven are hereby terminated as of that date

Section 3 This act shall become effective immediately upon its final enactment.

On the question,

Will the Senate agree to the report?

Mr. WOODWARD. Mr. President, this is an interesting commentary on the statesmanship of this bill, and now that our new Auditor General will appoint the mercantile appraisers in cities of first class, and that the former Republican leader of the Eighth ward has become a Democrat, and that one of the rising Republicans in the House from Philadelphia has also become a Democrat, because he comes from Mr. Cook's ward and Mr. Cook has now signed up with Mr. Kelly and the Auditor General, this is a very effective bill.

And the question recurring,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows. viz:

YEAS—32.

Barthold,	Haluska,	Kunkel,	Reed,
Cavalcante,	Henney,	Lanius,	Rice,
Dando,	Heyburn,	Law,	Rodgers,
Dent,	Huffman,	McCreesh,	Rupp,
DiSilvestro,	Jacobs,	McGinnis,	Ruth,
Eroe,	Jaspan,	Mundy,	Shapiro,
Frey,	Kahle,	Pytko,	Sones,
Gilson,	Kilgallen,	Rankin,	Stiefel,

NAYS—12.

Bean,	Deitrick,	Mallery,	Salus,
Buckman,	Ealy,	Owlett,	Scarlett,
Chapman,	Homsher,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I arise to a question of personal privilege for about three minutes.

The PRESIDENT. The Senator from Philadelphia Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President,

SENATE OF PENNSYLVANIA

Harrisburg, Pa., May 26, 1937.

Mr. President:

I rise to assert our Bill of Rights right to a free press, free assemblage and free speech. Even the Philadelphia Record is free to record one day Senator Dent's report upon the flight of industry from Pennsylvania, and the next day to record the Senator's change of heart. The Senator had to choose between the martyr's stake or recantation. He chose to recant. What burns me up is "why." Free speech, even in Washington and Harrisburg, means you can go into the street and yell against the President or against the Governor without fear of arrest. Free assemblage is illustrated by myself assembled with myself in a minority of one.

That is the Bill of Rights. There is also a bill of wrongs. There always has been. It used to be the unholy alliance of the Republican Party with Wall Street and big business. Now it is the unholy alliance of the Democratic Party with John L. Lewis's C. I. O. Labor supports Earle because Earle supports labor (see note). I understand that in the House it has reached the point that in Committee Mr. Cohen calls up a bill and says, "This is a labor bill". The Committee say, "Shush, Shush", and out goes the bill. Administration bills have a deadly pink cover; labor bills are no longer under any cover.

Imagine Mr. Lewis being summoned to testify before the LaFollette Committee! It simply is not done. The C. I. O. having won in the steel industry is now the spoiled darling of government and business. In the world of nature, little animals have little fleas, and big animals have big fleas. We, the General Assembly, the little underdogs of government, are called to the front of Messrs. Earle and Lawrence who put fleas in our ears. We may have amended chain stores or full crew or workmen's compensation to make them decent but we are ordered back to scratch, which is where we started. We salute the front and say, "Aye, aye, Sir"!

The next question for an inquiring mind is who are the big fleas, who or which bite the big dogs? The biggest flea in the jungle seems to be organized labor and the queen flea seems to be Mr. John L. Lewis. When Mr. Lewis bites, you can see our mighty President and our mighty Governor begin to scratch. If organized labor were well organized it might easily deserve a high place in the seats of the mighty. It is not well or at least wisely organized. Organized labor very properly fought organized big business. We all recognize the hard won rights of labor. With so many assets on labor's side why does it seek unfair advantages? Granted it was exploited, it is a pity for so great a movement as organized labor to be moved by a spirit of revenge.

As a liberal who wishes to see American organized labor develop into the higher forms it has achieved in Great Britain and the Scandinavian countries, I advise two things:

1. Incorporation
2. Public accounting of all funds.

We have on our calendar Senate Bill No. 441 which would accomplish one of these two things. S-441 is a "p. p. c.," bill which means postponed calendar also "paying party call."

Respectfully submitted.

G. Woodward.
6th Dist. (to be emasculated and deleted).

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL NO. 639

To the Members of the Senate and House of Representatives:

We, the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 639, entitled: "An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a Court of Common Pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties" respectfully submit the following bill as our report:

JOHN H. DENT,
BERNARD B. McGINNIS,
CHARLES R. MALLERY,
Committee on the part of the Senate
HOMER S. BROWN,
JOHN YOURISHIN,
J. HALL STACKPOLE.
Committee on the part of the House of Representatives

An Act to prevent the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

Section 1 Short Title "Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That "This act shall be known and may be cited as the "Pennsylvania Labor Relations Act"

Section 2 Findings and Policy (a) Under prevailing economic conditions individual employes do not possess full freedom of association or actual liberty of contract Employers in many instances organized in corporate or other forms of ownership associations with the aid of government authority have superior economic power in bargaining with the employes This growing inequality of bargaining power substantially and adversely affects the general welfare of the State by creating variations and instability in competitive wage rates and working conditions within and between industries and by depressing the purchasing power of wage earners thus (1) creating sweatshops with their attendant dangers to the health peace and morals of the people (2) increasing the disparity between production and consumption and (3) tending to produce and aggravate recurrent business depressions The denial by some employers of the right of employes to organize and the refusal by employers to accept the procedure of collectively bargaining tend to lead to strikes lock-outs and other forms of industrial strife and unrest which are inimical to the public safety and welfare and frequently endanger the public health (b) Experience has proved that protection by law of the right of employes to organize and bargain collectively removes certain recognized sources of industrial strife and unrest encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages hours or other working conditions and tends to restore equality of bargaining power between employers and employes

(c) In the interpretation and application of this act and otherwise it is hereby declared to be the public policy of the State to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association self-organization and designation of representatives of their own choosing for the purposes of negotiating the terms and conditions of their employment or other mutual aid or protection free from the interference restraint or coercion of their employers

(d) All the provisions of this act shall be liberally construed for the accomplishment of this purpose

(e) This act shall be deemed an exercise of the police power of the Commonwealth of Pennsylvania for the protection of the public welfare prosperity health and peace of the people of the Commonwealth

Section 3 Definitions When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "person" includes an individual partnership association corporation legal representative trustee trustee in bankruptcy or receiver

(c) The term "employer" includes any person acting directly or indirectly in the interest of an employer but shall not include the United States or the Commonwealth or any political subdivision thereof or any person subject to the Federal Railway Labor Act or the National Labor Relations Act as amended from time to time or any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization

(d) The term "employee" shall include any employee and shall not be limited to the employees of a particular employer unless the Act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment but shall not include any individual employed as an agricultural laborer or in the domestic service of any person in the home of such person or any individual employed by his parent or spouse

(e) The term "representative" includes any individual or labor organization

(f) The term "labor organization" means any organization of any kind or any agency or employee representation committee or plan in which employees participate and which exists for the purpose in whole or in part of dealing with employers concerning grievances labor disputes wages rates of pay hours of employment or conditions of work but shall not include any labor organization which by ritualistic prac-

tice constitutional or by-law proscription by tacit agreement among its members or otherwise denies a person or persons membership in its organization on account of race creed or color

(g) The term "unfair labor practice" means only these unfair labor practices listed in Section Six of this Act

(h) The term "labor dispute" includes any controversy concerning (1) terms tenure or conditions of employment or concerning (2) the association or representation of persons in negotiating fixing maintaining changing or seeking to arrange terms or conditions of employment regardless of whether the disputants stand in the proximate relation of employer and employee

(i) The term "Board" means the Pennsylvania Labor Relations Board created by Section Four of this Act

(j) The singular shall include the plural and the masculine shall include the feminine and neuter

Section 4 Pennsylvania Labor Relations Board Created

(a) There is hereby created a departmental administrative board in the department to be known as the "Pennsylvania Labor Relations Board" (hereinafter referred to as the "Board") which shall be composed of three members who shall be appointed by the Governor but with the advice and consent of two-thirds of all the members of the Senate Each member of the Board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment No member of the Board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United States One of the original members shall be appointed for a term of two years one for a term of four years and one for a term of six years but their successors shall be appointed for terms of six years each except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed The Governor shall designate one member to serve as Chairman of the Board

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board and two members of the Board shall at all times constitute a quorum The Board shall have an official seal of which courts shall take judicial notice

(c) The Board shall at the end of every year make a report in writing to the Governor stating in detail the work it has done in hearing and deciding cases and otherwise and it shall sign and report in full an opinion in every case decided by it

(d) Each member of the Board shall receive a salary of nine thousand dollars ($9,000) a year and shall be eligible for re-appointment The employes of the Board shall be appointed by the Secretary of Labor and Industry with the approval of the Governor The Board may establish or use such voluntary and uncompensated services as may from time to time be needed

(e) The principal office of the Board shall be in the City of Harrisburg but it may meet and exercise any or all of its powers at any place The Board may by one or more of its members or by such agents as it may designate prosecute in any part of this Commonwealth any inquiry necessary to the performance of its functions A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case

Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation mediation or arbitration (or for statistical work) where such service may be obtained from the Department of Labor and Industry

(f) The Board shall have authority from time to time to make amend and rescind such rules and regulations as may be necessary to carry out the provisions of this Act Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe

Section 5 Rights of Employes Employes shall have the right to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 6 Unfair Labor Practices It shall be an unfair labor practice for an employer

(a) To interfere with restrain or coerce employees in the exercise of the rights guaranteed in this act

(b) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it Provided That subject to rules and regulations made and published by the board pursuant to this act an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay

(c) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization Provided That nothing in this act or in any agreement approved or prescribed thereunder or in any other statute of this Commonwealth shall preclude an employer from making an agreement with a labor organization (not established maintained or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein if such labor organization is the representative of the employees as provided in section seven (a) of this act in the appropriate collective bargaining unit covered by such agreement when made

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act

(e) To refuse to bargain collectively with the representatives of his employees subject to the provisions of section seven (a) of this act

Section 7 Representatives and Elections (a) Representatives designated or selected for the purpose of collective bargaining by the majority of the employes in a unit appropriate for such purposes shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay wages hours of employment or other conditions of employment Provided That any individual employee or a group of employees shall have the right at any time to present grievances to their employer

(b) The Board shall decide in each case whether in order to insure to employees the full benefit of their right to self-organization and to collective bargaining and otherwise to effectuate the policies of this Act the unit appropriate for the purposes of collective bargaining shall be the employer unit craft unit plant unit or subdivision thereof

(c) Whenever a question arises concerning the representation of employees the Board may investigate such controversy and certify to the parties in writing the name or names of the representatives who have been designated or selected In any such investigation the Board shall provide for an appropriate hearing upon due notice either in conjunction with a proceeding under Section Eight or otherwise and may take a secret ballot of employees or utilize any other suitable method to ascertain such representatives

(d) Whenever an order of the Board made pursuant to Section Eight subsection (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections (a) or (b) of Section Nine and thereupon the decree of the court enforcing modifying or setting aside in whole or in part the order of the Board shall be made and entered upon the pleading testimony and proceedings set forth in such transcript

Section 8 Prevention of Unfair Labor Practices (a) The Board is empowered as hereinafter provided to prevent any person from engaging in any unfair labor practice listed in section six of this act This power shall be

exclusive and shall not be affected by any other means of adjustment or prevention that have been or may be established by agreement law or otherwise

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice the Board or any member or designated agent thereof shall have authority to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Board or any member or designated agent thereof at a place therein fixed not less than five days after the serving of said complaint Any such complaint may be amended by the Board member or agent conducting the hearing at any time prior to the issuance of an order based thereon The person so complained of shall have the right to file an answer to the original or amended complaint not less than five days after the service of such original and amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint In the discretion of a member or agent conducting the hearing or of the Board any other person may be allowed to intervene in the said proceeding and to present testimony In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling

(c) The testimony taken at the hearing shall be reduced in writing and filed with the Board The Board upon notice may take further testimony or hear argument If upon all the testimony taken the Board shall determine that any person named in the complaint has engaged in or is engaging in any such unfair labor practice the Board shall state its findings of fact and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such affirmative action including reinstatement of employes with or without back pay as will effecutate the policies of this Act Such order may further require such person to make reports from time to time showing the extent to which the order has been complied with If upon all the testimony the Board shall be of the opinion that the person or persons named in the complaint has not engaged in or is not engaging in any such unfair labor practice then the Board shall make its findings of fact and shall issue an order dismissing the complaint

(d) Until a transcript of the record in a case shall have been filed in a court as hereinafter provided the Board may at any time upon reasonable notice and in such manner at it shall deem proper modify or set aside in whole or in part any finding or order made or issued by it

Section 9 Judicial Review (a) The Board shall have power to petition the Court of Common Pleas of any county wherein the unfair labor practice in question occurred or wherein any person charged with the commission of any unfair labor practice resides or transacts business for the enforcement of such order and for appropriate temporary relief or restraining order and shall certify and file in the court a transcript of the entire record in the proceeding including the pleadings and testimony upon which such order was entered and the findings and order of the Board Upon such filing the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings testimony and proceedings set forth in such transcript a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board No objection that has not been urged before the Board its members or agent shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances The findings of the Board as to the facts if supported by evidence shall be conclusive If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence at the hearing before the Board its members or agent the court may order such additional evidence to be taken before the Board its members or agent and to be made a part of the transcript The Board may modify its findings as to the facts or make new findings by reason of additional evidence so taken and filed and it shall file such modied or new findings which if supported by evidence shall be conclusive and shall file its recommendations if any for the modification or setting aside of its original order The jurisdiction of the Court of Common Pleas shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court on appeal by either party irrespective of the nature of the decree or judgment or the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Supreme Court and the record so certified shall contain all that was before the Court of Common Pleas

(b) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in the Court of Common Pleas of any county where the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Board be modified or set aside A copy of such petition shall be forthwith served upon the Board and the Board shall file in the court a transcript of the entire record in the proceeding certified by the Board including the pleadings and testimony and order of the Board Upon such filing the court shall proceed in the same manner as in the case of an application by the Board under subsection (a) and shall have the same exculsive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper and in like manner to make and enter a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board and the findings of the Board as to the facts if supported by evidence shall in like manner be conclusive

(c) The commencement of proceedings under subsection (a) or (b) of this section shall not unless specifically ordered by the court operate as a stay of the Board's order

(d) When granting appropriate temporary relief or a restraining order or making and entering a decree enforcing modifying or enforcing as so modified or setting aside in whole or in part an order of the Board as provided in this section the jurisdiction of courts sitting in equity shall not be limited by acts pertaining to equity jurisdiction of courts The Act of June twenty-third one thousand nine hundred and thirty-one (P. L. 925) entitled "An act defining the rights of persons accused of contempt of Court arising out of violation of injunctions limiting eligibility of judges in such cases and prescribing procedure and penalties" shall not be applicable to orders of the Board or to court orders enforcing orders of the Board or any provision of this Act or to violations of any order of the Board or of court orders enforcing orders of the Board or any provision of this Act

(e) Petitions filed under this Act shall be heard expeditiously and if possible within ten days after they have been docketed

Section 10 Investigatory Powers For the purpose of all hearings and investigations which in the opinion of the Board are necessary and proper for the exercise of the powers vested in it by Sections seven and eight

(a) The Board or its duly authorized agents shall at all reasonable times have access to for the purpose of examination and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question Any member of the Board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the Board its members or agent conducting the hearing or investigation Any member of the Board or any agent designated by the Board for such purposes may admin-

ister oaths and affirmations examine witnesses and receive evidence

(b) If any witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the Board or its members or agent conducting the hearing or investigation his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the Board or its members or agent conducting the hearing may by special order or general rule prescribe

(c) In case of contumacy or refusal to obey a subpoena issued to any person the Court of Common Pleas of any county within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board its members or agent there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question and any failure to obey such order of the court may be punished by said court as a contempt thereof

(d) No person shall be excused from attending and testifying or from producing books records correspondence documents or other evidence in obedience to the subpoena of the Board on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he is compelled after having claimed his privilege against self-incrimination to testify or produce evidence except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying

(e) Complaints orders and other process and papers of the Board its members or agent may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same Witnesses summoned before the Board its members or agent shall be paid the same fees and mileage that are paid witnesses in the courts of this Commonwealth and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this Commonwealth

(f) All process of any court to which application may be made under this Act may be served in the county wherein the defendant or other person required to be served resides or may be found

(g) The several departments commissions divisions authorities boards bureaus agencies and offices of the Commonwealth or any political subdivision or agency thereof shall furnish the Board upon its request all records papers and information in their possession relating to any matter before the Board

Section 11 Penalties Any person who shall wilfully resist prevent impede or interfere with any member of the Board or any of its agents in the performance of duties pursuant to this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five thousand dollars ($5000) or by imprisonment for not more than one year or both

Section 12 Repealer All Acts or parts of acts whether special or local inconsistent herewith are hereby repealed.

Section 13 Limitations Nothing in this Act shall be construed so as to interfere with impede or diminish in any way the rights of employes to strike

Section 14 Separability If any clause sentence paragraph or part of this Act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this Act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this Act would have been adopted had such invalid provisions not been included

Section 15 Effective Date This Act shall take effect immeditely upon its final enactment.

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Haluska,	Lanius,	Rodgers,
Bean,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Howell,	McCreesh,	Salus,
Deitrick,	Huffman,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gilson.	Kunkel,	Rice,	Woodward,

NAYS—6

Buckman,	Gelder,	Pierson,	Scarlett,
Chapman,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1769

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1769, entitled: "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors and imposing penalties" respectfully submit the following bill as our report:

JOHN J. O'KEEFE,
E. J. COLEMAN,
WM. E. HABBYSHAW,
(Committee on the Part of the House of Representatives)

GLEN R. LAW,
JOHN H. HOWELL,
(Committee on the Part of the Senate)

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of

electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

Short Title Citation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Permanent Registration Act in Cities of the Second Class A"

Section 2 The provisions of this act insofar as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments and shall not affect the validity of any registrations made prior to the enactment hereof except as herein provided

Section 3 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in any city of the second class A

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the second class A

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the second class A

(n) "City" shall mean only a city of the second class A

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the second class A or to those of any county within which such city is located or to any school district with which it is co-extensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall mean the county board of the elections of any county containing a city of the second class A as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

Section 4 Registration Commission Membership Bipartisan Term of Office Vacancies Removal Compensation Oath of Office Organization Chairman Secretary Actions by Vote of Majority of Members Record of Proceedings Annual Report

(a) There shall be a registration commission in and for each city of the second class A which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) The registration commission shall consist of four commissioners who shall be qualified electors of the city not more than two of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified Provided however that the terms of office of the commissioners now in office under and administering the provisions of the act entitled 'An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration and other appointees registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents and boards of school directors and imposing penalties" approved January second one thousand nine hundred and thirty-four (Pamphlet Laws one hundred forty special session one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) shall not be terminated by the enactment of this act but said commissioners shall continue in office and shall administer the provisions of this act until the termination of their terms of office as set forth in their present commissions

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term

(e) Each commissioner shall receive compensation at the rate of three thousand dollars per annum

(f) As soon after their appointment as may be the

members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organzie by selecting fro mtheir number a chairman and a secretary who shall not be members of the same party

(g) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(h) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor

Section 5 Powers of Commission Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the Court of Common Pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The Commission and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 6 Employes Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The number and compensation of all such assistants and employes shall be fixed by the salary board of the county The commission may with the consent of the county commissioners appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) registrars or clerks who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk at a compensation not exceeding three thousand dollars ($3,000) per annum who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall (1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging-house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 7 Counsel Compensation Duties The commission may employ special counsel at a compensation not exceeding two thousand dollars per annum Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a Court of Common Pleas as herein provided

Section 8 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations

(a) The County Commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purposes of this act and for all other necessary expenses

(b) The County Commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the County Commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 9 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 10 Commissioners and Chief Clerk May Act as Registrars and Inspectors A commissioner or the chief clerk may act at any time as registrar or inspector of registration and when so acting shall have and may ex-

ercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 11 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 12 Acts to Be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 13 Records and Documents to Be Open to Public Inspection The records of such commission and all district registers street lists voting check lists voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 14 Watchers at Places of Registration Privileges (a) Any party or political body which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three qualified electors of the city to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or political body or citizens organization represented shall be allowed in a place of registration at any one time

Section 15 Watchers or Attorneys at Sessions of Commission Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of regisrtation but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body

Section 16 Candidates May Be Present At Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 17 Days and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice

(a) From and after the effective date of this act each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate in accordance with the provisions of subsection (b) herein receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration

(b) The Commission may cause at least two registrars to sit not later than thirty days prior to the primary or election for the purpose of receiving personal applications for registration applications for change of party enrollment and removing notices from electors of any ward at a conveniently located point in said ward for at least one day prior to the election or primary continuously between the hours of 10 a m and 3 p m and between the hours of 7 p m and 10 p m

(c) The county board of elections shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the registration commission for use as a place of registration in accordance with the provisions of this act Provided That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible

(e) The proper city authorities shall furnish suitable space in the city hall or other municipal building under their jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or space is primarily designed

(f) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said ward at least three days prior to the date when the place shall be so open and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the city at least three days prior to the date when the place shall be so open and by such other newspaper publication as it deems desirable

Section 18 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces

for entering the information required by section nineteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss:

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this .....day of .....19...

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all time be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be re-issued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 19 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a registrar or a clerk at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with other information herein required shall be recorded in his presence by the registrar commissioner or clerk in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the room or rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar or clerk and dated by him (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (23) the signature or initials of the election officer who enters the records of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration cards will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inabilty to sign his name the registrar of clerk shall require him to present the affidavits subscribed in person before a registrar commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) When the registration of an elector has been completed the registrar commissioner or clerk shall deliver to the registered elector a written or printed statement signed by such registrar commissioner or clerk setting forth the name and address of the elector his ward and district the fact of registration designation of party enrollment and the date thereof The commission upon request made at its office shall deliver such a written or printed statement to any person who is registered under the provisions of the existing registration law

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from any city of the second class A wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper

division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting forth the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person so registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General of this Commonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district register until such time as said person appears at the office of the commission and declares the street and number of his residence in the city

(h) For the purpose of carrying into effect the provisions of subsection (c) (13) of this section insofar as they relate to persons heretofore registered under the provisions of the act entitled "An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brakers rental agents and boards of school directors and imposing penalties" approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws one hundred forty one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) the commission shall deliver to the election board of the proper county in order that the same may be delivered to the election officers for use at the fall primary and the municipal election to be held in the year one thousand nine hundred and thirty-seven a sufficient number of affidavits for use at each polling place setting forth that the elector is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels

Any elector heretofore registered under the provisions of said act and affected by the provisions of subsection (c) (13) of this section shall subscribe to this affidavit by his signature or mark and of all said affidavits thus executed shall be returned by the election officers to the commission after the fall primary and municipal election of 1937 and the commission shall attach each of said affidavits in a permanent manner to the registration card of said voter in the district register and shall make a notation of said information on the registration card contained in the general register Any voter thus affected may also execute said affidavit by appearing personally at the office of the commission and the commission shall have on hand a sufficient number of said affidavits for this purpose Any affidavit thus executed shall also be attached to the registration card of said elector contained in the district register and a notation of said information made on the registration card contained in the general register

Section 20 Who may Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will have obtained such qualifications before the next ensuing election shall be entitled to be registered as herein provided No person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a Court of Common Pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 21 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by any clerk or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them by his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family reside (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) the name of his last employer and the year in which he left his employ (12) the city street and number of said last employer's place of business (13) sex of the applicant (14) his color (15) the date of his birth and (16) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district If such challenged applicant shall establish his right to be registered as required by this act he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 22 Naturalized Applicants Applicants Whose Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mothers original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father or mother was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage

stating therein the time when and the court in which such naturalization took place and that she is unable to produce his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected' and the registrar commisioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar commissioner or clerk may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar commissioner or clerk who rejected the petitioners' application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar commissioner or clerk to register him in the usual manner and shall amend accordingly the records affected but any registrar clerk inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 25 General Register The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of a court of record of the county

Section 26 District Registers The original registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed The cards so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 27 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

Section 28 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration card of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the dsitrict register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar at any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as

provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the electors card attesting his registration

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at last twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirm that at the last general or municipal election of said hearing all of the candidates of a party for presidates of the party with which he is enrolled at the time of said hearing all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar or a clerk thereof to have such fact entered on his registration card together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the physical disability stated by him or has voted without assistance it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of its action

Section 30 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from Municipal Officers Departments and Bureaus Certain Public Utility Corporations and Real Estate Brokers and Rental Agents Notice

(a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar commissioner or clerk at the office of the commission in such city and prove his identity and the commission thereupon shall correct its records accordingly

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty-one of this act and shall proceed thereupon in accordance with the provisions of that section

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in sub-sections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 32 Canvass of Registered Voters

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of such city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such confirmation to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of

registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 33 Comparison and Correction of Registers Preliminary Street Lists

(a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each municipal election and seven months after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a sufficient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the city committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Corrected Street Lists Posting Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in Section 33 (c) herein Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 35 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no such person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 36 Delivery of District Registers to County Election Boards

(a) Not later than noon of the third day preceding an election or primary the commission shall deliver to the county election board of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county election board the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county election board

(b) District registers when so delivered to the county election board shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards can not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery to the county election board

Section 37 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May vote at Primaries if Identified by Signatures Proviso Persons Not Registered are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates Voting Check List Elections and Primaries Counting Et Cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Voting Check List and Registers

(a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name and address to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general, municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections provided that if the signature on the voter's certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (e) of this section

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the

signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name and address or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the Court of Common Pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and if challenged as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county electoin board shall cause to be printed for each election district in the city a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19 ...

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

..... Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines) .....

(and party at primary .....

The voter's certificate shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county election board After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials theron and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward and date of the primary or election The voter's certificates so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district registers herein provided for shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained if possible before the ballot-box or voting machine is opened The district register and the voting check list shall be immediately locked and sealed and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district

Section 38 Examination of District Registers Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in Sections 31 and 32 herein

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed.

(d) Whenever the registration card of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration cards in each register a supplemental card Each supplemental card shall be printed in a color different from the registration cards It shall have the same serial number as the registration card followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration card Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration card to which it relates by permanent fasteners in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration card of any elector the registration card shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 39 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Reinstatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each elector who has been registered for a period of at least two years and who is not recorded as having voted at any election or primary within the period of two

years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

Section 40 Cancellation Removal and Preservation of Registration Cards Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

Section 41 Correction by Commission of Errors in Cancellation of Registrations Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceeding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall reinstate the registration of such elector

Section 42 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of such city whose rights are impaired by any general order made by the commission not including refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper Court of Common Pleas not later than the seventh day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to in the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner Provided however that in all cases where an appeal is sustained by the court the costs advanced by the appellant shall be ordered refunded

Section 43 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 44 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with the commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoened shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a Court of Common Pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoena issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefore so long as there are sufficient funds available for such payments Provided however that in all cases where the petition of the elector is sustained all costs advanced by him for witness fees and subpoenas shall be refunded to the elector so petitioning

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 45 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or of a commissioner or refuses to obey its or his subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner clerk judge watcher in-

spector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar commissioner or clerk who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon convcition thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner clerk or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered either at the office of the commission or before a registrar appointed by the commission at a place properly designated as provided herein or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the Court of Common Pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the previsions of this act (except that of a person in actual military or naval service or a person having an order of court as aforesaid) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar clerk inspector of registration or other officer assistant or employe or any person partnership or corporation upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guiulty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder of delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(1) Any registrar commissioner clerk assistant or employe of a commission or any other person who knowingly and wilfully prevents a person from being registered or who by coercion threats or bodily injury or intimidation prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine a not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(m) Any registrar commissioner clerk assistant or employe of a commission or any other person who unlawfully destroys or attempts to destroy any card book paper affidavit or other record of the commission or who unlawfully removes or attempts to remove same from the office of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisoment of not less than three (3) months nor more than five (5) years

Section 46 Effective Date Partial Invalidity Legislative Intent

(a) Except as otherwise provided therein this act shall become effective immediately upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 47 Repeal of Prior Laws Proviso

(a) The following act of Assembly and amendments and supplements thereto are hereby repealed absolutely insofar as they affect the personal registration and enrollment of voters in cities of the second Class A

(1) An Act entitled "An Act to provide for the permanent personal registration of electors in cities of the second Class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors reg-

istration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents and boards of school directors and imposing penalties" approved January second one thousand nine hundred and thirty-four (P. L. 140 special session one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four)

(b) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

(d) The provisions of this act shall not affect any act done or any suit or prosecutions pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Howell,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 670, as follows:

An Act to amend Sections 4 and 6 of the Act approved the seventh day of August 1936 (P. L. 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" as re-enacted and amended by providing for the recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken damaged or destroyed and correcting the reading of section six

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 4 and 6 of the Act approved the seventh day of August 1936 (P. L. 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvement and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" as re-enacted and amended by the Act approved the tenth day of March One Thousand Nine Hundred and Thirty-seven (Act Number 18) are hereby further amended to read as follows

Section 4 Official Plans Notice when the board has completed suitable plans it shall adopt them as official plans and give public notice of such adoption in at least two newspapers in each county wholly or partially within such flood control district if so many are published therein once a week for two consecutive weeks which notice shall state that the official plans are on file in the office of the board The board shall also give notice to all persons whose property may be taken damaged or destroyed in the completion of such plans by registered mail to the last known post office address of the owner or reputed owner of the property A certified copy of the completed suitable plans shall upon their adoption be recorded in the office of the Recorder of Deeds of each county wholly or partially within a flood control district Such recording shall be constructive notice to all owners whose property may be taken damaged or destroyed in the completion of such plans

Section 6 When Official Plans Effective Official plans shall become effective for a flood control district and the district shall be deemed established when the board shall have completed suitable plans and adopted them as official plans and given the notice of such adoption provided for in section [three] four of this act

The board may proceed with the exercise of the powers granted by this act whenever an official plan has become effective but no contract shall be let agreement executed or condemnation proceeding be begun requiring expenditures exceeding the amount of moneys in the fund

Section 2 This act shall become effective immediately upon its final enactment

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Dando,	Heyburn,	McCreesh,	Scarlett,
Deitrick,	Huffman,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson.			

NAYS—7

Bean,	Chapman,	Howell,	Pierson,
Buckman,	Homsher,	Owlett,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 638, on final passage, entitled:

An Act to further amend section four of the act approved the eighteenth day of June, one thousand nine hundred nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated school, and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 713 (House Bill No. 904), as follows:

An Act relating to peace officers providing for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a sheriff may not appoint any person as a deputy unless he files with the prothonotaries prior to the appointment of such person the name and photograph of such person together with an affidavit of such person setting forth the following

(1) His full name age and residence address

(2) That he is a citizen of the United States and twenty-one years of age or over

(3) That he resided in the county for a period of at least two years immediately preceding the filing of such affidavit

(4) That he has never been convicted of a crime involving moral turpitude under the laws of this Commonwealth or of any other state or of the United States

(5) That he has not for a period of two years immediately preceding the filing of such affidavit acted either for himself or as the agent or employe of another in any labor dispute or hired himself out or performed any service as a private detective private policeman or private guard in any labor dispute or received any fee or compensation whatever for acting as a private detective private policeman or private guard in any labor dispute or conducted the business of a private detective agency or of any agency supplying private detectives private policemen or private guards or advertised or solicited any such business in this Commonwealth in connection with any labor dispute

Section 2 Any false statement contained in any such affidavit shall constitute perjury and shall be punished as such

Section 3 The name photograph and affidavit of any such person so filed with the prothonotary shall constitute a public record

Section 4 The sheriff shall from time to time prepare a list of the names of all persons who have applied for appointment as deputy sheriff and who meet the qualifications prescribed in section one of this act Such list shall be posted in a public place for a period of not less than ten days and thereafter shall be filed in the office of the prothonotary No deputies shall be appointed by the sheriff whose names do not appear on said list

Section 5 No State police sheriff deputy sheriff constable deputy constable detective police or other peace officer of this Commonwealth or of any political subdivision thereof (collectively referred to in this act as "officers") shall perform directly or indirectly any official services or official duties for any person association or corporation or receive directly or indirectly any compensation gifts or gratuities from any person association or corporation during the period of his official services Provided however That nothing herein contained shall prohibit such officers from serving writs and other legal process as now authorized by law Any compensation payable to any officer for official duties and services shall be paid only out of the public funds to the amount and in the manner prescribed by law Gifts donations and gratuities of any nature whatsoever made by any person association or corporation to the Commonwealth or any political subdivision thereof or any official or agent thereof shall not constitute public funds within the meaning of this section

The Commonwealth or any political subdivision thereof or any official or agent thereof shall not accept as a gratuity gift or donation any arms ammunition military supplies tear gas or equipment or supplies or articles of a similar character from nor shall any such gratuity gift or donation be made by any person association or corporation

Any and all contracts or agreements whether written or oral express or implied heretofore or hereafter made and entered into between the Commonwealth or any political subdivision thereof or any official or agent thereof and any person association or corporation in violation of any provisions of this section are hereby declared to be contrary to public policy and void and no such contract or agreement shall afford any basis for the granting of legal or equitable relief by any court

Section 6 Any sheriff deputy sheriff or any other official of the county or any other officer as defined in this act or any person association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and on conviction shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or to undergo an imprisonment of not less than ninety (90) days nor more than two (2) years or both

Section 7 Nothing contained in this act shall be construed

(a) To prohibit the payment by any person association or corporation of fees or compensation to any political subdivision for police or other peace officers assigned to police exhibitions athletic contests or other recreational activities

(b) To prohibit the appointment employment or compensation in the manner expressly provided by law of (1) Night watchman (2) Railroad police (3) Bank police (4) Payroll police (5) Special policemen to police and protect cemeteries and grounds and buildings open to the public or to enforce laws for the prevention of cruelty to persons or animals (6) fire Police whose only duty shall be to direct traffic and maintain order to at or from fires (7) Police or guards employed by non-profit corporations or organizations

Section 8 If any clause sentence paragraph or part of this act or the application thereof to any person or circumstance shall for any reason be adjudged by the court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provisions to other persons or circumstances but shall be confined in its operations to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included therein

Section 9 All acts and parts of acts inconsistent herewith are hereby repealed

Section 10 This act shall become effective thirty (30) days after its final enactment

Mr. WOLFENDEN. Mr. President, this particular bill, (House Bill No. 904), has a peculiar history. It started out as a bill relating to peace officers, providing for powers and duties of sheriffs and deputy sheriffs and prohibiting industrial police from being employed or serving as industrial police. The bill had a very laudable purpose, as originally written, it struck at a most recognized evil, and anyone who is familiar with conditions in Pennsylvania must recognize, whether he is wedded to labor or capital, and that is the importation of the so called strike-breaker, and then calling for industrial police and permitting them to commit outrages upon the public, upon the persons of their equal, and we had a chaotic condition, a condition that was indefensible. I think it is a bill which, as it originally came through, had much merit in it and then it got to third reading on the calendar and suddenly it changed its entire complexion. The only word in the bill that was not in the original bill was the word "that," on page 2, the title was changed, the contents were changed, and it is an entirely new bill.

Now I want to say in all fairness to the Chairman of the Committee on Municipal Government, Mr. Kilgallen, of Pittsburgh, when I discussed it at the time he very generously gave us a hearing. The bill as rewritten would have ripped out the sheriffs in Pennsylvania, it would have taken out a time honored institution. There are abuses in the carrying out of the duties of that office in Pennsylvania, but that was not the intent of the sponsor of the Act to correct abuses in the office of sheriffs. After the public hearing, instead of returning the bill to its original form, we have proceeded to delete certain objectionable features, but we still have a bill striking at the efficiency of the office of sheriff in Pennsylvania. I maintain that it is too general in its scope and in its attitude. We have here a specific wrong and we tried to right that wrong and in trying to right that wrong we have a cure worse than the disease. We have an opportunity, in my opinion, but if we pass this bill in its present form we will endanger the lives of these people. For instance, you have a different situation in the rural communities and in the boroughs in Pennsylvania, where they depend upon our sheriff, they do not have available as many deputies as you do in cities. We have surrounding us in my particular county many miners, and those men strike. Our people need protection. We do not need protection from so-called industrial police, our people need protection not for the miners. You will have a quarrel in the labor union if you pass this bill. I want to point out some of the inconsistencies in the bill. For instance, under the bill a sheriff cannot employ special deputies—get this—anyone who has acted in labor troubles during the past two years. Now that would mean: here is the incoming sheriff, the old sheriff had labor troubles, necessarily all his deputies have had to be in service, and under the provision of this Act the new sheriff could not hire a single deputy that had been employed by the former sheriff.

Another provision, is that all deputy sheriffs must be photographed and they are listed there, in fact they are marked men, they fire their names publicly, they file their photographs. They are marked for whom? For law-breakers, they will be known, their habits will be known, and I ask you what man's family would want him to be placed in a position where he would be easy prey for any law-breaker, or any potential law-breaker. We have a provision, for instance, in my opinion, there is a reasonable doubt as to whether the sheriff could, under this Act, collect any of his fees.

Now the matter of posse comitatus. You have a situation where the sheriff has to go out and pick up his deputies on a moment's notice. Originally as the Act was amended, a posse comitatus was done away with and again, while the Chairman of the Committe consented to have that provision stricken out, it was only by inference. You have the sheriff and all these restrictions as to his deputies, and he finds the need for a posse comitatus. He has been told that he can have no deputies unless they are photographed and so on and so on. Is he to take that chance? Will he not be responsible? An actual posse comitatus cannot be procured in cases of emergency. The Act is poorly drawn in my opinion, it may take care of a situation that everybody knows exists, but there are positive situations in Pennsylvania that are very serious and the law will require officials to be placed under unnecessary danger ifthis law were enacted, I ask you to vote it down.

Mr. KILGALLEN. Mr. President, three or four times on this floor, perhaps more, different of my colleagues have referred to my fairness, but still when it comes to a proposition that they are to vote upon my fairness and my reasonableness, they throw it out of the window and they vote against what I suggest. I want to take up the suggestions of the Senator in order, and show to this group that there is no merit in them, that they are not founded on good sense. He undertakes to say that an evil exists in this State that should be cured, but offers no suggestions to cure it. For years the people have had that evil and no attempt was ever made to cure it, and if this bill is not passed today, it will not be cured and we will go through several more years before anything is done.

The Senator first objects because, as he says, any man who has acted in a labor dispute within the past two years will not be eligible for appointment as a deputy sheriff. That is not true, my fellow Senators, the bill goes on to say that any person acting for himself or as the agent of another in a labor dispute shall not be eligible for appointment as deputy sheriff. I say to this group that a deputy sheriff does not act for himself or as an agent for another but he acts for municipalities through the official, the sheriff, representing that municipality, and there is no doubt at all that will be the construction placed upon the section to which the Senator objects.

The Senator goes on to say in the second objection, that is a very grievous thing to have made known to the public those men who are to be made deputy sheriffs; and he used some language to the effect that those applicants for the appointment of deputy sheriff will be a shining mark for bandits and so on. The thing is entirely silly, my fellow, Senators. We all know men who are officers — police officers —, whether they be policemen, constables, or deputy sheriffs, or of any form of police officer, and to my mind, it is just nonsense to say that any man who is known in the community is a marked man.

The Senator said something about this bill preventing the sheriff from collecting fees. He did not amplify the

statement, I can only say as to this, that is not a fact. This bill, by no stretch of reason, no stretch of the phraseology in this bill, can be construed to apply to the acts of the sheriff. He is heading toward a proposition that is nowhere in this bill.

Now as to a posse-comitatus. This bill, when it comes before the judges for judicial interpretation, will be construed according to the legislative intent. Originally in the bill we did have a clause providing for the use of a posse-comitatus, and when it was drawn up it was called to our attention that we could not interfere with the duties of the sheriff, one of which is the posse-comitatus. I go on to say that this bill does not prevent the sheriff from calling upon a posse-comitatus in case of an emergency. The bill has been amended. Originally the bill does with peace officers, today it deals with officers and a principle. There is no difference between the bill now and as it was when it first came to us. The only controversial thing about this bill is this: This bill sets forth that hereafter — and the bill is effective within thirty days after passage — no person shall be appointed to deputy sheriff unless he has first made application for the job, and also that the applications come into the sheriff and a list is prepared, and that list is a public record; and it remains on file in the sheriff's office for ten days and after those ten days have passed the list is transferred over to the office of the prothonotary and there it becomes a public record. Now, accompanying the application for the job is a photograph of the applicant, and there was some objection to that. There is objection to anything in this bill to stop its passage, but I want to say to you Senators that in very many departments of the State and Nation a photograph is required. I never heard an objection from any person as to that. A civil service requirement of the nation is that the applicant shall present a photograph, and I do not understand this objection, why some decent honorable citizen, who wants to be a deputy sheriff, I do not understand why that sort of man objects to having his photograph publically recorded. I can understand why a man who is called a strike breaker, one who is here today and gone tomorrow, who is doing dirty work, and comes from other cities, I can understand why those men do not want their photographs on a public record.

Now, understand, gentlemen, we are dealing with a thing that has been an evil in Pennsylvania and it will be well for industry to recognize that evil and to help us cure it. One great political party is committed in its platform of 1934 to the elimination of privately paid peace officers, and this is the bill that I ask you to vote on, it is for the redemption of that pledge. The bill has been thoroughly considered in committee and this is the first public attack made on it. The Senator from Indiana, nor any other Senator ever raised serious objection to this bill. As I said before, it was a case sitting down with the Senators, both Republicans and Democrats, to discuss this thing and to do it right, and, as I said before, this is the first frontal attack on the bill.

Now, in the application of these prospective deputy sheriffs, they are required to give this information, first, their names and their resident address, and their age; second, that he is a citizen of the United States, 21 years old or over; third, that he has resided in the county two years immediately preceding the filing of his application; fourth, that he has never been convicted of any crime involving moral turpitude, and then fifth, following the question that I have already discussed, that he has not been involved in any labor disputes for himself or as agent of another, within two years of the filing of this application. Is there anything wrong in those overments, the things that he is asked to say in the application? There is nothing in that application that you or I might say shows red, and that the photograph is so ridiculous. If there is, point it out to me. What else is there contained in that application? That application is made out and the sheriff keeps it for ten days, and then it goes to the prothonotary. I cannot see anything wrong with that. It is true that the sheriff is restricted to those conditions, but you are confronted with an evil here and something must be done. You have lists of men who desire to be appointed as policemen in every municipality of the State. No man is appointed policeman in cities or any municipality in this State except from a list, and that is what it is, a civil service list, if you want to call it that, and in principle the same kind of a list that is used when a city appoints a policeman.

Now, in the bill we give ample protection to public grounds, public buildings, and to banks, and to every industry and phase of commercial life where protection is needed, this bill takes care of it. It is a good bill and I hope it passes.

Mr. WOLFENDEN. Mr. President, I would just like to clarify two points: in the first place, that there has been no attempt in this bill to make any vital changes. I opposed this bill in committee and out of committee and since it was changed. I would like to call your attention to a rule of the Senate, Rule 37, under Prohibited Legislation. I explained to you that the bill was rewritten by taking another House bill that was pickled in committee in the lower house. It was taken from there and rewritten into this bill.

This rule 37, provides that "no bill shall be so altered or amended on its passage through the Senate as to change its original purpose." This bill started out to regulate industrial police and now it includes the sheriffs insofar as it includes labor, let us be practical about this. Suppose you wanted to organize a group on account of labor troubles and you had a public list of all available deputies, would it not be easy then to tie the hands of the sheriff? Would it not be easy to approach many of these deputies and tie the hands of the sheriff? Under the present law he was allowed to get his deputies anywhere in the county but under this law he is limited to whom he could use.

Now, the Senator has said that he was elected by the Democrats on the platform that made promises to labor. I was not elected by the Democratic Party and I did not make the many promises, so I am privileged to use my good judgment, but I would like to help them. You have seen this Act labeled as a 'Labor' act. Now with all of its potentialities of evil as this applies, who will be expected to carry the blunt? No one can say that we will not have to bear the blunt of that.

The Senator has said here it is a 'labor' bill. I say I do not think Labor should be placed in the position of wanting to have anything to do with this policing matter, and I say it is a dangerous bill.

The Senator has said that it does not interfere with

the hiring of deputies of a previous sheriff. I will read that section of the Act which refers to that: "No deputy shall for a period of two years immediately proceeding the filing of such affidavit either for himself or as agent or employee." It does not say any active employees of the county or state, it says agent or employee of another. Obviously the deputy is either the employee of the sheriff or the employee of the county, he could not under any construction possible under this Act employ any deputy that has been a deputy under a previous sheriff if you have labor trouble. I think the bill should be voted down. Of course, the Senator said that we cannot get a bill at this late day. That is the fault of the gentleman who has been looking out for these matters or to cure a real evil, we could not take a chance to destroy the powers of our sheriff. I think the bill should be defeated.

Mr. SHAPIRO. Mr. President, I sat in committee during the discussion of this bill and I am just as much surprised at the position of the Senator from Indiana today as is my colleague from Allegheny. This bill when it came to us from the House was, in my opinion, a very poorly drawn bill, and a rather silly bill in its efforts to correct an important condition. The Senator from Indiana sat in while we discussed every section of this bill, and while we changed every section of this bill, and this is the first time that I have heard the Senator from Indiana say that this bill is, in the form as prepared by the committee, a bad bill. I am surprised to hear the Senator say that this bill should not be passed, because everybody in that committee room, and we spent several hours, I think, in working on the bill, and in carefully going over each branch of the work, even to discuss the questions which have been raised here on the floor as to whether or not this prevents the sheriff from employing people who had been employed by a previous sheriff, and we came to the conclusion that the bill did not disturb that part of his activities, we also came to the conclusion that the important matter in this bill was to see to it that the people who act as deputy sheriffs will be people of decency and people who believe in law and order and law enforcement, so we took up all of the provisions of the bill and laid particular stress on being able to adopt a plan which would enable us to choose only those types of people who could be depended upon, to favor no one in the performance of their duties, and it seems to me at this time, when it is too late to even correct or clarify the situation which the Senator referred to, or which may be a wrong interpretation of this bill, I think it is very unfair to raise that question.

I am glad that this bill is before this Senate, because I have been very much troubled by a question which is being agitated all over the country, and it is a question of "sit-down" strikes. I have been wondering what attitude of mind we would have toward that situation, and I hesitate to express an opinion, because I do not think that there is time here, nor is there full knowledge enough of the situation to enable anyone, or to justify anyone in taking the time to listen, but I do believe, with the Senator from Allegheny, that this is an important bill, and a good bill, because when labor, which, as everybody must admit, has been denied of many rights, when it has been prevented from enforcing many of its rights, and when it has been thwarted by violations of laws in its effort to find a place for itself in the world and a profitable living, a future for its children, and all of those things that happen to labor, it is no wonder that it is difficult to control the men of labor, and when we enact a law, and more laws, which will guarantee and insure to labor the right to bargain and deal with employer on an equal basis, with the understanding that the employer when he is bargaining and dealing with labor is dealing with human beings, and that is not customary yet, when they are not glad to deny labor all the rights that it can get through legal methods and procedure and without any violation of those rights, then we can justly say to labor," now do not take the law in your own hands, when we are establishing a full and fair board for labor to by lawful means protect itself, then we will be justified in taking a position on the question as to whether or not 'sit-down' strikes are justified, and can be excused or warranted.

When we pass these laws, we can say to labor, "now you have asked us to pass laws which would compel industry in a lawful manner to settle differences that could exist between you, and establish the right that each that you may have, now we say to you, do not violate these laws which are on the statute books," and if the members of the Senate will recall that they are citizens of a great commonwealth, a great nation, and will pass these laws and enforce them, industry will be grateful to them, and then and only then can we take the same position with labor when labor violates the law.

and the amendments made thereto having been printed as required by the Constitution,

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Barthold,	Haluska,	Law,	Rice,
Cavalcante,	Henney,	Mallery,	Rodgers,
Dando,	Jacobs,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kahle,	Mundy,	Sipe,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson,	Lanius,	Reed,	

NAYS—17

Bean,	Gelder,	Owlett,	Sones,
Buckman,	Heyburn,	Pierson,	Sordoni,
Chapman,	Homsher,	Rupp,	Wolfenden,
Deitrick,	Howell,	Scarlett,	Woodward,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1026, (House Bill No. 563), as follows:

An Act to amend the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops

connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties" further regulating bakeries and the importation of bakery products providing for injunctions in certain cases and changing the penalties prescribed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties" is hereby amended to read as follows

Section 3 Annual License and License Fee It shall be the duty of every person whether a resident or non-resident of this Commonwealth operating a bakery to apply to the Department of Agriculture for a license to do so and to register with the department all bakery products baked prepared manufactured or compounded in such bakeries before the first day of January one thousand nine hundred thirty-four and annually thereafter before the first day of January of each succeeding year and pay to the Department of Agriculture at the time said application for registration and license is filed an annual fee as follows For bakeries using less than one hundred barrels of flour per week five dollars ($5.00) for bakeries using one hundred barrels and less than two hundred barrels of flour per week ten dollars ($10.00) and bakeries using two hundred barrels or more per week twenty dollars ($20.00) Provided however that any person operating a bakery in Pennsylvania who does not use more than fifty pounds of flour flour substitute flour mixture or potatoes a week in the preparation of bakery products shall not be required to register such bakery products pay a license fee or obtain a license [Provided however That any person operating a bakery in Pennsylvania who does not use more than fifty pounds of flour flour substitute flour mixture or potatoes a week in the preparation of bakery products shall not be required to register such bakery products pay a license fee or obtain a license]

The application for a license and registration shall be made on a form to be supplied by the department and shall show trade names of all products and principal address of bakery The application shall have attached thereto the affidavit of the person applying for the license that the facts set forth therein are true and correct

From and after the first day of January one thousand nine hundred and thirty-four it shall be unlawful for any person to operate a bakery for the manufacture of bakery products unless said bakery is duly licensed in accordance with the provisions of this act

Upon approval of application for registration and license and payment of required license fee and also upon approval of sanitary conditions in a bakery and every store or shop connected therewith the Department of Agriculture shall issue to each applicant a license or certificate of registration which shall expire at the end of each calendar year and which will authorize the operation of said bakery and the baking compounding manufacturing and sale of said bakery products for the calendar year or portion thereof for which a license or certificate of registration shall be issued

All wrappers of any kind whatsoever in which bakery products shall be wrapped shall be printed or marked in a clear and legible manner with the trade name or kind of bakery product which it purports to be and with the name of the bakery manufacturing such bakery product or with the name and address of the distributor or wholesaler dealer distributing such bakery product preceded by the words "distributed by" or followed by the word "distributor" as the case may be Provided That when transparent wrappers are employed such printed or legible statement may be inserted in a conspicuiuus position between such transparent wrapper and the top of the loaf or other bakery product or by printed band or wrapper around the top of the loaf or other bakery product

Section 2 That said act is hereby amended by adding thereto after section five two new sections to read as follows

Section 6 Sale and Importation of Bakery Products It shall be unlawful for any person

(a) To sell offer for sale or have in his possession with intent to sell a bakery product which is not registered with the department as provided in this act Possession of any bakery product shall be deemed prima facie evidence of an intent to sell such bakery product

(b) To import into this Commonwealth for sale within this Commonwealth any bakery products manufactured in a bakery in another state that is not licensed according to the laws of this Commonwealth

Section 7 Injunctions The Attorney General at the request of the department may in the name of the Commonwealth institute proceedings in the Court of Common Pleas of Dauphin County for the purpose of enjoining the sale of any bakery products in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 3 That sections six seven and eight of said act are hereby amended to read as follows

Section [6] 8 Penalty Any person who violates any of the provisions of this act or any of the rules and regulations of the department adopted under the authority of this act shall [be guilty of a misdemeanor and upon conviction thereof shall] for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) [or] and costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment [of] in the county jail for not less than thirty days nor more than sixty days [or both] and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one year or both in the discretion of the court

All fines imposed and recovered for any violation of the provisions of this act shall be paid to the department and all such fines and penalties together with the license fees paid under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into the General Fund

Section [7] 9 Effective Date This act shall become effective on the first day of June one thousand nine hundred and thirty-three

Section [8] 10 Repeals The act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred eighty-eight) entitled "An act to protect the health of the persons employed in bakeries by requiring the ventilation drainage sanitation and purity of bakeries the cleanliness of persons employed therein and of all bakery products tools implements ingredients and other things used in connection with their manufacture delivery and sale by regulating and in certain cases restricting the use of such bakeries by regulating the manufacture sale and delivery of such products by requiring all persons employed or permitted to work therein to be certified as free from certain diseases and skin affections by prohibiting the presence of all animals by requiring a certificate of compliance and regulating the issuance of same by providing for the enforcement of this act and providing penalties for violations hereof" and its amendments are hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Mr. EALY. Mr. President, I desire to interrogate the Chairman of the Committee on Agriculture.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. Mr. President, I will.

Mr. EALY. Mr. President, I wish to ask the Chairman of this Committee whether or not this bill, now up for passage, was reported from his Committee on Agriculture?

Mr. HEYBURN. Mr. President, it was.

Mr. EALY. Mr. President, I desire to ask whether the definition of a bakery was considered in the passing upon this bill?

Mr. HEYBURN. Mr. President, it was.

Mr. EALY. Mr. President, may I ask the Senator from Delaware what is the definition of a bakery?

Mr. HEYBURN. Mr. President, I suppose a fellow who does baking.

Mr. EALY. Mr. President, In section 6 of this bill, under sale and importation of bakery products. This bill provides "It shall be unlawful for any person" and so forth.

And in Section B "To import into this Commonwealth for sale within this Commonwealth any bakery products manufactured in a bakery in another state that is not licensed according to the laws of this Commonwealth."

If there is some other interpretation that can be put upon this clause, I would like to know it.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Chairman of the Committee on Agriculture.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Delaware, if this bill would prevent housewives from baking bread and cakes and selling along the roadside, and conducting that method of making a living, without getting a license from Department at Harrisburg?

Mr. HEYBURN. Mr. President, that is stricken out, the part about bakers who use less than fifty pounds of flour, that is stricken out.

Mr. BUCKMAN. Mr. President, I would like to ask if this bill includes pretzels as bakers' products.

Mr. HEYBURN. Mr. President, I suppose it does.

And the question recurring,

Shall the bill pass finally?

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34.

Barthold,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Shapiro,
Dent,	Jacobs,	Pytko,	Sipe,
DiSilvestro,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Sordoni,
Frey,	Kilgallen,	Rice,	Stiefel,
Gilson,	Kunkel,	Rodgers,	Wolfenden,
Haluska,	Lanius,		

NAYS—12.

Bean,	Deitrick,	Homsher,	Pierson,
Buckman,	Ealy,	Mallery,	Scarlett,
Chapman,	Gelder,	Owlett,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 1370, as follows:

A Joint Resolution proposing an amendment to section one Article eighteen of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one article eighteen of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives and if the same shall be agreed to by two-thirds of the members elected to each House such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon and the Secretary of the Commonwealth shall cause the same to be published three months before the next general or municipal election in at least two newspapers in every county in which such newspapers shall be published and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner and at such time at least three months after being so agreed to by the two Houses as the General Assembly shall prescribe and if such amendment or amendments shall be approved by a majority of those voting thereon such amendment or amendments shall become a part of the Constitution When two or more amendments shall be submitted they shall be voted upon separately

Mr. SHAPIRO. Mr. President, I desire to interrogate the sponsor of this bill.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I understand that this bill, as I read it, it is a method of amending the Constitution so that it only requires one sesion of the Legislature, is that intentional or inadvertant?

Mr. CAVALCANTE. Mr. President, it is very much intentional.

Mr. SHAPIRO. Mr. President, will the Senator from Fayette state the purpose he intends to accomplish, the basic reason for such amendment?

Mr. CAVALCANTE. Mr. President, because we are seeking a method of amending the Constitution consistent with the method of progress that this modern era makes necessary. The system of amending the Constitution was originally put in the Constitution at a time over one hundred years, or more ago, and that was sufficient for the people under the conditions under which they lived at that time, but today with our radios and the progress that we have made, there are good minds in this Commonwealth who feel that the method of amending the Constitution should be made easier, so that the people may amend the Constitution oftener than the Constitution now provides. Of course I may add this, that when the resolution was introduced. I knew what was in it, but since that date my friend, the constitutional authority of this Senate,

Senator Law, from Mercer, has made some very substantial amendments to it, and I do not know whether I am stating the exact contents of that resolution now.

Mr. SHAPIRO. Mr. President, I know that we are all anxious to get rid of the calendar, but I am quite sure we are not anxious to get rid of the calendar at the expense of an orderly and correct system of changing our form of government. I see nothing in the changing conditions of the world that would cause us to make any change in the basic reason for requiring two sessions of the legislature to pass an amendment to the Constitution. I am not so sure that we want to move any faster than we are moving now, particularly in the amending of the Constitution, which requires that both Houses shall be given an opportunity to be heard, so that the views of both sides may be given on the important question of amending the Constitution. Now we have a five year's time-lock that is being eliminated, and with that elimination I see no reason why we should hurry and change the Constitution every year.

POINT OF ORDER

Mr. THOMPSON. Mr. President, I arise to a point of order.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his point of order.

Mr. THOMPSON. Mr. President, the bill is not on my desk.

Mr. SHAPIRO. Mr. President, I do not want to raise a technical question.

The PRESIDENT. Is the bill on the desk of the Senators?

Mr. EALY. Mr. President, yes.

Mr. PRESIDENT. The Sergeant at Arms will see to it that one of the bills is placed on the desk of the Senator from Centre, Mr. Thompson. The point of order is not well taken.

Mr. WOODWARD. Mr. President, I would like to express my grief and amusement at the reactionary tendencies of my distinguished colleague from Philadelphia, Senator Shapiro. There are two arguments in favor of this Constitution amendment. In the first place, when we have two sessions, you will find, as a rule, that the Legislature pays very little attention when the bill is going through the first session. When it goes through the second session, number two, the conservatives, not reactionaries, are always afraid of a constitution convention, and when the Republicans were in power they would not even listen to it. This, in my opinion has a virtue of avoiding that issue, because if we open the door to amendments, and make it easier to amend our Constitution then we can do it whenever we find it necessary to amend it.

Mr. EALY. Mr. President, I am happy to find something in which I am in accord with the Senator from Philadelphia, Senator Shapiro. I think the Senator from Fayette County has misunderstood the real purpose of a Constitution. A Constitution is merely an agreement by the people as to how they shall be governed. It is intended as a protection against the Government; it is intended as a protection for the minority against the majority; it is intended as a protection of the people against themselves: and for these reasons we have endeavored in the past to make our Constitution relatively hard to change. We have seen here in this session of the Legislature (and it has been admitted by them) that members have been compelled to vote for propositions against their better judgment.

This amendment if passed, would permit the administration in the State to pass an amendment to the Constitution—an amendment which had not been discussed at the prior election by the people. The administration might, through its power, force a resolution through a single Legislature, and then, in a moment of hysteria submit it to the people, and a mere majority of those voting on the question of the adoption or rejection of the amendment, would be sufficient to secure its passage. Out in Illinois they have a clause in their Constitution which, I believe, provides that three fourths of the members of the Legislature can propose an amendment which may be submitted then to the people, but the adoption of that amendment requires a majority of all the people voting at the election, not merely a majority of those voting on the amendment; and you can see some reason for that, because if a proposition is not of sufficient importance to obtain a majority of votes of those who vote at the election, it is hardly of sufficient importance to put into the Constitution.

Now, perhaps that is a little to restrictive, but our present Constitution provides a method of amendment which, I think, is sufficiently satisfactory, especially if a recent proposed amendment, which will be submitted at the next election—in 1938—is adopted—that is that an amendment may be submitted in any year. Under a decision of our Supreme Court, the submission of an amendment was permitted only every five years, and I personally think that is a bad provision, but under the amendment which has now passed I believe, two sessions of the Legislature, and will be submitted to the people, the Constitution may be changed in any year, and with that modification of our Constitution certainly it is not too much to require the resolution for a new amendment to go through two sessions of the Legislature. Do not take away the protection of the minority against the majority, possibly a minority of the same party, or the protection of the Legislative branch of the Government against the executive branch. I urge the members of this Legislature, before they pass this amendment, to consider it most carefully. In removing the ancient landmarks of our fathers. I fear that you are destroying the bulwarks of our liberty.

Mr. CAVALCANTE. Mr. President, the statements of the gentleman from Somerset are the lamentations of an ultra conservative at bay. The Senator from Somerset has for years sat in the halls of the Senate like an immovable rock of Gibraltar against any chance in the Constitution, regardless of whether public sentiment or the rule of the people at the polls indicated that it was their desire that some change should be made. These ancient land-marks that he talks about are land-marks that were surveyed and laid out and measured by people who are now dead, but who laid these land-marks out in all sincerity and honesty, being prompted and moved by the enviroment that they lived in and the conditions that at that time beset the society of which they were a part, but I feel sure that the founders of the Nation who did lay those cornerstones, in their sincerity and honesty never intended that what they were doing should govern the generations yet to come, if the system that they were then devising did not meet or would be inconsistent with the enviroment and conditions of these generations that were yet to come,

and this amendment is not like the Senator from Somerset says it is, that it will require not only a majority of those elected to the Senate, but it requires a two-thirds majority of those elected to the Senate and it will permit more readily the people of this Commonwealth to amend their Constitution consistent with the enviroment and the conditions that we now have, no far different and inconsistent with the conditions that prevailed at the time that our ancestors wrote this provision in the Constitution.

I also wish to state this: this resolution bears my name but I want to reiterate a statement made by the Senator from Centre, when at the time he introduced certain bills in this Senate, he stated that the bills were not his own but they had the blessing of the Administration, and that is what I wish to state in regard to this bill, that it has my name, but it has the blessing of the administration and was handed to me to introduce, and I introduced it because it was consistent with my ideas of government, and because I too say that this principal, the principle involved in the resolution is an important one.

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Fayette.

Mr. PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, with pleasure.

Mr. THOMPSON. Mr. President, Have I not often heard the Senator from Fayette say that he was against the piece-meal method of amending the Constitution?

Mr. CAVALCANTE. Mr. President, I have made that statement repeatedly and I am still of that opinion and at this point, I may inform the Senator from Centre that I have probably entered into a one-man consipracy to this effect, but since I believe in a consititutional convention to revise the Constitution, and because of the opposition that we constantly have, I in my mind, have thought that the more resolutions we pass at this session proposing Constitutional amendments, the more it will have the effect of calling to the minds of the people the imperfection that we admit exists in the Constitution, and thereby urge them to create a public sentiment in favor of the constitutional convention. I say it is a one-man conspiracy.

Mr. EALY. Mr. President, the Senator from Fayette is mistaken if he thinks that I said that this amendment requires for a passage a mere majority of the Legislature. It does provide for two-thirds of the members. However, the amendments which are submitted to the people may pass by a mere majority, and those voting on the amendment, which may be only one-fifth or less of those who voted at the election. Now the statement that the Senator made here illustrates the point that I have tried to make, that the passage of this amendment will help the Executive branch of this Government dominate the Legislative branch of this Government. If the mere statement that this is an administrative measure will cause two-thirds of this Senate to vote for a majority, it is about time that we members should think for ourselves.

Mr. LAW. Mr. President, I just want to say that I do not believe that the provision making two-thirds instead of the majority will move in the direction of permitting the Executive branch to dominate over the Legislative. I think it will work the other way.

And the question recurring,

Shall the bill pass finally?

And the amendments made thereto having been printed as required by the Constitution,

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Cavalcante,	Haluska,	Lanius,	Reed,
Dando,	Henney,	Law,	Rice,
Dent,	Huffman,	McCreesh,	Ruth,
DiSilvestro,	Jacobs,	McGinnis,	Sipe,
Eroe,	Jaspan,	Mundy,	Stiefel,
Frey,	Kahle,	Pytko,	Thompson,
Gilson,	Kunkel,	Rankin,	Woodward,

NAYS—19

Barthold,	Ealy,	Mallery,	Scarlett,
Bean,	Gelder,	Owlett,	Shapiro,
Buckman,	Heyburn,	Pierson,	Sones,
Chapman,	Homsher,	Rodgers,	Wolfenden,
Deitrick,	Kilgallen,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 191, entitled:

An Act to further amend section four hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts to establish nursery schools and junior colleges

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kunkel,	Rice,
Bean,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Shapiro,
Dando,	Huffman,	McGinnis,	Sipe,
Deitrick,	Jacobs,	Mundy,	Sones,
Dent,	Jaspan,	Pytko,	Stiefel,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Eroe,	Kilgallen,	Reed,	Woodward,

NAYS—4

Ealy,	Homsher,	Salus,	Scarlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 317, (House Bill No. 30), entitled:

An Act to amend clause (b) of section one thousand five hundred and forty of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended providing for compensation for members of joint sewer boards

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gelder,	Law,	Rupp,
Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Haluska,	McCreesh,	Salus,
Cavalcante,	Henney,	McGinnis,	Scarlett,
Chapman,	Homsher,	Mundy,	Shapiro,
Dando,	Huffman,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Sones,
Dent,	Jaspan,	Pytko,	Stiefel,
DiSilvestro,	Kahle,	Rankin,	Thompson,
Ealy,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Rice,	Woodward,
Frey,	Lanius,	Rodgers,	

NAYS—1

Heyburn,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 318, (House Bill No. 31), entitled:

An Act to amend clause (b) of section two thousand four hundred and forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' 'as amended providing for compensation for members or joint sewer boards

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Woodward,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

The PRESIDENT PRO TEMPORE (Hon. Harvey Huffman), in the Chair.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 341, entitled:

An Act to re-enact and further amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-1934) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing additional filing fees and increasing fees for certain permits and providing for the disposition thereof further regulating the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the jurisdiction of courts and local option procedure prohibiting certain interlocking business and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, before the Senator from Fayette makes a real speech on this bill, I simply want to say that owing to the historic efforts of the Senator from Centre, Mr. Thompson, Mr. David Lawrence and myself, the civil service features of this bill have been preserved and we all love civil service, and we will all vote for it.

Mr. CAVALCANTE. Mr. President, the remarks I am about to make about this bill, in making them I want the Senator from Pittsburgh, or Allegheny, Mr. McGinnis, to appreciate that I am aware of the fact that he did not draw up the bills himself. Am I right, Senator?

Mr. McGINNIS. Mr. President, the Senator from Fayette is dead right.

Mr. CAVALCANTE. Mr. President, then I also wish my colleagues to know that I am certain and positively certain as to who did write the bills, and who were interested in having the bills introduced and it is one of the

most voracious grabbing, greedy, grafting instrumentalities we have in the State today, and I say that advisedly, and what I mean is really a greedy and voracious grasping for power, I am not referring to money. Yesterday, on the question of personal privilege I spread on the records of this Senate a pamphlet, or a piece of literature that was printed by the Liquor Control Board, it had their approval, was financed out of the finances of the public, the liquor fund, and disseminated money from the purchaser at the liquor stores of this Commonwealth, and in that piece of literature there is a label directed at all the judicial systems of our Commonwealth. Now that literature, approved by the liquor board, was an indictment of the Courts of this Commonwealth that they were protecting he liquor law violators of our Commonwealth, and that because the courts of this Commonwealth were so protecting law violators, the board was having difficulty in administering the liquor control laws, and as I stated yesterday, I can condone and I can grant a private citizen of this Commonwealth, or a private newspaper ,the Constitutional right of free speech and of the press because they pay for it, the public press pays for its privilege, they disseminate their ideas themselves in newspapers written by them and paid for by them, but I stated also that I was not going to sit still when an agency of our Government which was created by this Legislature. To use public funds to propangandize this State, with libelous literature against the courts of our Commonwealth, a major department of our Government, and I call upon the decency of every one of my Democratic colleagues, if they believe as I do, to say that an agency of the Government should not be permitted to use the public's money in order to stigmatize, to indict and to stultify a major department of our Government, the Judiciary Department, and the records will speak for themselves, and if you do not believe what I say, go to the liquor stores and make a purchase, and if you don't want to make a purchase ask them for a copy of their 'State Store News' and they will give it to you and you will find just what I stated in that State Store News. Now they are a grafting bunch, or a board, for power.

You read the provisions of this bill as originally introduced, that board would set itself up as a dictatorship in the administration of liquor laws, so grafting, so greedy, where they sought power that in their lust for it, they even inserted in this bill that any rule or regulation passed by them should have the force of an act of Assembly, and no sensible man who knows anything about law knows that under our form of Government this Legislature should not legislate and confer these legislative powers upon the liquor control board.

Now, gentlemen, we turn to Section 202, here of this bill, and I want to call your attention to page 15 of the bill, line 10. I just want the members of this Senate to turn to that because I want to point out something to them. When this bill was originally introduced, Section 202 read: "General Powers to make Regulations"—The board from time to time may make such regulations not inconsistent with this Act, as it may deem necessary for the efficient administration of this Act. The Board may from time to time make such regulations not inconsistent with," so and so—mark the words, those words were then striken out by the Senate Committee so that the Section then read "The Board may from time to time make such regulaions as it may deem necessary for the efficient administration of this Act. The Board shall cause such regulations to be published and disseminated throughout the Commonwealth in such manner as it may deem necessary and advisable." Originally the bill had these words: "Such regulations adopted by the Board shall have the same force as is found in part of this Act." Wisely did the Senate Committee strike out that provision as unconstitutional and it inserted this: "And shall be furnished to all licensees," and added this other section: "All such regulations shall be reasonable and inconsistent with this Act, and shall not be discriminatory," a very reasonable provision, that the other regulations were not to be inconsistent with this Act, and were not to be discreminatory.

Now, My friends, under somebody's pressure, the Committee of this Senate struck those words out so that this Section now reads as follows: "The Board may from time to time make such regulations not inconsistent with this Act as it may deem necessary for the efficient administration of the Act," and I say, irrespective of whatever those regulations are whether consistent or inconsistent with the Act, that the way that they have now sent this bill out, it gives that board the power to pass regulations that they deem necessary to enforce this Act, and if in their judgment without any restriction, they think that a licensee should not be permitted to drive an automobile while wearing a red hat, they can make that regulation, because there is no restriction upon them that they must make the regulation consistent with the Act, but it merely says that they can make any regulation that they may deem necessary for the efficient administration of the Act; nowhere does it say they may make regulations imposing penalties.

As originally drawn up this bill created a board which should function as the judge, jury and prosecutor of every licensee under that Act; and an amendment inserted, on this floor, does not do a thing,—after a subcommittee had worked two long weeks, night and day, to correct this bill, with a due regard to the public welfare,—for those who pay their licenses to this Commonwealth.

Another very glaring argument is this: On pages 9 and 10, under the "General Powers"—we who have been here for some years, and even those who have not been here, know that the other departments of our government, like the Highway Department and the Department of Education, when they spend money it must be with the approval of the fiscal officers of our Commonwealth elected by the people, the Auditor General or the Treasurer of this Commonwealth; but now, under the present system, and as it has been going on, they have a clean sheet, there is no check up on them; they gather in the money and then there is no check up on them; they can spend that money how they want, they can buy from whom they want, under any conditions they want to buy, and there is no check on them, nobody needs to approve their purchases. And that is a matter that demands our serious consideration.

On page 9 of this bill it reads: "Section 201. General Powers of the Board. Under this act the Board shall have the power, and its duty shall be, (a) To buy, import or have in its possession for sale, and sell, liquor and alcohol in the manner set forth in this Act." That is in

the original, and we have added to that, "Provided, however, that all such purchases shall be made subject to the approval of the Auditor General or his designated deputy."

My friends, the Board objects to that check; and follows along with the same thought with regard to search and seizure, on page 12 of this Act, line 7 and down that section. The Board came in and asked this Senate to give their investigators and their enforcement officers the power to search and seize without a warrant except in private homes. That means this: That these enforcement officers would be able to do the same thing that enforcement officers did under the old prohibition law; that is, they would stop you and me on the public highway, when we were driving along in our automobiles; and, whether they had proper cause or not, they would stop us and search us, and if they found anything in our cars they would hold us and take away our cars; and the Supreme Court said that the finding of liquor was sufficient to justify the confiscation.

Now the Board says that you have that power because the decent citizen driving along the highways of our Commonwealth in his automobile, if he is an honest, decent citizen, ought not to object if the officers stop him and search his car. Now, that is a logical argument, but they have not advanced this argument when we ask the right to have the Auditor General check on their power to buy—that if the Board is honest, if that Board makes its purchases honestly, decently, and without any discrimination, they ought to be willing to submit their purchases to the supervision of the Auditor General, who is a capable man, and elected by the people of this Commonwealth.

Now, those are the most damnable features of this bill. This bill as it now stands shows a desire to conform with the ideas of the Liquor Board, whom I accuse on this floor of being prompted by the bootleg liquor interests in the proposal of this law. They have created in this bill a dictatorship in all these matters; and it is something we ought not to tolerate. This board ought to be like all other boards; they should not hesitate to submit to a checking on their conduct by the Auditor General or the Treasurer of this Commonwealth.

Mr. CHAPMAN. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

The President. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. CHAPMAN. Mr. President, this bill is a bill for regulating the manufacture, importation, sale and trafficking in alcoholic liquors?

Mr. CAVALCANTE. Yes, Mr. President, it covers all of that. I can just answer in this way: This bill, if passed, will creat a dictatorship of all records and things used with them, and also will give the Board control of anything that smells like liquor. It goes beyond that.

Mr. CHAPMAN. Mr. President, does the Senator from Fayette think this bill is a good bill for regulating the importation and sale of liquor, and otherwise controlling liquor?

Mr. CAVALCANTE. Mr. President, I do not.

Mr. CHAPMAN. Mr. President, does the Senator from Fayette think that the conditions encountered are ideal in his district.

Mr. CAVALCANTE. Mr. President, I beg the Senator's pardon; I did not hear that.

Mr. CHAPMAN. Mr. President, I asked the Senator from Fayette if they have regulatory measures to control liquor in Fayette County.

Mr. CAVALCANTE. Mr. President, we would better not be confused in regard to this. I believe in a law to control and regulate, but I do not believe in placing the control and regulation in the hands of a body that does not want to be subject to the judicial and legislative departments of our State.

Mr. CHAPMAN. Mr. President, this liquor board has had the full force of the law behind it since it was first established. I understand, by the Drys in my district, also by those interested in enforcement, that these bills do control the liquor; and that is the reason why I shall support the bill.

Mr. CAVALCANTE. Mr. President, there is just another provision of this bill I want to call attention to, and that is on page 5 of the bill, lines 16, 17 and 18. Now, as originally drawn for the Board, the Board was asking the members of this Assembly to give them the power to control the clubs of our State; and in that definition of clubs are included clubs like the Elks, the Eagles, the Moose, and other clubs of that nature. The Board was asking , in their bill, that they should have the right to say that the clubs were to "maintain such records as the Board shall from time to time prescribe": that they were going to go into these clubs and tell the secretaries how they should take care of their minutes, what they should write in those minutes, what system of books they ought to keep, and nose all though the private affairs and the confidential affairs of those organizations; and the subcommittee thought there was no necessity for nosing into the private business of these legitimate clubs(that it was not right, and they struck that provision out and said the clubs were to keep proper records of their activities.

This Board came back into the Hall of this Senate yesterday and had this provision put back where they want it, and has it read "and maintain such records as the board shall from time to time prescribe." That puts the bill back to where it was formerly; so they can walk into these reputable clubs of Elks and Moose, and others, and tell the secretaries what kind of minutes to keep, what kind of books to keep; can look through their bank accounts, so how much booze they drink.

Now, if the members of this Senate want to give them that kind of power, of course they can do so.

Mr. McGINNIS. Mr. President, I agree with much of what the Senator from Fayette has said. What he said about this bill as it originally came into this Chamber is correct; the sub-committee made a number of changes, after working for weks, but the full committee cut out some of the changes that the sub-committee had made.

However, on the question of the board making regulations, as the bill was originally written the board asked for the authority to make regulations and have them as of the same effect as law. As the bill appears before us now, it gives the board the right to make regulations consistent with the Act.

Mr. CAVALCANTE. Mr. President, it does not say so.

Mr. McGINNIS. The bill has been liberalized, since it was first written, by giving the licensee the right of appeal; the right to have its case heard de novo.

The search and seizure section as originally written allowed the agents—investigators—to search, seize and confiscate liquor which they saw used improperly and illegally. The committee, in the bill before you, gives the right of search and seizure by these officers, on this authority, but does not give the right to confiscate.

We must realize that they is a great deal of complaint about the one-man clubs in this State, and about certain restaurants or "holes-in-the-wall" that we hear about; and there has been a great public demand that the board be given authority and power, consistent with the law, to curb these violations or curb this mismanagement or conduct of these places, so long as it is done within the law. And therefore it may seem that in some sections the board has asked for, and has been given, more power than they should have in a republic; yet I feel that we can, for the next two years, give these powers which have been cut down by the committee. While they may be, apparently, in certain cases, rather drastic and give more power to the board than that board should have, we must realize they are up against a tough proposition also.

It is felt, throughout the State, that unless the liquor business is managed better, or conducted better, by licensees, that we shall not have liquor very long in Pennsylvania or any other State; and therefore I feel, Mr. President, although there are some of the things I object to still existing in this bill, that on the whole it is an improvement over the old bill and should pass.

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Allegheny, Mr. McGinnis, whether or not in his opinion, this bill liberalizes or restricts the sale of liquor in Pennsylvania.

Mr. McGINNIS. Well, Mr. President, I do not know what the effect would be. I think it regulates it better.

Mr. BUCKMAN. Mr. President, would the Senator from Allegheny call this a wet bill or a dry bill?

Mr. McGINNIS. Mr. President, neither.

Mr. BUCKMAN. Mr. President, how would the Senator describe the bill,—what the purposes of the bill are?

Mr. McGINNIS. Mr. President, the regulations are more strict; the provisions for conducting the man's business are more strict than under the old bill.

Mr. BUCKMAN. Mr. President, I would like to ask if the Senator from Allegheny has any fear that the board—if this bill be passed—will become drunk with power.

Mr. McGINNIS. Mr. President, not in its present form.

Mr. BUCKMAN. Mr. President, does the Senator from Allegheny feel it is necessary to give this commission, or any other commission of our government, the powers given them under this bill?

Mr. McGINNIS. Well, of course, Mr. President, in regard to liquor our Federal laws have always been very, very strict, giving the right to search, seize and confiscate a man's property. All our liquor laws, Federal and State, have always been very drastic along those lines; and perhaps necessarily so.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Allegheny, as the sponsor of this bill, whom he considers was the motivating influence in having him present the bill,—whether the Liquor Board, whether it is the Wholesale Liquor Dealers Association, whether it is the State Administration or whoever it may be.

Mr. McGINNIS. Well, Mr. President, I am the sponsor of the bill, but I will say very frankly the beer interests, the distillers and the Board and our Administration have all divulged to me the liquor business in Pennsylvania.

Mr. BUCKMAN. Mr. President, I am speaking of this bill,—who promulgated this bill.

Mr. McGINNIS. Mr. President, all of those forces or people I have just mentioned; and notably the drys—the drys were heard two or three times, and in many cases approved what this bill provides.

Mr. BUCKMAN. Mr. President, I would ask the Senator from Allegheny once more whether he considers this bill a wet bill or a dry bill.

Mr. McGINNIS. Mr. President, neither.

Mr. GELDER. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. GELDER. Mr. President, does this bill in any way affect the civil service provisions that were in the original Act?

Mr. McGINNIS. Yes, Mr. President, it does,—on page 24. Two years ago this Legislature enacted a civil service provision in connection with the bill at that time. We put every employe of the Liquor Board on civil service except the Board itself and, I think, perhaps attorneys and maybe one secretary. That bill has been in effect for two years. As this present bill came to the committee the committee amended it and provided that all heads of departments, chief clerks and secretaries should be exempt from that provision. As the bill is on your desk today it provides this;—it cuts that out,—those provisions, but provides this on page 24: "Any person appointed under the provisions of this Act may be removed by the personal action of the Governor whenever he deems the same to be to the best interest of the public service."

Mr. GELDER. Mr. President, I would like to ask the Senator from Allegheny if he thinks that will make a political dictatorship.

Mr. McGINNIS. No, Mr. President. The Liquor Board in Pennsylvania conducts a business not unlike that of any mammoth department store or big business in Pennsylvania; it is a mammoth business. Most every civil service law I have ever read exempts heads of departments, chief clerks and secretaries from civil service. In other words, they are the employes that promulgate the policy or the management. To me, I think it was a mistake to put heads of departments, chief clerks and supervisors under civil service in any business—in this business especially.

Mr. GELDER. But, Mr. President, in correcting that evil have they not also made it so that they must get the lowest priced employe as an assistant?

Mr. McGINNIS. Mr. President, I did not get that question.

Mr. GELDER. Mr. President, have they not made it so that they can discharge anybody, whether an executive or the lowest priced employe?

Mr. McGINNIS. Yes, Mr. President, under this Act the Governor cannot appoint but can dismiss. We had a situation a few weeks ago where the employes of the Liquor Board combined in some way and came down to Harrisburg and threatened to strike. It was a most unusual situation—something unheard of heretofore in Pennsylvania. But this is the first civil service law ever in the State of Pennsylvania; and the Governor was confronted with this situation: Here were two or three thousand employes that can stop, or have threatened to stop, work if their wages are not raised—or perhaps some other complaints. I know last Christmas time it was very commonly heard around Pittsburgh that the employes in the liquor stores were going to shut down, going to close, all the stores—just a few days before Christmas.

Now, I feel that while under this bill they are protected by civil service, and their work is performed under civil service rules, there ought to be some power somewhere, inasmuch as they are working for the government, and conducting a business for the government, that the government at least should have the power to say that these men, or any one of them, should quit the service.

Mr. GELDER. Mr. President, does the Senator from Allegheny believe that the employes under this Act should have the same rights that other employes have under the Wagner Act .

Mr. McGINNIS. Well, Mr. President, of course that is rather—the Wagner Act does not apply to governmental employes.

Mr. GELDER. Or, Mr. President, the Labor Relations Act introduced by the Senator from Allegheny himself?

Mr. McGINNIS. Mr. President, I should say that the Wagner Act or the Act I introduced does not apply to any governmental employe.

Mr. GELDER. Then, Mr. President, will the Senator from Allegheny agree with the impression of some members of the Senate, that the Civil Service provision put in by the Senate four years ago, when the Liquor Control Board was organized, has practically gone out of the window—by this Act?

Mr. McGINNIS. Oh, no, Mr. President. No, the first bill—there was a provision in it that all employes should be examined by the Department of Education. After that they were just exactly the same as every other employe in the State of Pennsylvania, and could have been fired the next day—without hearing or anything else. In other words, there was no Civil Service in the Pinchot Act, all they had to do was to get in, and then they were the same as any other department in this State.

Mr. GELDER. Mr. President, can the Senator inform us whether the Democratic State Committee approved this bill in its present form?

Mr. McGINNIS. Well, Mr. President, we do not ordinarily discuss committee happenings on the floor here.

Mr. GELDER. But, Mr. President, the Senator from Allegheny will not deny that, I take it?

POINT OF ORDER

Mr. RICE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Adams, Mr. Rice, will state his point of order.

Mr. RICE. Mr. President, the Senator from Susquehanna is not discussing the merits of the bill.

Mr. GELDER. Mr. President, I am trying to discuss some of the demerits of the bill; and also to find out whether or not this has the sanction of the Democratic State Committee.

The PRESIDENT. The Senator may proceed.

Mr. McGINNIS. Mr. President, I am not a member of the committee.

Mr. GELDER. Mr. President, I think the question is very pertinent. On page 24, lines 3, 4 and 5, is subsection D, an amendment inserted by the Senate Committee, which reads: "Any person appointed under the provisions of this Act may be removed by the personal action of the Governor whenever he deems the same to the best interests of the public service."

In think the question is very pertinent to that paragraph; and I want to know why that is in.

Mr. McGINNIS. Mr. President, would it make any difference where that idea come from?

Mr. GELDER. Mr President, I think it would make a great difference in the vote of the Senate.

Mr. McGINNIS. Mr. President, I think it was the consensus of all the members of that committee that that was a proper amendment.

Mr. GELDER. I want to say, Mr. President, that in my 16 years' experience in this body, if the Chairman of the Democratic State Committee was participating in the discussion it was the first time that I have ever known a State Chairman to be in that particular position. Of course, it may be he is just as effective outside the door—or outside the rail. Primarily, however, I am interested in the question of whether, under the provisions of this bill, the sale of liquor will be restricted or expanded. Can the Senator from Allegheny, Mr. McGinnis, inform us?

Mr. McGINNIS. Mr. President, it was not intended to promote or discourage the sale of liquor; its sole purpose is to regulate.

Mr. GELDER. To get it under control? Is there any provision in there by which you can get it under control just before election?

Mr. McGINNIS. Mr. President, not at all,—not that I can see.

Mr. WOODWARD. Mr. President, I have spoken once on this bill, and I want to tell the Senator from Susquehanna that it was through the efforts of Lawrence, Thompson and Woodward that we got civil service restrictions in this bill, and I would like to remind him that when they got it, they felt they were not satisfied; therefore, the Governor ought to fire them, and I am going to sustain the administration.

Mr. GELDER. Mr. President, it was the Republican majority that put civil service into the bill, and we are just interested to know whether or not the Administration is taking it out, and it certainly has opened the door so that they can do some shooting at the system notwithstanding the statement of the Senator from Philadelphia.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gelder,	Lanius,	Rupp,
Bean,	Gilson,	Law,	Ruth,
Chapman,	Haluska,	Mallery,	Rodgers,

Dando,	Henney,	McCreesh,	Shapiro,
Deitrick,	Heyburn,	McGinnis,	Sipe,
Dent,	Howell,	Mundy,	Stiefel,
DiSilvestro,	Jacobs,	Owlett,	Thompson,
Ealy,	Jaspan,	Rankin,	Wolfenden,
Eroe,	Kahle,	Reed,	Woodward,
Frey,	Kilgallen,	Rice,	Huffman,
			Pres. Pro. Tem.

NAYS—7

Buckman,	Homsher,	Salus,	Sones,
Cavalcante,	Pierson,	Scarlett,	

A majoriy of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 342, entitled:

An Act to re-enact and amend the act approved the nineteenth day of February one thousand nine hundred twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery re-use holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further regulating the manufacture sale use and traffic in alcohol and alcoholic liquids conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing filing fees changing the method of calculating certain license fees providing for the use of the word "license" instead of "permit" regulating and providing the procedure for the granting suspension and revocation of licenses and for compromises in certain cases providing for the disposition of fees compromise penalties and forfeitures regulating the jurisdiction of courts and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SIPE. Mr. President, I am the Chairman of the Committee on State Boards. I have not had much experience in the liquor business, especially in the dissemination of liquor, and I do not intend to get a great deal of experience in that line as long as the water supply holds out.

I think I am giving away no secret of the committee, because it is not a secret that Chairman Lawrence sat in with the committee yesterday. There probably is a secret, however, that I asked him to judge. Not having a great deal of experience in liquor—while I am a lawyer, I have never been engaged in that kind of law practice. I was almost driven crazy by distillers coming here with their views, by brewers with their views, by consumers with their views, by drys with their views, by church people and so on. While I welcome, as Chairman of the Committee, the opinions and views of any person, I welcomed to the Committee Senators who were not on that Committee; I felt the need of assistance, and so I asked Chairman Lawrence to come in, to give what I thought might be the Administration's view on the question. And I want to say that neither the Chairman nor the church folks nor the distillers nor the brewers nor any other group got all they wanted; but I do think, from an examination of the former law and an examination of this bill, that I believe it is a great deal better liquor bill than the present liquor law. The buyer, I might add, did not get all they wanted either—we had to more or less give and take; so that, if there is any great disgrace or any great fault along that line to be attached to the fact that the State Chairman of the Democratic administration of the Commonwealth of Pennsylvania was consulted, you must lay that to me—I asked him.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Shapiro,
Dando,	Heyburn,	McGinnis,	Sipe,
Deitrick,	Howell,	Mundy,	Sones,
Dent,	Jacobs,	Owlett,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Lanius,	Rodgers,	Huffman,
Gelder,			Pres. Pro. Tem.

NAYS—6

Buckman,	Homsher,	Salus,	Scarlett,
Cavalcante,	Pierson,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 343, entitled:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licensees application for licenses and sales by licensees and fixing fees for amusement permits regulating the granting suspension revocation and transfer of licenses and the procedure therefor and conferring jurisdiction on certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the dis-

position of application license permit fees forfeitures and penalties and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

[illegible]old,	Gilson,	Law,	Scarlett,
Bean,	Haluska,	Mallery,	Shapiro,
Chapman,	Henney,	McCreesh,	Sipe,
Dando,	Heyburn,	McGinnis,	Sones,
Dent,	Howell,	Mundy,	Stiefel,
DiSilvestro,	Jacobs,	Owlett,	Thompson,
Ealy,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kahle,	Rice,	Woodward,
Frey,	Kilgallen,	Rodgers,	Huffman,
Gelder,	Lanius,	Rupp,	Pres. Pro. Tem.

NAYS—7

Buckman,	Deitrick,	Pierson,	Salus,
Cavalcante,	Homsher,	Rankin,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 395, (House Bill No. 697), entitled:

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gelder,	Law,	Rupp,
Bean,	Gilson,	Mallery,	Salus,
Buckman,	Haluska,	McCreesh,	Scarlett,
Cavalcante,	Henney,	McGinnis,	Shapiro,
Chapman,	Heyburn,	Mundy,	Sipe,
Dando,	Homsher,	Owlett,	Sones,
Deitrick,	Howell,	Pierson,	Stiefel,
Dent,	Jacobs,	Pytko,	Thompson,
DiSilvestro	Jaspan,	Rankin,	Wolfenden,
Ealy,	Kahle,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	Huffman,
Frey,	Lanius,	Rodgers,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 488, (House Bill No. 99), on third reading, entitled:

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the re-habilitation of employes providing for the payment of compensation for certain second injuries and for the re-habilitation of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 499, (House Bill No. 853), entitled:

An Act validating ratifying approving and confirming bonds and other instruments or obligations heretofore issued by counties cities boroughs towns townships school districts poor districts and other incorporated districts of this Commonwealth for public work projects

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Gilson,	Mallery,	Salus,
Bean,	Haluska,	McCreesh,	Scarlett,
Buckman,	Henney,	McGinnis,	Shapiro,
Cavalcante,	Heyburn,	Mundy,	Sipe,
Dando,	Homsher,	Owlett,	Sones,
Deitrick,	Howell,	Pierson,	Stiefel,
Dent,	Jacobs,	Rankin,	Thompson,
DiSilvestro,	Jaspan,	Reed,	Wolfenden,
Ealy,	Kahle,	Rice,	Woodward,
Eroe,	Kilgallen,	Rodgers,	Huffman,
Frey,	Lanius,	Rupp,	Pres. Pro. Tem.
Gelder,	Law,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 500, (House Bill No. 854), entitled:

An Act simplifying the procedure for the construction and financing of public works projects by municipalities enabling municipalities to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon municipalities

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Gilson,	Mallery,	Salus,
Bean,	Haluska,	McCreesh,	Scarlett,
Buckman,	Henney,	McGinnis,	Shapiro,
Cavalcante,	Heyburn,	Mundy,	Sipe,
Dando,	Homsher,	Owlett,	Sones,
Deitrick,	Howell,	Pierson,	Stiefel,
Dent,	Jacobs,	Pytko,	Thompson,
DiSilvestro	Jaspan,	Rankin,	Wolfenden,
Ealy,	Kahle,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	Huffman,
Frey	Lanius,	Rodgers,	Pres. Pro. Tem.
Gelder,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 596, (House Bill No. 1095), entitled:

An Act empowering municipalities to refund improvement bonds based solely on assessments for grading streets and sewer improvement and imposing no municipal liability by a new issue of bonds

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Gilson,	Mallery,	Salus,
Bean,	Haluska,	McCreesh,	Scarlett,
Buckman,	Henney,	McGinnis,	Shapiro,
Cavalcante,	Heyburn,	Mundy,	Sipe,
Dando,	Homsher,	Owlett,	Sones,
Deitrick,	Howell,	Pierson,	Stiefel,
Dent,	Jacobs,	Pytko,	Thompson,
DiSilvestro,	Jaspan,	Rankin,	Wolfenden,
Ealy,	Kahle,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	Huffman,
Frey,	Lanius,	Rodgers,	Pres. Pro. Tem.
Gelder,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 602, on third reading, entitled:

An Act to amend section six, and sections eleven and eighteen as amended, of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," further regulating the administration of such Fund, the fixing of premiums payable by subscribers; the distribution of unexpended balances to subscribers; the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 613 (House Bill No. 749), entitled:

An Act requiring county commissioners to provide at the expense of the county telephone typewriter and stenographic services for the county superintendent of schools

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—15.

Barthold,	Gilson,	Jacobs,	Mundy,
Cavalcante,	Haluska,	Law,	Pytko,
Dando,	Henney,	McCreesh,	Rankin,
Ealy,	Howell,	McGinnis,	

NAYS—25.

Bean,	Jaspan,	Reed,	Sones,
Buckman,	Kahle,	Rice,	Thompson,
Chapman,	Kilgallen,	Rodgers,	Wolfenden,
Deitrick,	Lanius,	Salus,	Woodward,
Eroe,	Mallery,	Scarlett,	Huffman,
Frey,	Owlett,	Shapiro,	Pres. Pro. Tem.
Homsher,	Pierson,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 660 (House Bill No. 793), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties

for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the requirements for free transportation of pupils removing certain exemptions from the compulsory attendance act providing for standards for vehicles used requiring public liability insurance coverage, and authorizing the withholding of reimbursement in certain cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Barthold,	Haluska,	Mallery,	Rupp,
Bean,	Henney,	McCreesh,	Salus,
Buckman,	Heyburn,	McGinnis,	Scarlett,
Cavalcante,	Homsher,	Mundy,	Shapiro,
Dando,	Howell,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Lanius,	Rice,	Woodward,
Gilson,	Law,	Rodgers,	Huffman,
			Pres. Pro. Tem.

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 664, House Bill No. 1085 on third reading, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" changing the manner of creation of townships of the second class.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 764, House Bill No. 76 on third reading, entitled:

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives trains and other self propelled engines or machines with competent employes to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines to provide the qualification of certain employes and to provide a penalty for the violation thereof, and the enforcement thereof by the Public Utility Commission.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 838 (House Bill No. 1007), entitled:

An Act to amend the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred three) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Salus,
Buckman,	Henney,	McCreesh,	Scarlett,
Cavalcante,	Heyburn,	McGinnis,	Shapiro,
Chapman,	Homsher,	Mundy,	Sipe,
Dando,	Howell,	Owlett,	Sones,
Deitrick,	Jacobs,	Pierson,	Stiefel,
DiSilvestro,	Jaspan,	Pytko,	Thompson,
Ealy,	Kahle,	Rankin,	Wolfenden,
Eroe,	Kilgallen,	Reed,	Woodward,
Frey,	Kunkel,	Rice,	Huffman,
Gelder,	Lanius,	Rodgers,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 869 (House Bill No. 1978), entitled:

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Mallery,	Salus,
Buckman,	Haluska,	McCreesh,	Scarlett,
Cavalcante,	Henney,	McGinnis,	Shapiro,
Chapman,	Heyburn,	Mundy,	Sipe,
Dando,	Homsher,	Owlett,	Sones,
Deitrick,	Howell,	Pytko,	Stiefel,
Dent,	Jacobs,	Rankin,	Thompson,
DiSilvestro,	Jaspan,	Reed,	Wolfenden,
Ealy,	Kahle,	Rice,	Woodward,
Eroe,	Kilgallen,	Rodgers,	Huffman,
Frey,	Lanius,	Rupp,	Pres. Pro. Tem.
Gelder,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 922 (House Bill No. 918), entitled:

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred two A to the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs requiring the auditors to file an annual financial report with said department conferring jurisidiction of certain cases upon justices of the peace and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Dando,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Rice,	Stiefel,
Gelder,	Law,	Rodgers,	Thompson,
Gilson,	Mallery,	Rupp,	Woodward,
Haluska,			

NAYS—10

Bean,	Deitrick,	Pierson,	Scarlett,
Buckman,	Homsher,	Reed,	Wolfenden,
Chapman,	Lanius,		

Present and not voting: Owlett.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 930, entitled:

An Act to repeal the laws relating to the Lancaster County Prison and relating to the election of a board of inspectors to manage said prison

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. HOMSHER. Mr. President I move to

On the question,

Will the Senate agree to the bill on third reading?

MOTION TO GO INTO COMMITTEE OF THE WHOLE FOR THE PURPOSE OF SPECIAL AMENDMENT

Mr. HOMSHER. Mr. President, I move that the Senate do now go into Committee of the Whole for the purpose of special amendment to this bill.

Mr. PIERSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion

QUESTION OF LEGISLATIVE INQUIRY

Mr. RICE. Mr. President, I rise to a question of legislative inquiry.

The PRESIDENT. The Senator from Adams, Mr. Rice, will state his question of legislative inquiry.

Mr. RICE. Mr. President, am I correct in that if this motion is adopted it automatically carries the amendment?

The PRESIDENT. That is correct.

Mr. RICE. Mr. President, may we have the amendment read before we vote on the motion?

The PRESIDENT. The special amendment will be read for the information of the Senate.

The special amendments were read as follows: amend Senate Bill No. 930 by adding "Section 2. Providing however and excepting that the provisions in said acts so far as they relate to the election of the prison inspectors shall not be repealed by this act"; Title so as to read: "An Act to repeal certain acts and parts of acts relating to the Lancaster County Prison".

Mr. THOMPSON. Mr. President, I just want to call attention to the fact that the adoption of these amendments by a favorable vote on the motion to go into Committee of the Whole will carry the bill; inasmuch as these amendments are not simply strike-out amendments, it will have the effect of killing the bill—preventing it from going to the House in time for the House to act upon it. Therefore, I would ask that the motion to go into Committee of the Whole be defeated.

Mr. HOMSHER. Mr. President, I beg to differ with the Senator from Centre. I took this method of bringing this before the Senate so that I might have the opportunity to explain this bill and the affect of the amendments upon it, and have a roll call on the question.

The PRESIDENT. The motion is to go into Committee of the Whole for the purpose of considering special amendments to this bill, which amendment has been read. The adoption of this motion carries with it the adoption of the amendment.

Mr. HOMSHER. Mr. President, this bill, Senate Bill No. 930, has a title that reads as follows: "An Act to re-

peal the laws relating to the Lancaster County Prison, and relating to the election of a board of inspectors to manage said prison" it contains, among the many other Acts that relate to the management of the Lancaster County Prison—there are nine Acts and parts of Acts mentioned in this Act to be repealed, which include the repeal of the laws under which the prison inspectors of Lancaster County are elected.

Mr. President, we were at first at a loss to think how anyone outside of a county would have interest enough to go into that county and advertise and introduce into this Senate a bill to repeal the Acts under which we elected our Board of Prison Inspectors. And later we were lead to believe, I think, I suppose, that probably some may think that parts of these Acts might interfere or conflict with some of the provisions of the Acts that are going through this Legislature at this time for public assistance.

In conjunction with able attorneys of Lancaster, who have perfect familiarity with these Acts and other Acts under which this prison has been managed, I am assured that this amendment will save to Lancaster County the right to elect its own directors of the prison, and not interfere with any of the other provisions of the other Acts that are being proposed, that enter into the centralized assistance law.

And I might incidentally mention at this time that for eighty-seven years these prison inspectors have managed the affairs of the prison of Lancaster County, and during all that time it has been managed to the satisfaction of the people of the County. And I might further say that of the two prisons in the State of Pennsylvania that hold the highest rating, like the County above.

I hope that this Senate will not go so far as to destroy local self government, as to go to Lancaster County and repeal an Act under which we have for eighty-seven years—more than half of the life of this nation—elected and conducted our prison inspectors in a manner that gets from our State Department of Welfare the very highest rating that it is possible for it to give.

Mr. BUCKMAN. Mr. President and members of the Senate, I do not profess to know a great deal about prison laws in the County of Lancaster; in fact, I know very little or nothing about it; but I do know this: I know that the people of Lancaster County believe in a representative form of government. They have elected this grand old man to the Senate of Pennsylvania for upwards of 30 years, and I call upon this Senate to stand by him and not to put through legislation which he does not advocate. We owe that to him. We owe that to the people of Lancaster County, as long as we believe in a representative form of governement. I have never known, in all my experience, of an attempt to go into another man's County and advocate laws ,or the repeal of laws, that were not advocated by the legally elected representatives of that County; and I ask the members of this State to stand by Senator Homsher, the dean of this Senate, in whatever he wants.

Mr. THOMPSON. Mr. President. I think it is very unfair of the Senator from Bucks making the Senator from Lancaster Mr. Homsher. the issue on the vote on this bill. I think there is not a man in this Senate who does not entertain the very highest respect for the Senator from Lancaster County. However, a word of explanation with regard to this bill is in order.

This bill is a bill which has been advertised throughout Lancaster County, and, is according to the provisions of the Constitution and the laws of this State to repeal special acts relative to these prison boards, which special acts were passed by the Constitution of 1874* and the only thing that this action does is to bring the prison management an administration in Lancaster County up to the same basis that the present administration in other counties of the State at the present time declared.

Now, why the people of Lancaster, who have asked for this legislation for a quarter of a century, have not been able to get it before the Legislature of Pennsylvania, I cannot explain, because I am too new here; but the fact remains that there has been a large element, if not the larger element, in Lancaster County, which, for a quarter of a century, has been trying to get this proposed legistlation before the Legislature of Pennsylvania, and this is the first time they have succeeded; and I know of no one from Lancaster County who will take issue with me when I say that the two largest papers in Lancaster County are asking for this bill, and that there is a very considerable portion of the constituency of Lancaster County which favors this measure.

Mr. HOMSHER. Mr. President, I merely want to add that the first we kne wof this bill was when someone from outside the County came and advertised it, and introduced it without any consultation with the membership of this body from the County; and I am assured by our own attorneys in Lancaster that this bill, if passed with these personal amendments, will save to the County the right to elect the managers of this prison, and will not in any way interfere with any of the other laws that are to be passed for centralized assistance at this session.

We highly resent anyone coming into Lancaster County and interfering with the conduct of our local affairs; and from what I have, in fact, heard members of the Senate speak of here, and from the fact that our prison holds letters showing that it stands as one of the two of highest rating among prisons in the State of Pennsylvania, I think that goes far to renounce the claim that there is such opposition in Lancaster County to the management of this prison as the Senator from Centre mentioned it.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Homsher and Mr. Buckman and were as follows, viz:

YEAS—22.

Bean,	Heyburn	McGinnis,	Salus,
Buckman,	Homsher,	Owlett,	Scarlett,
Chapman,	Howell,	Pierson,	Sones.
Deitrick,	Jacobs,	Rankin,	Wolfenden,
Ealy.	Lanius.	Rupp,	Woodward,
Gelder,	Mallery,		

NAYS—22.

Barthold,	Gilson,	Law,	Ruth.
Dando,	Haluska.	McCreesh,	Shapiro,
Dent.	Henney.	Pytko,	Sipe.
DiSilvestro.	Jaspan,	Rice,	Stiefel,
Eroe.	Kahle.	Rodgers.	Thompson.
Frey,	Kilgallen.		

The PRESIDENT. On the question, the ayes are 22

and the nays are 22. The Chair votes "No" and the motion is not agreed to.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, this being a motion for the Senate to resolve itself into a Committee of the Whole, I understand it requires a majority of those present to sustain the motion; and a majority of those present not having voted, the Chair is not entitled to a vote. I have a deliberate reason for making that objection. I ask for a ruling on that point of order.

The PRESIDENT. The Senate has not resolved itself into Committee of the Whole.

Mr. SHAPIRO. Mr. President, that is the reason I raised the point of order. The Senate did not by an affirmative vote of the majority of those present having resolved itself into Committee of the Whole, the Chair is not entitled to vote.

The PRESIDENT. The Chair disagrees with the Senator from Philadelphia, Mr. Shapiro, because, the Senate was voting not in Committee of the Whole. However, it is immaterial, as under the Constitution the Chair is obligated to break a tie vote whether there is a constitutional majority or not.

MOTION TO POSTPONE BILL

Mr. HOMSHER. Mr. President, I move that the question, together with the further consideration of this bill, be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HOMSHER. Mr. President, I withdraw my motion to postpone.

The PRESIDENT. Does the seconder agree to the withdrawal?

Mr. OWLETT. Mr. President, I do.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Barthold,	Haluska,	McCreesh,	Rodgers,
Cavalcante,	Henney,	McGinnis,	Ruth,
Dando,	Jaspan,	Mundy,	Shapiro,
Dent,	Kahle,	Pytko,	Sipe,
DiSilvestro,	Kilgallen,	Rankin,	Stiefel,
Frey,	Lanius,	Rice,	Thompson,
Gilson,	Law,		

NAYS—19

Bean,	Gelder,	Mallery,	Scarlett,
Buckman,	Heyburn,	Owlett,	Sones,
Chapman,	Homsher,	Pierson,	Wolfenden,
Deitrick,	Howell,	Rupp,	Woodward,
Ealy,	Jacobs,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations:

JUDGE OF THE COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James J. Curran, of Minersville, Schuylkill County, for appointment as Judge of the Court of Common Pleas of the Twenty-first Judicial District, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

MEMBERS OF THE REGISTRATION COMMISSION FOR THE CITY OF PITTSBURGH

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following members of the Registration Commission in and for the City of Pittsburgh, to serve until the first Monday of January, 1941:

Lawrence O. Clarke (Democrat), Pittsburgh.

John McCarthy (Democrat), Pittsburgh.

W. Noble Matthews (Republican), Pittsburgh.

GEORGE H. EARLE.

MEMBERS OF STATE BOARD FOR THE EXAMINATION OF PUBLIC ACCOUNTANTS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Cyril McGarrigle, of Philadelphia, Philadelphia County, for appointment as a member of the State Board for the Examination of Public Accountants, vice Donald M. Livingston, resigned for the term of four years.

GEORGE H. EARLE.

ANNOUNCEMENTS

The SECRETARY. Immediately upon the motion for a recess the Committee on County Government will meet in Room 265, for a very short meeting.

Immediately following that meeting, in the same room, the Committee on Highways will meet.

Ten minutes before the Senate convenes tonight the Committee on Executive Nominations will meet in the office of the President Pro-tempore. That will be ten minutes before eight o'clock tonight.

The Committee on Judiciary General will meet promptly at 7:55 this evening, in Room 265, to discuss formally the Deficiency Judgment Bill.

REPORTS FROM COMMITTEES

Mr. GELDER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Mines and Mining reported as amended, Senate Bill No. 1419, (House Bill No. 1690), entitled:

An Act regulating the mining of bituminous coal in counties of the second class, prescribing duties for county commissioners and imposing penalties.

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN from the Committee on Municipal Government reported as amended, Senate Bill No. 984, (House Bill No. 2001), entitled:

An Act to amend section four hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," further regulating the creation and abolition of wards.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess until 8 o'clock p. m.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. RICE. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE from the Committee on Appropriations reported as committed, Senate Bill No. 1435, (House Bill No. 43), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Mr. RICE from the Committee on Appropriations reported as committed, Senate Bill No. 1438, (House Bill No. 1135), entitled :

An Act making an appropriation to the Department of Property and Supplies for the restoration, preservation, development and maintenance of the Ephrata Cloisters Park.

Mr. RICE from the Committee on Appropriations reported as committed, Senate Bill No. 1439, House Bill No. 1237), entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeen one thousand nine hundred and nineteen (P. L. 1003) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licensees and making an appropriation therefor.

Mr. RICE, from the Committee on Appropriations reported as amended, Senate Bill No. 1437, (House Bill No. 865) entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL NO. 148

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 148 entitled:

An Act to amend the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred thirty) entitled, "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties," as amended, by further regulating the manufacture and sale of carbonated beverages and still drinks, changing the penalties prescribed and providing for injunctions in certain cases.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 481.

He also returned to the Senate, Senate Bill No. 481 entitled:

An Act to amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations," vesting discretion in the Governor with respect to the approval of the charter of certain corporations.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 679

He also returned to the Senate, Senate Bill No. 679 entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville, Lebanon County.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 871

He also returned to the Senate, Senate Bill No. 871 entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by conferring on such counties the power to adopt ordinances and resolutions providing for the zoning and regulation of the location height bulk and use

of buildings and other structures and of the uses of land and the requirement of building permits in the portions of counties lying outside of cities boroughs and townships of the first class providing for the creation organization powers and duties of county zoning commissions and boards of adjustment imposing duties on the State Planning Board and on State officials departments and agencies and prescribing penalties.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 872

He also returned to the Senate, Senate Bill No. 872 entitled:

An Act to amend Article six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for county and regional planning and the creation, organization and powers of county and regional planning commissions and imposing duties on certain city borough town and township authorities.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1162

He also returned to the Senate, Senate, Bill No. 1162 entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one Pamphlet Laws one thousand one hundred ninety-nine) entitled, "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection construction, and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare," providing for the conveyance of said tract to the General State Authority, for the construction of said hospital, and for the leasing thereof by the Commonwealth after construction.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 557

He also presented communication from the House of Representatives informing the Senate that the House had concurred in amendments made by the Senate to House Bill No. 557, entitled:

An Act making an appropriation to the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 639

He also presented communication from the House of Representatives informing the senate that the House has adopted the report of the Committee on Conference on Senate Bill No. 639, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a Court of Common Pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the Common Pleas Court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

AMENDMENT TO HOUSE BILL NO. 647 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 647 entitled:

An Act to promote public health, morals, safety and welfare by providing for the supervision and encouragement of housing; creating a State Board of Housing, a departmental administrative board within the Department of Health; providing for the organization of the board, the appointment and removal of its members; enumerating its duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports, supervise the operations of limited dividend housing companies and housing authorities and their members and employees, commence actions to prevent violations of law and to surcharge members of authorities, supervise rentals charged by limited dividend companies, charge fees for services, providing for the selection and removal of the board's employees, providing for appeals from its orders; and making an appropriation.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Which was laid on the table.

AMENDMENT TO HOUSE BILL NO. 2055 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 2055, entitled:

An Act authorizing any county and city, in any county in which the county seat is within the limits of such city, to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city; and providing for the appointment of a board of managers, and for professional staffs and employes, and for the apportionment of costs and expenses.

Said bill having been recalled from the Governor for

amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Which was laid on the table.

SENATE BILL NO. 759 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 759, entitled:

An Act to amend sections one, two, seven and nineteen of the act approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred thirteen) entitled, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom, and repealing existing laws.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 855 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 855, entitled:

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (P. L. 79) and authorizing the Governor directly through such agency as he may designate to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capital within what is now Pennsylvania and making an appropriation therefor out of the General Fund.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 875 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 875 entitled:

An Act to cede jurisdiction to the United States of lands embraced within boundaries of portion of the Carlisle Barracks located in Cumberland County, and over the tract of land and buildings occupied by the New Cumberland General Depot located in York County.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1121 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1121, entitled:

An Act providing for the erection, construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from The General State Authority, upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties, to the extent, and in the manner, provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO 1122 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1122, entitled:

An Act providing for the erection, construction, and equipment of a Maximum Security State Penitentiary for the detention, care, maintenance and employment of maximum security prisoners, transferred thereto from the Eastern and Western State Penitentiaries; designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority; authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion, and the Department of Welfare to manage and operate the same; providing that the costs of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 639 entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint, the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases, providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases,

providing for an appeal from the Common Pleas Court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

Senate Bill No. 670 entitled:

An Act to amend Section 4 and 6 of the Act approved the seventh day of August, 1936, (P. L. 106), entitled, "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the powers of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" as re-enacted and amended by providing for recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken damaged or destroyed.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1801, (Senate Bill No. 1441), entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four), entitled "Rural State Highway Law" as amended, by changing certain routes and adding certain new routes.

Which was committed to the Committee on Highways.

House Bill No. 1495, (Senate Bill No. 1442), entitled:

An Act to amend clause (b) of section four hundred forty-eight of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "Administrative Code of 1929" as amended, changing the personnel of the State Veterans Commission; and fixing the compensation of the members thereof.

Which was committed to the Committee on State Government.

House Bill No. 1789, (Senate Bill No. 1443), entitled:

An Act limiting the term of years of any agreement, contract or lease to which any city of the first class shall be a party, and making certain exceptions.

Which was committed to the Committee on City Government.

House Bill No. 2208, (Senate Bill No. 1444), entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

Which was committed to the Committee on Appropriations.

House Bill No. 270, (Senate Bill No. 1445), entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," regulating and limiting the use of revenues derived from the operation of water-works.

Which was committed to the Committee on Municipal Government.

House Bill No. 1781, (Senate Bill No. 1446), entitled:

An Act to amend sections two and three of the act approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred twenty-one), entitled "An act providing for the service of process in civil suits on non-resident operators, or non-resident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointmentment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said non-resident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, by providing further for the return of, and fees for, service.

Which was committed to the Committee on Highways.

House Bill No. 2010, (Senate Bill No. 1447), entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "City State Highway Law," as amended; by changing certain routes and adding certain new routes.

Which was committed to the Committee on Highways.

House Bill No. 2012, (Senate Bill No. 1448), entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "Borough Rural State Highway Law," as amended; by changing certain routes and adding certain new routes.

Which was committed to the Committee on Highways.

House Bill No. 1262, (Senate Bill No. 1449), entitled:

An Act to amend section seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "Criminal Procedure Act of 1860," by vesting in coroners the power to admit to bail persons accused of murder or man-slaughter.

Which was committed to the Committee on City Government.

SENATE BILL NO. 199 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 199 entitled:

An Act to amend section one, section three, as amended, sections seven and thirteen, and section seventeen as amended, and to repeal section six of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and

Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," as amended, by excepting from the provisions of the act certain occupations and professions, further regulating the hours of labor; eliminating existing provisions permitting overtime work in certain cases, imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry; and providing penalties.

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

COMMUNICATIONS FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate Communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILLS NOS. 188, 709, 745, 747

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 188, Printer's No. 217, entitled, "An Act Relating to savings institutions chartered under special acts of assembly and specifying additional securities upon which such institutions may lend deposits received by them."

Senate Bill No. 709, Printer's No. 221, entitled, An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been re-organized and prescribing the powers and duties of Courts of Common Pleas in relation to such liquidation."

Senate Bill No. 745, Printer's No. 303, entitled, "An Act to amend Sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled, "An act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner; defining non-cancellable health and accident insurance.

Senate Bill No. 747, Printer's No. 305, entitled, "An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing the manner in which dividends on contributory group insurance policies are to be apportioned.

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 610

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 610, Printer's No. 199, entitled, "An Act Providing for the creation of a legal holiday on September 17, 1937 to be known and observed as "Constitution Day."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 377

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 377, Printer's No. 636, entitled "An Act to re-enact and further amend the title and the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1409) entitled 'An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county' by extending said act as amended to all counties of this Commonwealth and further clarifying the provisions of the act."

GEORGE H. EARLE.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 943, entitled:

An Act authorizing and empowering any city, county, school district or other municipality, which shall have acquired a limited title to real estate for municipal purposes, to secure a title in fee simple to any such real estate; and providing and regulating the procedure in such cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gilson,	Lanius,	Rice,
Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Chapman,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 962, (House Bill No. 33), entitled:

An Act to amend clause (b) of section two thousand one hundred and twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended providing for compensation for members of joint sewer boards.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gilson,	Lanius,	Rice,
Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Chapman,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Mundy,	Sipe,
Dent,	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pierson,	Thompson,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	
Gelder,	Kunkel,	Reed,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. KILGALLEN. Mr. President, I move that Senate Bill No. 978, (House Bill No. 1619), on third reading, entitled:

An Act to amend sections one thousand one and one thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended further regulating the annual budgets of such townships.

be recommitted to the Committee on Municipal Government.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 979, (House Bill No. 1628), entitled:

An Act to amend section eight hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the requirements of bonds of township treasurers to fidelity bonds and regulating such bonds

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Lanius,	Rice,
Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Chapman,	Homsher,	McGinnis,	Shapiro,
Dando,	Huffman,	Mundy,	Sipe,
Deitrick,	Jacobs,	Owlett,	Sones,
Dent,	Jaspan,	Pierson,	Stiefel,
Ealy,	Kahle,	Pytko,	Thompson,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	Woodward,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1088, entitled:

An Act to repeal Article XIX as amended, and section six of Article XXII of the act approved the twenty-fifth day of June one thousand nine hundred nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. GELDER. Mr. President, I desire to interrogate the sponsor of this bill, the Senator from Philadelphia, Mr. Jaspan.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Jaspan, permit himself to be interrogated?

Mr. JASPAN. Mr. President, with pleasure.

Mr. GELDER. Mr. President, I note that this Act apparently repeals an Act for the better government of cities of the first class, and I would ask the sponsor to explain what the bill does.

Mr. JASPAN. Mr. President, will the Senator from Susquehanna, Mr. Gelder, please repeat his question? I did not quite hear the question, because of the noise in the back part of this Chamber.

Mr. GELDER. Mr. President, I would ask the Senator from Philadelphia, Mr. Jaspan, as sponsor of the bill, what the bill does.

Mr. JASPAN. Mr. President, has the Senator from Susquehanna, Mr. Gelder, a copy of the bill there? I do not have one.

Mr. GELDER. Mr. President, I do not either; that is the reason I am asking the Senator from Philadelphia, Mr. Jaspan, to explain what the bill will do.

Mr. JASPAN. Mr. President, a civil service bill was

passed by the Senate a few days ago, and this simply sets an effective date for the civil service bill—simply meets the civil service act and fixes an effective date.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Jaspan.

The PRESIDENT. Will the Senator from Philadelphia. Mr. Jaspan, permit himself to interrogated?

Mr. JASPAN. Mr. President, I will.

Mr. OWLETT. Mr. President, the Senator from Philadelphia has explained that this is an Act to fix an effective date for another Act; and it has a very short section, that is all there is to it; and it says (section 1) article 19 as amended, and section 6 of article 22 of the Act, and so forth, are hereby repealed. That is all it does, and does not fix any effective date.

Mr. SHAPIRO. Mr. President, this is a companion bill to a bill passed last week for civil service, which was prepared by several groups of citizens in Philadelphia to amend the Charter Act of 1919, relating to the government of the City of Philadelphia.

At the time when that bill was passed they did not provide for the repeal of the present civil service provision of the 1919 Charter Act. This bill takes care of that, and repeals the existing law when the other act goes into effect.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Henney,	McCreesh,	Rupp,
Bean,	Heyburn,	McGinnis,	Ruth,
Cavalcante,	Huffman,	Mundy,	Scarlett,
Deitrick,	Jacob,	Owlett,	Shapiro
Dent,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Erce,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder	Lamms,	Rice,	Wolfenden,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,	Mallery,		

NAYS—3

Buckman,	Chapman,	Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1097, (House Bill No. 1462), entitled:

An Act providing for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes reviving such liens and restoring the treasurer's right to sell such lands in certain cases and saving the rights of intervening purchasers mortgagees lien holders and other encumbrance holders.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, I ask unanimous consent to offer amendments.

On the question,

Will the Senate agree to the bill on third reading?

Mr. RUPP. Mr. President, this bill would establish a permanent lien on real estate for all unpaid taxes for the year 1934 and prior years without any procedure or notification to the present owners of real estate; it would be simply by making a return of such unpaid taxes to the County Commissioners; and I submit to the members of the Senate that it would be a very dangerous precedent to permit the creating of liens by making an exemption to the general lien Act, which requires that such liens can only be filed by notifying the present owners of the real estate and giving them notice of the filing of the lien, as well as filing it in the Prothonotary's office, where the judgment records are kept open for inspection of any prospective purchasers of real estate.

For that purpose I am asking unanimous consent to offer amendments, which would take out from this bill that clause permitting the county treasurer to sell the lands on which such taxes or liens, until such time as the expiration of such liens, and have it certified therein. And I appeal particularly to the members of the legal profession, that the establishing of a precedent by this bill would make it unsafe to buy any real estate. I ask unanimous consent to offer these amendments.

The PRESIDENT. Is there objection?

Mr. HALUSKA. Mr. President, I object.

MOTION TO RECOMMIT BILL

Mr. RUPP. Mr. President. I move that House Bill No. 1462 (Senate Bill No. 1097) be recommitted to the Committee on Municipal Government.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President, this bill is sponsored by one of my colleagues in my county. I would like to ask the Senator from Lehigh, Mr. Rupp, whether he would be willing to pass the bill over in its order for half an hour, until I contact my colleague and get his thought on it.

The PRESIDENT. Is the motion withdrawn?

Mr .RUPP. Mr. President, I withdraw the motion.

The PRESIDENT. Does the seconder of the motion withdraw his seconding of it?

Mr. LAW. Mr. President, I withdraw my seconding of the motion.

The PRESIDENT. The motion is withdrawn.

BILL POSTPONED

Mr. RUPP. Mr. President, I move that the question, together with the further consideration of the bill, be postponed for the present.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO RECOMMIT WITHDRAWN

Mr. RUPP. Mr. President, I withdraw the motion to recommit and I move that the question together with the further consideration of the bill be postponed for the present.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. RICE. I call up at this time Senate Bill No. 488, (House Bill No. 99) on third reading, on page 8 of today's Calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 488, (House Bill No. 99), entitled:

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation hereunder" by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Henney,	Law,	Rodgers,
Bean,	Heyburn,	Mallery,	Rupp,
Cavalcante,	Howell,	McCreesh,	Ruth,
Dando,	Huffman,	McGinnis,	Salus,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Owlett,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,

NAYS—9

Buckman,	Ealy,	Homsher,	Scarlett,
Chapman,	Gelder,	Pierson,	Woodward,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

CONSIDERATION OF SENATE BILL NO. 764 (HOUSE BILL NO. 76)

Mr. RICE. Mr. President, I call up for consideration at this time Senate Bill No. 764, (House Bill No. 76), on page 10 of today's calendar, which went over in its order temporarily.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 764, (House Bill No. 76), as follows:

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives trains and other self propelled engines or machines with competent employes to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines to provide the qualifications of certain employes and to provide a penalty for the violation thereof and the enforcement thereof by the Public Utility Commission.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when used in this act and for the purposes of this act (a) the word "carrier" means a common carrier by railroads or partly by railroad and partly by water and any receiver or any other individual or body judicial or otherwise when in possession of the business of carriers covered by this act excluding street suburban and interurban electric railways unless operated as a part of a general railroad system of transportation

(b) The word "locomotive" means only self propelled unit operated by any form of energy or power whether produced thereon or furnished from any outside source and adopted for use in moving cars upon rails or for the transportation of passengers or freight or property except locomotive cranes pile drivers brown hoists and other self propelled engines or machines not used for the transportation of passengers or freight or property for hire

(c) The term "light engine" means any locomotive operated without cars and not transporting passengers freight or property

(d) The term "passenger train" means any self propelled unit while transporting passengers or any locomotive with one or more cars construed for the purpose of transporting passengers baggage mail express or combination of either or any

(e) The term "freight train" means any train composed of one or more locomotives with one or more cars or other vehicles construed for the purpose of transporting freight or other property not specifically referred to in the above definition of a passenger train

(f) The word "engineer" means a person who operates a locomotive and performs related work

(g) The word "fireman" means a person who fires a locomotive and assists an engineer in the performance of his duties as such or performs either of said duties

(h) The word "conductor" means a person having charge of the operation of a train en route at stations and between stations and who performs related work

(i) The word "brakeman" means a person who assists a conductor in the operation and protection of a train and who performs related work

(j) The word "baggageman" means a person whose duties include receiving caring and handling baggage mail and express on trains and who performs related work

(k) The term "yard conductor" or "foreman" means a person whose duties are to supervise and assist in the work of switching and yard work train service including supervision of the breaking up of trains and to perform related work

(l) The term "yard brakeman" or "helper" means a person whose duties are to couple uncouple and ride cars in connection with the breaking up and making up of trains to handle switches and to perform related work in connection with yard switching service

(m) The term "main track" means any continuous track over which through trains operate through and between stations

(n) The term "competent employe" means

(1) One who is able to read and understand the time tables of the carrier by whom he is employed and read

ordinary hand writing in the English language and who is able to speak hear and understand the English language and to see distinguish and understand the signals required by the book of rules of the carrier governing the operation of the locomotive and trains of such carrier When defective sight can be remedied by the use of glasses or other means such defective sight shall not thereby render an employe incompetent under this act

(2) As applied to an engineer one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of an engineer

(3) As applied to a conductor one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing conductors

(4) As applied to a fireman a brakeman or a yard brakeman or helper one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing fireman or brakeman or yardman or helpers

(5) As applied to a yard conductor or foreman one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof shall have passed a regular examination prescribed by the carrier concerning rules and regulations governing yard conductors or foreman

(6) As applied to a baggageman one who in addition to being possessed of the qualifications prescribed in paragraph (1) hereof has before being so employed as a baggageman passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of a baggageman

Section 2 It shall be unlawful for any carrier to operate or permit to be operated any passenger train in this Commonwealth consisting of less than five cars unless said train shall be manned by a full crew of competent employes which crew shall consist of not less than one engineer one fireman on conductor and one brakeman When any passenger train consists of five cars or more any one or more of which carries passengers or consisting of ten or more cars none of which is carrying passengers such passenger train shall be manned by one additional brakeman When baggage is received cared for handled and transported on any such train at least one baggageman shall be added to the members of the crew above described in this section Except a single motor unit carrying passengers shall be manned by not less than three men

Section 3 It shall be unlawful for any carrier to operate or permit to be operated in the State of Pennsylvania any freight train consisting of less than fifty cars without a full crew of competent employes which crew shall consist of not less than one engineer one fireman one conductor and two brakemen

Section 4 It shall be unlawful for any carrier to operate or permit to be operated any freight train consisting of fifty cars or more without a full crew of competent employes which crew shall consist of not less than one engineer one fireman one conductor and three brakemen

Section 5 It shall be unlawful for any carrier to operate or permit to be operated any local freight train doing any switching or unloading of any freight of any nature whatever without a full crew of competent employes which crew shall consist of not less than one engineer one fireman one conductor and three brakemen

Section 6 All other trains not specifically referred to hereinbefore shall be manned by a crew of not less than one engineer one fireman on conductor and two brakemen

Section 7 It shall be unlawful for any carrier to use operate or permit any locomotive to be used or operated in any railroad yard or on any railroad track to handle or switch cars or to transfer cars from one railroad to another or from one railroad yard to another railroad yard unless each and every such locomotive while handling or switching cars shall be manned by a full crew of competent employes which crew shall consist of not less than one engineer one fireman one yard conductor or fireman and two yard brakemen or helpers When any such locomotive is so used or operated over or upon a highway or street within the corporate limits of a municipality such locomotive shall be manned by one additional yard brakeman or helper No such employe shall be detailed to more than one locomotive at the same time or be assigned to any other service unless his place be filled by another competent employe or the locomotive laid up while short-handed except that in case of the sudden disability of a member of such crew through sickness accident or death the carrier shall have three hours to replace such member during which time such locomotive may be operated short-handed

Section 8 It shall be unlawful for any carrier to operate or permit to be operated on its main track any single locomotive unless said locomotive is manned by a full crew of competent employes which crew shall consist of not less than one engineer one fireman one conductor or brakeman Provided however That where two or more locomotives are operated under their own power on any main track and coupled together there shall be provided a crew of one engineer and one fireman for each locomotive and in addition thereto one conductor or brakeman

Section 9 It shall be unlawful for any carrier to operate as a locomotive or permit to be operated as a locomotive on its main track any self propelled crane pile driver brown hoist or other self propelled engine or machine not used for the transportation of passengers or freight or property for hire which has sufficient power to draw or propel itself and one or more standard railroad cars unless such engine or machine shall be manned by a full crew of competent employes consisting of not less than one engineer one conductor and one brakeman

Section 10 In the case of the disability of a member of a full crew between terminals the carrier shall have the right to operate the locomotive or train short-handed until such locomotive or train arrives at the next terminal or other intermediate place on the line where men of the same class as the person disabled are available when such carrier shall fill the vacancy on such crew This act shall not apply to relief or wrecking trains where sufficient men are not available

Section 11 Any railroad company its officers or agents officers of the court receiver or any person or persons operating a railroad violating any of the provisions of this act shall be guilty of a misdemeanor and liable to a penalty of one hundred dollars ($100) for each and every such violation to be recovered with costs as debts are now by law recoverable by a suit in the name of the Commonwealth for the use of the county in which such violation takes place Provided however That nothing in this act shall apply or relate to trains owned or operated by manufacturers made up of hot metal ladles ingots slag or table trucks

Section 12 It shall be the duty of the Public Utility Commission of the Commonwealth of Pennsylvania or any other agency empowered to enforce the law to execute and enforce the provisions of this act and for such purposes shall have all the powers granted to it under the laws of this Commonwealth

Section 13 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 14 The provisions of this act shall not apply to any railroad of fifty miles or less in length or any railroad in the hands of a Receiver or in process of reorganization under any Federal Law or to any railroad operating without profit at prevailing scales of wages or unable to pay dividends upon its common stock

Section 14 All acts or parts of acts inconsistent herewith are hereby repealed

Section 15 This act shall become effective immediately upon its final enactment

On the question,

Will the Senate agree to the bill on third reading?

Mr. RUPP. Mr. President, this bill, as we all know, is what is called the Full Crew Bill, and is on the calendar without the amendments I submitted the other night. I think the members of this Senate should decide this measure first from the standpoint of a labor-creating device; and if they decide that it is a labor-creating device, then, in my opinion, this bill should be passed without any amendments as it stands on the calendar this evening—without any regard to its affect upon the railroads and without any regard to the length of the system or the particular necessity for the measure.

If, on the other hand, we should decide that this is a good bill, and a bill that should be passed from the standpoint of a safety measure, then, of course, we look at it in an entirely different light as it stands on our calendar this evening.

Frankly, I am for a Full Crew Bill if it is necessary for the safety of transportation of people and merchandise over our railroad system. I do not believe anybody in this Chamber would admit any argument as far as that is concerned. But I submit to the members of this body that it is entirely unnecessary for us to pass two Full Crew Bills; and I point out to you, as I did the other night, that we are called upon tonight to pass a Full Crew Bill setting forth certain mesaures, certain provisions which are fixed by this proposed Act, and then we will be called upon before the end of this session to pass House Bill No. 851, which, in Section 419, also provides Full Crew Bill.

Now, looking at it from more or less of a labor standpoint, let me just say this:—that I received, and I presume all the other members of the Senate received, a copy of the message signed by John Phillips, president, and Lester Thomas, secretary, of the Pennsylvania Federation of Labor. They set forth a labor program that is incomplete, and they address themselves to the members of the General Assembly, saying, "The following is a list of the bills before the General Assembly which have the endorsement of the Federation of Labor and which should be passed before the end of this session." But on that list of provisions no mention is made of the Full Crew Bill, and I do not believe that the Federation of Labor of Pennsylvania would have omitted the Full Crew Bill unless they were convinced that it was absolutely necessary as a labor-creating device; and it seems to me that all the arguments of the proponents of this bill, as far as I have heard,—all their arguments have been based solely upon the safety elements of this measure, and, indeed, the Governor of the State of Pennsylvania has made the same statement, and asked that the General Assembly pass the Full Crew Bill solely upon the ground that it is a safety measure.

Going back to the difference between the Full Crew Bill now on the calendar and the one as set forth in Section 419 of the Public Utility Regulatory Act, let me say this—let me ask why it is necessary at all to pass this bill if we are going to pass Secton 419 of House Bill No. 851, in which it is stated that as to full crews, after reasonable notice, and hearing had before the Utility Commission, upon its own motion or upon complaint, the Commission may by order require any common carrier to employ such number of men upon any of its facilities as in the judgment of the Commission is requisite for the safe and efficient operation of such facilities.

The Democratic majority of this Senate, a short time ago, established a Utility Commission. If we have any confidence at all in the Commission which we ourselves established, certainly we should have sufficient confidence to place in that body the power to administer a good Full Crew Bill; and not, after having established the Commission, say, "Now, we put you in office but we will not permit you to use your own judgment; we, as legislators, are going to tell you what your judgment must be in all cases, whether the circumstances demand any other measure or not this is the one that you must accept."

Now beforehand I am going to ask for unanimous consent—or I will withdraw that—I am going to offer two very short and simple amendments which, before I offer them, I will read, so that everybody may be convinced that there is no joker but that I am offering this in all sincerity, with the sole purpose of improving the railroad bill; and, let me add, I am told that these amendments have the approval of the brotherhoods.

The first amendment creates an exemption to any railroad whose entire line does not exceed twenty-five miles in length.

The second amendment is that instead of this Act becoming effective immediately it will take affect on the first day of September 1937.

If we are going to pass a Full Crew Bill, and suddenly make the railroads employ anywhere from five hundred to a thousand men to comprise these crews, we cannot expect them to go out in the highways and byways and pick up anybody and everybody from the street and put them on as members of the crew. I think everybody will agree that is a very reasonable provision—that this bill, instead of becoming affective immediately—that the railroads will have an opportunity to fill the number of their crews by September 1937.

I offer these amendments in line with my argument that if we should pass this Full Crew Bill now, under the terms of this provision we are exempting the railroads of twenty-five miles in length, which roads will be regulated by Section 419—the Full Crew provision—of House Bill No. 851.

In other words, while we are exempting them, the short railroads, from this bill, we are not exempting them from the provisions as set forth in House Bill No. 851, which permits the Public Utility Commission to govern the question of full crews on railroads of twenty-five miles or less.

MOTION TO RECONSIDER VOTE ON SENATE BILL No. 764 (HOUSE BILL No. 76)

Mr. PRESIDENT, in view of the statements that I have made, I move to reconsider the vote by which this bill passed second reading.

Mr. MALLERY. Mr. President, I am heartily in accord with the amendments suggested by the Senator from Lehigh, but the amendments do not quite take care of the problems that I have to consider in part of my district. In Huntingdon County, we have two railroads, one is a narrow gauge, fifty-three miles in length, the other has

a mileage of some twenty-five or twenty-six miles. The major business of these railroads is the hauling of coal from the coal mines located in the western part of Huntingdon County and the eastern part of Bedford County to the Pennsylvania Railroad where it is transported to the port of Philadelphia and other points in Pennsylvania. I am informed that if the Full Crew Bill passes in its present form it will undoubtedly seriously hamper, if not put these roads out of existence. If the bill should put these roads out of existence, that in turn would seriously interfere with the operation of the mines in Huntingdon and Bedford Counties and would thus affect the miners in that district. I do not believe that any member of the Legislature realizing the dire need, as my colleague from Clarion County well stated from the floor a day or two ago, we who are concerned in enacting legislation to better conditions, will intentionally do anything to cause anyone the loss of employment. I believe that every member of this Senate is concerned in devising ways and means whereby the good people of this Commonwealth, the laboring people, may earn an honest livelihood. I do not believe that we want to do anything that will be a handicap to our people in working for their money instead of having it given to them by way of relief. The people in my district and throughout the State do not want relief if they can obtain employment. Therefore, in all earnestness I do urge that we do nothing during this Session of the Legislature that may probably cause people who now have employment to lose their jobs. Of course, I do not know of a certainty what effect this legislation will have on the mining companies and the railroads if this bill passes but I am advised by those who should know, that it cannot help but seriously and adversely affect these small railroads and thus too affect the mining industry and those who work in and about the mines. I am in favor of the amendments but as I have stated, I do not believe the amendments go far enough. I would, therefore, ask the Senate to agree that action on the amendments be temporarily deferred in order that further amendments temporarily deferred in order that further amendments may be offered to exclude from the operation of the bill what can be reasonably termed small railroad or railroads.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, we are only going to be here temporarily.

Mr. MALLERY. Mr. President, I know that and only ask for a short postponement. I do not mean a day or two, simply time enough to prepare proper amendments.

Mr. SHAPIRO. Mr. President, we want to get rid of it some how or other.

The PRESIDENT. May the Chair call the attention of the Senator to Rule 18. The Chair understands the general purpose of this Act is safety. Rule 18 provides that no amendment shall be received by the President which destroys the general sence of the original section. This does destroy safety on the small railroads.

Mr. RODGERS. Mr. President, I ask for immediate consideration of this measure. I want to say that the Senator from Allegheny has on several occasions taken all my thunder for being in opposition to this bill; and there are two primary reasons; for on, I believe a bill such as this deprives management of industry of what rightfully belongs to management; and it will be disastrous, I feel in the future, if we deprive our industries of what rightfully is theirs.

Secondly, I beleve we have created the official body to which the railroad men can apply—and receive, probably much more consideration in the future than this Legislature is privileged to give them at this time.

I ask for immediate consideration of this bill.

Mr. MALLERY. Mr. President, since the matter of safety is brought up, I want to state that I do not believe that I want to yield to any member of the Legislature in the consideration and thought that I have given to the matter of safety. I want to express my approciation to all members of the Senate at this time for their splendid cooperation and support of the bill I introduce creating a safety Commission. Every member of this body approved of that effort towards safety so I think I can fairly say that I am concerned about the safety of the men who work on the railroads. I also feel that I am qualified to speak on this measure because I come from Altoona where I presume there are as many railroaders residing as in any other community in the State, nothwithstanding the fact that there are other cities that have a much larger population. Many of these men, hundreds of them, I know personally. Many of them are my friends and neighbors. I care not about their politics, whether they are Democrats or Republicans, but I am interested in their work and I am interested in the safety of those men. I never rode on any railroad that I did not pay for riding. I have never been in the employ of the Pennsylvania Railroad or of any of the roads in my district. I am not saying that out of a desire to be sarcastic or on account of anything that has been said as to the influence of lobbyists. I am inclined to believe that every member of this Senate is above being wrongly influenced, that they are here, just as I, to enact laws that are fair and just to everyone.

Mr. President and Members of the Senate, I want to make this statement in repudiation of a statement which appeared in a paper to which I subscribe, "We the People". In an issue of "We the People" there was cast an aspersion upon me which at this time I feel I should refute: In that paper it was stated—

POINT OF ORDER

Mr. RODGERS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Allegheny, Mr. Rodgers, will state his point of order.

Mr. RODGERS. Mr. President, the Senator from Blair, Mr. Mallery, is not talking on the question.

The PRESIDENT. The point of order is well taken.

Mr. MALLERY. Mr. President, in that paper, "We the People" it was stated I am an undercover attorney for the Pennsylvania Railroad. The fact is I am not and never was. I just simply wanted to correct that error in That paper, it being unfair to me.

Mr. RODGERS. Mr. President, I second the motion of the Senator from Lehigh, Mr. Rupp.

The PRESIDENT. The motion is that we reconsider the

vote by which Senate Bill No. 764 (House Bill No. 76) passed second reading.

On the question,

Will the Senate agree to the motion?

Mr. EROE. Mr. President, inasmuch as the Chair has ruled.

The PRESIDENT. The Chair has not ruled on anything, but has called the attention of the Senate to the Chair's opinion of the amendments, which, the Chair thinks, destroy the original intent of the bill.

Mr. EROE. Mr. President, it is my error.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. THOMPSON, and Mr. RUPP.

and were as follows, viz:

YEAS—20.

Bean,	Gelder,	Mallery,	Salus,
Buckman,	Heyburn,	Owlett,	Scarlett,
Chapman,	Homsher,	Pierson,	Sones,
Deitrick,	Howell,	Rodgers,	Wolfenden,
Ealy,	Kahle,	Rupp,	Woodward,

NAYS—28.

Barthold,	Haluska,	Lanius,	Reed,
Cavalcante,	Henney,	Law,	Rice,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
Eroe,	Jaspan,	Mundy,	Sipe,
Frey,	Kilgallen,	Pytko,	Stiefel,
Gilson,	Kunkel,	Rankin,	Thompson,

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, as has been stated by the Senator from Lehigh, Mr. Rupp, this bill is a safety measure and its sponsorfs so certified. As a matter of fact, the only basis upon which a bill such as this could be sustained by the courts is that it is a safety measure. During the period from 1926 to 1935, inclusive, the Class I railroads of the United States have spent a total of $623,000,000, in maintaining, operating and improving their signal systems for the safety of passengers, employes and traffic while moving on railroads. These expenditures varied from a low of over $30,000,000. in 1933, when the depression reached it greatest depth, to a high of over $91,000,000. in 1927. The expenditures for these purposes in 1935 were $39,000,000., and the average for the period works out to over $62,000,000. per annum.

During the period 1926 to 1935, inclusive, the Class I Railroads of Pennsylvania spent a total of $258,000,000 in maintaining, operating and improving their signal systems for the safety of passengers, employes and traffic while moving on the railroads. These expenditures varied from a low of $13,000,000. in 1933, when the depression reached its greatest depth, to a high of $37,000,000. in 1930. The expenditures for these purposes in 1935 were $14,000,000., and the average for the period amounted to over $26,000,000. per annum.

Now, Mr. President, I take it that no one will deny that if there is any occasion, any place, for this Full Crew Bill, which I do not believe, in face of the provisions of the Utility Act (House Bill No. 851), there certainly is no need for this measure as to that part of the lines covered by the block system, for which the railroads have spent, as I say, in the last nine years an average of $26,000,000. a year in Pennsylvania.

Now, I want to make it clear, Mr. President, that I propose to vote against this bill regardless of what amendments are adopted therein; and I do that, not because I am not interested in safety but because I believe there is no good reason for this bill, I believe that the safety provisions of the Utility Regulatory Act amply provide for it; I believe it is not labor legislation; it does not have the support of the great majority of railroad employes, because it is class legislation; it deals with groups which compose only ten or fifteen per cent of railroad employes in the State; it benefits no one who is now in regular railroad service, not even the men in the train-and engine-service groups; it will replace men now employed on railroads with men who are not now in railroad employment.

The bill, if made law, would cost the railroads ten millions. The railroads have furnished complete, detailed proof of this that would be convincing to any fair-minded, impartial body. The two and one-half millions claimed by the proponents is a mere statement for which no proof has been offered.

At present freight rates 57 per cent of the railroads of the State would have operated at a loss in 1936.

From some place must come the ten millions if this bill is passed. The majority of the railroads have not got it.

There are only two ways of securing it:

1 By increasing rates (and it is not certain that this could be accomplished as higher rates would divert traffic);

2 Decrease in operating costs by both—

(a) Decreased use of materials

(b) By reduction in the pay-rolls.

The additional trainmen forced in by this bill are in the highest paid group, and to meet that expense would mean a reduction of greater number in the lower paid maintenance groups.

How to keep the railroads solvent is a problem of national concern. It ought to be of equal concern to the government of this State.

Impoverished railroads, that cannot purchase needed materials or finance needed improvements, will work injury to industries of the State and its citizens, of whom many are railroad employes or depend on railroad purchases for employment.

Only a compelling and sound reason could justify any group of men in harming the majority to help a small minority. The fact that a small minority is highly organized and threatens reprisals is not a sound reason for this legislation.

The only justification for this legislation is that it is necessary to save life, and this it will not do.

The bill was introduced as "An Act to Promote the Safety of Employes and Travelers upon Railroads.

Its justification rests on the assumption that the number of men specified is necessary to insure the safety of railroad operation. No attempt has been made to prove that this assumption is a fact.

There has been a lot of oratory designed to leave the impression that the provisions of this bill would promote safety, but not in a single instance was any evidence offered that additional members on a crew would have prevented or lessened the effect of an accident.

Railroad accidents are thoroughly investigated and the causes are carefully analyzed and tabulated by the rail-

roads, by the Safety Section of the Interstate Commerce Commission and by the Public Service Commission of the State of Pennsylvania. In none of these tabulations do there appear and cause for accidents attributable to an insufficient number of men on the cerw; although the analysis of the Interstate Commerce Commission is so complete that it covers almost every conceivable cause.

A successful drive to decrease the hazard of accidents to employes has been under way for a number of years, but at no time during this period have the men come forward, either to the railroads or to the Safety Section of the Interstate Commerce Commission or to the Public Service Commission of this State, with the claim or assertion that the lack of additional men on crews was a potential hazard to the safety of train operation,. Could this be because they know that it is not a fact, and that such a claim could not be supported by any investigation by men familiar with railroad operation?

Railroad operation is intricate and cannot be intelligently governed by arbitrary legislation. "Full Crew" laws are cumbersome and awkward and a foolishly expensive way to accomplish something which a commission can do much better.

The railroads are positive that the trains and locomotives in the State are adequately manned, both from the standpoint of safety and efficiency. They might be wrong with respect to some particular operation or in some particular place. If such situation exists, the wrong way to correct them is by arbitrary legislation the right way to correct them is through an agreement between management and employes.

These two groups have settled much bigger questions than this. As a matter of fact, one of the provisions of this bill has just been settled nationally by an agreement between these groups. The application of power reverse gears to locomotives, the construction of cabins on the rear of tenders for the front brakemen, the protection of employes deprived of employment through consolidation of facilities of two or more railroads, and the matter of pensions to railroad employes, to which railroads and employes both contribute, are outstanding examples of handling controversial questions without resorting to legislation. This program has been followed out at the suggestion and with the full support of the President of the United States, who has expressed himself in no uncertain terms about the fallacy of arbitrary legislation as a substitute for intelligent agreement.

Beyond all this, there should be a place where any employe or group of employes may go to protect their interests if they cannot reach a satisfactory agreement with the railroads. This should be the Public Utility Commission of the State, who can furnish all of the protection which any reasonable person could desire.

So I say, again, I do not believe there is any occasion for passing this bill; but if it is going to pass, certainly Mr. President, as to that part of the railroad lines which are protected by block signal systems, installed at a cost of $26,000,000, a year over the last nine years, this Act should not apply.

MOTION TO RECONSIDER THE VOTE ON SENATE BILL NO. 764.

Mr. OWLETT. Mr. President, I move that the vote by which Senate Bill No. 764 (House Bill No. 76) passed second reading be reconsidered.

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and Mr. BUCKMAN and were as follows, viz:

YEAS—19

Bean,	Gelder,	Owlett,	Scarlett,
Buckman,	Heyburn,	Pierson,	Sones,
Chapman,	Homsher,	Rodgers,	Wolfenden,
Deitrick,	Howell,	Rupp,	Woodward,
Ealy,	Mallery,	Salus,	

NAYS—29

Barthold,	Henney,	Lanius,	Reed,
Cavalcante,	Huffman,	Law,	Rice,
Dando,	Jacobs,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
Eroe,	Kahle,	Mundy,	Sipe,
Frey,	Kilgallen,	Pytko,	Stiefel,
Gilson,	Kunkel,	Rankin,	Thompson,
Haluska,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McGINNIS. Mr. President, I have always been for a full crew; I was for this bill in committee every time it was up; I voted to bring this bill out on the floor every time it was before our committee on vote to bring it out. I have been approached by railroad men for the last several weeks—brotherhood leader—and every single one of them, except one tonight, either advocated, or said they were perfectly satisfied with a twenty-five or fifty mile exemption.

Every State in this Union has an exemption of twenty-five to fifty miles except Arkansas; and so, last week when this question came up for an exemption, in view of the fact that not a single railroad brotherhood leader asked me to vote for this bill without an exemption, I felt that if they were satisfied, the brotherhoods themselves, to have a Full Crew Bill here with an exemption, I was doing the right thing by voting for an exemption of fifty miles, the same as New York passed a bill during the last week raising the exemption from twenty-five to fifty miles.

We have plenty of time to consider or reconsider, and during all these weeks the first man, of the brotherhoods, that spoke to me and said that he was not satisfied with any exemption was our grand old man out here Mr. Rowan. He was the first man of all the brotherhood leaders that ever questioned any bill here with an exemption. Some were satisfied with fifty miles, some were satisfied with thirty-five miles, some were satisfied with twenty-five miles; and not a single one of these brotherhoods that I talked to but what were willing, or, at least, advocated an exemption; but tonight, speaking to this grand old man out here right now, he tells me that he does not want any exemption.

There are some roads in this State, that are represented by Senators here, that only carry one car—according to the statements in the committee—a train that runs with one car.

There are other railroads in this State, especially is the northern part of this State, that used to be lumber roads, and made lots of money, that today are not making anything—and, in fact, the people along the road have to

contribute in order to keep it going, to serve a little factory or something of the kind; and I felt that it was perfectly proper and fair to these little roads, where they could not—a fifty mile road or twenty-five mile road certainly never hauled more than twenty-five cars; and the arguments we heard in committee were that these long trains now require large crews; and so, I felt last week, to exempt roads that fourteen other States exempt is a fair thing. And that is what the brotherhoods asked—until tonight.

I am also advised that when this bill was in affect in Pennsylvania before, while there was no exemption yet they did not bother, or did not enforce the law on the little roads. And I am advised that that will not be done again; and in view of the opinion of Mr. Rowan, that the reason he objects to the exemption is that he is afraid it will affect the constitutionality of the Act—he does not believe it is wrong to have an exemption; at least, he did not say so; but he objects to putting in anything any exemption or anything that will jeopardize its constitutionality; and at this stage of the game, at this stage of the session, I am not for any further delay. We have the Utility Bill that, while it has not passed finally, does have provisions that provide for the safety of railroads, and adequate crews; and therefore I am going to vote for this bill as it stands.

Mr. GILSON. Mr. President, I have listened for quite some time to a discussion of this Full Crew Bill. I think that there was a reasonable solution of this whole matter. I have come to the conclusion, however, that it is utterly false when you know in advance that you cannot get accord, or a meeting of the minds, and that there is a predetermination that a certain event shall transpire—that it is utter folly to try to get a consummation of something that cannot be done, and will only create a lot of hard feelings. And I believe that none of us is absolutely satisfied with what is going to transpire, but I say this: we would not be satisfied with anything else that would transpire; and, in view of the fact that we are at an impasse, I feel, as Senator McGinnis has stated, that we ought to move on and move on rapidly—for I, for one, would like to spend Decoration Day some place else than in Harrisburg.

Mr. DENT. Mr. President and member of the Senate, we have come at last, tonight, to two questions that I, as Chairman of the Committee on Labor and Industry, have tried to give every bit of study and every ounce of intelligence that the good Lord granted me.

During the past three or four weeks there have been numerous things said, and, at times, I suppose, certain faults were attributed to me, and I may have been blamed for certain things that happened; however, tonight we passed the Workmen's Compensation Act in a form that the committee thought was the proper form for such a bill to be in at this Session.

Now we come to another important piece of labor legislation. I say to the members of this Senate, and to all others who care to listen, that the Committee on Labor and Industry, in the Senate of Pennsylvania, has tried to give this question, and other questions, a careful, conscientious study, and tried to make decisions in line with that study.

We took up this bill in committee on numerous occasions. Some men have been brought into the argument who are not at present in the official family, administrative or legislative, on the hill. I stand here to say that what that committee did, how it acted, how it performed, was a matter of the committee's own judgment; and any credit, any blame, that may be attached to the action of that committee must, of necessity, be attached properly to every member of the committee. and, probably, more so to me. We will probably be out of here this week, and I want to think that the recommendation of the Senate.

Mr. MALLERY. Mr. President, I believe that this bill, more than any other bill that has come before this Senate, if passed, will most vitally affect my constituents. It may be that I am disclosing a secret when I state that for quite some time it has been my desire to become a Member of the Senate of the Commonwealth of Pennsylvania. I have felt that no greater honor could be paid a citizen of this State by his fellow citizens than to be elected a member of this body. When I reached that conclusion it no doubt was because of the fact that I considered that the Senate was a truly deliberative body, that it was as the name Senator implies, a body of Seniors, composed of men not given to act hastily or inconsiderately, that the members of this body were people who would listen and consider and decide according to what is right and sound. This may appear like a valedictory oration but it is my conception as to the manner in which such matters of vital importance as the bill before us should be considered. I have confidence and respect for every member of this body. I believe, at least I hope, that I have made a friend of every member of this body. I consider you all my friends. I trust you will, therefore, believe I am sincere and that I am really apprehensive as to the effect that the passage of this bill will have upon my constituents. I know what it is to labor. Everything that I have accomplished has in the main come through my own efforts and there is every reason why I should be interested in labor and see that labor gets a square deal.

I do not want to take up too much time of this Session, but I want to reiterate that I have no personal concern in the matter other than the welfare of my constituents. To that end and I want to state again that I have never been in the employ of any railroad, that I do not own stock in the Pennsylvania Railroad and never did, and I never rode a mile without having paid the fare, yet, during the winter months when I was called to Harrisburg and wanted to be certain of being delivered here safely, I chose to ride on the railroad, as most every one else in the Senate did, because I believed that I would be delivered here safely. Now just a few months ago, when I was at the station at Altoona waiting for the train to deliver me here at Harrisburg—

POINT OF ORDER

Mr. THOMPSON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Centre will state his point of order.

Mr. THOMPSON. Mr. President, my point of order is that the Senator from Blair is not talking upon the bill.

The PRESIDENT. The Chair understands he is delivering his farewell address. The point of order is well taken. The Senator will confine himself to the bill.

Mr. MALLERY. Mr. President, I hope the Senate will indulge me in a few more remarks. A couple months ago I was at the station to take a train down here and was accosted by a stranger who inquired about the shops

which he stated stretched for miles along the railroad. I told him: "They are the Pennsylvania Railroad Shops", and he replied: "You ought to be proud of those shops". The fact is, Mr. President, we in Altoona are proud of those shops. Every member in this Senate and everybody in Pennsylvania should be proud of the fact that we have the finest and best railroad shops in the world. We have in Altoona the largest railroad shops in the world. They do not have shops like them in Germany and they do not have shops to compare with them in any other country. They come to Altoona from all parts of the world to learn how to operate railroads and to build locomotives. The shopmen of Altoona are opposed to this bill and there are thousands of them. While there are a number of lobbyists here for the bill, they do not represent the majority of the people back home. I have many friends among the railroaders as well as among the shopmen and while you may think that this is a farewell address, it is not intended so. I am opposed to this bill because the great majority of the people in Altoona and in my district are opposed to it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Barthold,	Haluska,	Kunkel,	Rice,
Cavalcante,	Henney,	Law,	Ruth,
Dando,	Heyburn,	McCreesh,	Shapiro,
Dent,	Huffman,	McGinnis,	Sipe,
DiSilvestro,	Jacobs,	Mundy,	Stiefel,
Eroe,	Jaspan,	Pytko,	Thompson,
Frey,	Kahle,	Rankin,	Wolfenden,
Gilson	Kilgallen,	Reed,	

NAYS—17

Bean,	Gelder,	Owlett,	Salus,
Buckman,	Homsher,	Pierson,	Scarlett,
Chapman,	Howell,	Rodgers,	Sones,
Deitrick,	Mallery,	Rupp,	Woodward,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

REPORT FROM COMMITTEE

Mr. FREY, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations made by His Excellency the Governor of the Commonwealth.

MEMBER OF STATE BOARD FOR EXAMINATION OF PUBLIC ACCOUNTANTS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Cyril McGarrigle, of Philadelphia, Philadelphia County, for appointment as a member of the State Board for the Examination of Public Acountants, vice Donald M. Livingston, resigned for the term of four years.

GEORGE H. EARLE.

MEMBERS OF REGISTRATION COMMISSION IN AND FOR CITY OF PITTSBURGH

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following members of the Registration Commisison in and for the City of Pittsburgh, to serve until the first Monday of January, 1941:

Lawrence O. Clarke (Democrat), Pittsburgh.
John McCarthy (Democrat), Pittsburgh.
W. Noble Matthews (Republican), Pittsburgh.

GEORGE H. EARLE.

JUDGE OF THE COURT OF COMMON PLEAS, TWENTY-FIRST JUDICIAL DISTRICT

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James J. Curran, of Minersville, Schuylkill County, for appointment as Judge of the Court of Common Pleas of the Twenty-first Judicial District, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

MEMBERS OF MINE INSPECTORS' EXAMINING BOARD FOR BITUMINOUS COAL MINES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 25, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Mine Inspectors' Examining Board For The Bituminous Coal Mines of Pennsylvania to serve until the third Tuesday of January, 1939, and until their successors are appointed and qualified:

Thomas Morgan, Mining Engineer, Philipsburg, Centre County.
George Smith, Mining Engineer, Indiana, Indiana County.
William L. Davis, Blairsville, Indiana County.
Richard Todhunter, Barnesboro, Cambria County.
Joseph Linden, McDonald, Washington County.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BERKS COUNTY

Roland S. Rhode, Kutztown.

CAMBRIA COUNTY

Miss M. Edith Gobin, Johnstown.

CRAWFORD COUNTY

Miss Myrtle E. Chamberlain, Meadville.
Mrs. Dorothy M. Lewis, Conneaut Lake.

MERCER COUNTY

J. Walter Routman, Sharon.

MONTOUR COUNTY

Miss Bertha M. Gaskins, Danville.

PHILADELPHIA COUNTY

William S. Bender, 9508 Bustleton Ave., Philadelphia.
Frank M. Harrold, 5736 N. Front St., Philadelphia.
Charles Lazaroff, 6134 Market St., Philadelphia.
Bernard J. Markowitz, 327 Penfield Bldg., Philadelphia.
Louis A. Persichetti, 1944 S. 11th St., Philadelphia.
Miss C. Isabel Willey, Broad St. and Nedro Ave., Philadelphia.

YORK COUNTY

Mrs. A. Margaret Shepperd, Glen Rock, Shrewsbury Twp.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

On the question,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, I ask for a roll call on this motion to suspend the rules for immediate confirmation. The rules of the Senate provide that a report from Committee on Executive Nominations must lie over one day.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, raises the question that this motion requires a two-third vote. On the question, the roll will be called and the Clerk will proceed. This motion requires two-thirds of those present, not of those elected.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Buckman and were as follows, viz:

YEAS—34

Barthold,	Henney,	Law,	Rodgers,
Cavalcante,	Heyburn,	McCreesh,	Rupp,
Dando,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,		

NAYS—13

Bean,	Ealy,	Owlett,	Scarlett,
Buckman,	Gelder,	Pierson,	Wolfenden,
Chapman,	Homsher,	Salus,	Woodward,
Deitrick,			

So the question was determined in the affirmative.

Whereupon,

A motion was made by Mr. RICE.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barthold,	Gelder,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Mr. HALUSKA. Mr. President, I call up at this time Senate Bill No. 1097. (House Bill No. 1462).

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1097 (House Bill No. 1462), entitled:

An Act providing for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes reviving such liens for the payment of such taxes reviving such liens and restoring the treasurer's right to sell such lands in certain cases and saving the rights of intervening purchasers mortgagees lien holders and other encumbrance holders

And said bill having been read at length the third time, on the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I ask unanimous consent to amend section 1, page 2, lines 7, 8 and 9, after the word "act", by striking out the following [and the county treasurer may sell the lands on which such taxes are liens at any time until the expiration of said lien] and inserting in lieu thereof, the following: "provided that any such lien be filed in the office of the prothonotary of the proper county within one year after the effective date of this act and thereafter the revival preservation and enforcement of said lien shall be governed in all respects by the provisions of the Act of May 16, 1923, P. L. 207"; also amend Section 2, page 3, lines 1, 2 and 3, by striking out these lines, as follows: [and the county treasurer may sell the lands on which such taxes are liens at any time until the expiration of said lien] and inserting in lieu thereof, the following: "provided that any such lien be filed in the office of the prothonotary of the proper county within one year after the effective date of this act and thereafter the revival preservation and enforcement of said lien shall be governed in all respects by the provisions of the Act of May 16, 1923, P. L. 207".

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered that the bill as amended be printed for the use of the Senate.

REPORTS FROM COMMITTEES

Mr. LAW. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW from the Committee on Judiciary General reported as amended, Senate Bill No. 1283 (House Bill No. 1751), entitled:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed, changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value, providing a procedure by which the actual value of such property when purchased by or for the holder of the mortgage may be determined and credited on the mortgage debt and providing a limitation of time within which such procedure may be invoked.

Mr. KILGALLEN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN from the Committee on Finance reported as amended, Senate Bill No. 1135, entitled:

An Act to amend sections two, three and four, section five as amended, and sections six, seven, eight, nine. thirteen fourteen and sixteen, and to repeal sections ten, eleven and twelve of the act, approved the ssventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by providing for the collection of the taxes therein imposed by the county Commissioners, boards of revision of taxes, and boards for the assessment and revision of taxes; further regulating returns; the inspection of books and records, and the attendance of witnesses; providing that such taxes shall be a lien on the real estate of the taxable and recoverable in assumpsit; and providing penalties.

Mr. RANKIN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on County Government reported as committed, Senate Bill No. 896 (House Bill No. 1449), entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1102 (House Bill No. 1504), entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by further defining and extending the scope of vocational education and enlarging the provisions for State subsidies under certain conditions

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—44.

Barthold,	Gilson,	Lanius,	Rupp,
Bean,	Haluska,	Law,	Ruth,
Buckman,	Henney,	Mallery,	Salus,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Chapman,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Mundy,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Rodgers,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1191, (House Bill No. 1337), on third reading entitled:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (P. L. 1804) entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" requiring a certificate of the address of the defendants on the entry of certain judgments.

go over it its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GILSON. Mr. President, I move that Senate Bill No. 1227, on third reading, entitled:

An Act to further amend section eleven of the act, approved the seventeenth day of February, one thousand nine hundred six (P. L. 45), entitled "An act to regulate the deposits of State Funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereof, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by eliminating the publication of monthly statements of moneys in the State Treasury.

be recommitted to the Committee on State Government.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1240, (House Bill No. 947), on third reading, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violation of the provisions of this act and repealing certain acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1267, (House Bill No. 1282), entitled:

An Act to further amend the act, approved the nineteenth day of March, one thousand nine hundred and nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining the licensing of Osteopaths in this State; and to provide penalties for the violation of this act," by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery; further defining osteopathy; providing for issuing licenses to perform operative surgery to licensees of other states; requiring annual renewals of osteopathic surgeon's licenses; fixing fees; extending the functions and authority of osteopathic physicians and surgeons; and prescribing additional penal provisions.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Clarion, Mr. Kahle, who is Chairman of the Committee on Public Health.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Clarion to explain this bill and tell us whether or not it is satisfactory to the medical profession of the State of Pennsylvania.

Mr. KAHLE. Mr. President, this bill is known as the Osteopath's Bill. This bill was in my committee, considered and reported out, and, so far as I am concerned, and I believe I speak for the medical profession—this bill is a standard-raiser. The osteopaths are asking for one more year of pre-college work. They are also asking for one more year of surgery. They have raised their requirements so far as registration fees and so forth are concerned. Otherwise, I cannot see anything that needs explanation, and I would say, "Vote as you please."

Mr. BUCKMAN. Mr. President, I do not believe the Senator has answered my question—whether this bill has the endorsement of the medical profession of the State of Pennsylvania.

Mr. KAHLE. Mr. President, I would not say it has the endorsement of the medical profession of the State of Pennsylvania, no; but I am giving you my consensus of opinion.

Mr. BUCKMAN. Mr. President, may I ask if it has the endorsement of the medical profession of the State of Pennsylvania?

Mr. KAHLE. Mr. President, there is some difference; and, as I say, I am giving you my opinion. The profession here—I know there are certain doctors in the Senate that are agreeable to what I am saying. There may be some that are not agreeable, and they can answer for themselves.

Mr. BUCKMAN. Mr. President, do I understand the Senator to say that if we who are not physicians were to vote for this bill we would not be offending the medical profession of the Commonwealth?

Mr. KAHLE. Mr. President, I do not think they would be offending the medical profession of the Commonwealth.

Mr. LAW. Mr. President, I desire to interrogate the Senator from Clarion, Mr. Kahle.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. LAW. Mr. President, does this bill in any way change the composition of the board before whom the osteopaths are examined?

Mr. KAHLE. No, Mr. President, it does not.

Mr. LAW. Mr. President, does this do anything except raise the standards in accordance with the requests of the osteopaths?

Mr. KAHLE. Mr. President, that is all the bill does, so far as I can see,—insofar as my judgment is concerned.

Mr. LAW. Mr. President, does it affect the standing of any osteopathic hospital or any osteopath now licensed?

Mr. KAHLE. No, Mr. President, it does not.

Mr. KUNKEL. Mr. President, I desire to interrogate the Senator from Clarion, Mr. Kahle.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. KUNKEL. Mr. President, I would like the Senator to inform the Senate why the osteopaths have to come to the Legislature to ask that their standards be raised. Why can they not raise their own standards without the assistance of law?

Mr. KAHLE. Well, Mr. President, the medical profession have a certain standard set up by law. The osteopaths also have a board set up by law, but the standard of the board—of their requirements—as it is now does not come up to the standard of the medical profession; and they have come to the place where they realize that they should be up to a par or near a par with the medical profession, and they, of their own free will, have come here and asked for this.

Now, there was another bill, osteopathic bill, introduced in the Senate whereby there was a certain group of osteopaths asking to have a bill passed where they were weak, where they lacked in qualifications; but that bill, after due consideration by the committee, was not reported out.

This bill, as I told you, is a standard-raiser; it merely brings the standard of pre-college work up to two years in place of one as it now is. Now, that is the same as the medical profession's requirement by law, although a young man entering the regular medical school cannot get in unless he has had three years' requirement. That is, the other, extra, year is put on by the schools.

Then, they have also asked for a year in surgery. It is their request, and, so far as I am concerned,—and I am satisfied, after talking with Dr. Palmer and others, I am satisfied there are no objections by the medical profession if you vote in favor of this bill. Now, vote as you please, gentlemen.

Mr. DEITRICK. Mr. President, like the Chairman of the Committee on Public Health, I am a physician. While I am a member of the Medical Society of the State of Pennsylvania, I am speaking as an individual and not for the medical society or for the medical profession; but I would like to say that the medical men of the State of Pennsylvania are not in sympathy with this bill as presented. It seems rather strange that a bill should be brought forward to do something for the osteopaths and be sponsored by the medical profession. Looking through the bill you will notice the fee being charged the osteopaths for the right to take the examinations to practice osteopathy and osteopathic surgery in Pennsylvania is one hundred dollars.

At home I am a friend of the osteopaths and have no crow to pick at all with any branch of the healing art. At various times I have taken care of the families of osteopaths, in a professional way, at home, and have nothing but the kindest regards for them as a whole. I know, personally, that some of the older osteopaths are perfectly satisfied with conditions as they exist today, and are not looking for new legislation. It seems rather unfair, if somebody wants to help the osteopaths, that they should charge them ten dollars for a yearly license, instead of the one dollar that the members of the medical profession themselves pay for a yearly license. Again, for them to take the examination they are required to post one hundred dollars, which, in itself, is greatly in excess of what is required of the graduates in medicine to take the Pennsylvania State Board examination.

It looks to me as though instead of helping the osteopaths they seem to want to penalize them, because their yearly fee is ten times that of the members of the medical profession, and they pay for the privilege of taking an examination considerably in excess of what we of the medical profession have to pay.

Again, I feel that the older osteopath, who is practicing osteopathy in our Commonwealth, is not being treated squarely, because it is the right of the osteopathic surgeon who is licensed in any other State of the union to come into the State of Pennsylvania and, by paying a fee of two hundred dollars, be given the right to practice surgery in our State, whereas the man who has practiced osteopathy here for years is denied that privilege.

The Commonwealth at the present time does issue licenses for osteopathic surgeons, and by this new Act it will give the privilege to osteopathic physicians who have practiced operative surgery in our Commonwealth for a period of seven years—give them the right, without examination, to practice osteopathic surgery in this State. I know that there are some who claim, although they are not licensed as osteopathic surgeons, that they have practiced surgery, as osteopaths, in Pennsylvania for over seven years, and that they have consulted legal authorities and have been told that they were privileged to practice surgery. These men will undoubtedly claim to have practiced surgery; and, under this Act, will automatically, without examination, become osteopathic surgeons.

This measure strikes out on page 11, line 20, the provision that "certificate involving operative surgery shall be valid only when issued by an osteopathic surgeon duly licensed to practice operative surgery," which would give the right to an osteopath to issue a certificate as to any case involving operative surgery when he does not have any operative experience since he does not receive any interneship; only an osteopathic surgeon receives interneship and clinical experience.

On page 11, line 15, there are added the additional words "of the state or of any of its political subdivisions," so that any boards, bureaus, or departments of the State or municipalities are compelled to accept all reports and certificates issued by osteopathic physicians. If this applied only to osteopathic surgeons, who receive more training, and especially, interneship, we could find little objection; but as this will compel every bureau or department of the State to accept their certificate, the measure is objectionable. This is a serious matter, since pensions and other important questions are involved; and the bureaus or departments should be given the right to use their discretion as to whether they should accept certificates of osteopaths, and not be compelled to do so. In some instances it might be satisfactory and in others it might not.

The raising of the standards by requiring two years of pre-osteopathy instead of one year is only a guise to put this measure across. This new standard would not go into effect until 1941. If the sponsors were sincere, then the standard could go into effect within one year or so.

Therefore, the measure is not necessary at this moment. The raising of the standards could be provided for in a new measure, if there is time; and if there is not sufficient time then it could be done at the next Session. Since the desire seems to be to raise the standards in 1941 it would make no difference I should make the observation that medical schools today raise their standards without legislation. For these reasons I am opposed to the above measure and feel it should be defeated.

Mr. SALUS. Mr. President, we all read in the movies "Time Moves On." All that this signifies, so far as I can see, is time moving on. This is a bill for advancement. We talk so much about safety this is a bill about safety. Here comes before this legislative body, a group of men that twenty years ago, through ignorance on my part, I fought. As the years went on I learned to my sorrow that I had made one of the biggest mistakes in my life. They are a valuable factor in the health producing or creating activities in the State of Pennsylvania; and all they ask is that they be given an opportunity, among themselves, to raise a higher standard, to come as near to the old allopathic and homeopathic physicians as it is possible for them to come. I know many of these osteopaths, and their arguments; and their sincere hope is that the day will not be far in the future when they will be leading the profession and the old school will be following them; and it is my ardent hope and wish; and I believe the day is not far away when they will lead and the others will follow; and it is our duty to give them a helping hand.

Mr. SIPE. Mr. President, I cannot escape the conclusion that if the osteopaths generally want to increase their standards— I cannot escape the conclusion, I say, that if they want to do that, why do they not do as the allopaths have done and broadened the course of their studies, take up the same course of studies that the medical men do? Then, after they are graduated, they can specialize in their special field. I am not very favorably impressed with any groups that want the Legislature to increase their standards; if the standards are to be increased, the desire to do so should spring from them. However, at the same time I would not want to vote against this bill if its affect will be to increase the standards of osetopathy.

I am glad that Dr. Kahle has expressed his view; and, inasmuch as we have some other doctors in this august body, I wish they would help us laymen, who, conscious of the fact that we are charged with a mighty responsibility, would like to hear what they have to say.

And the question, recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Barthold,	Gilson,	Kilgallen,	Rodgers,
Bean,	Haluska,	Lanius,	Rupp,
Cavalcante,	Heyburn,	Law,	Ruth,
Dando,	Homsher,	McCreesh,	Salus,
DiSilvestro,	Huffman,	McGinnis,	Shapiro,
Ealy,	Jacobs,	Owlett,	Sones,
Eroe,	Jaspan,	Reed,	Thompson,
Frey,	Kahle,	Rice,	

NAYS—13

Buckman,	Henney,	Mundy,	Sipe,
Chapman,	Kunkel,	Pierson,	Stiefel,
Deitrick,	Mallery,	Pytko,	Woodward,
Dent,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SENATE BILL NO. 199 RETURNED WITH AMENDMENTS

Mr. DENT. Mr. President, I desire to call up at this time Senate Bill No. 199, which is not on the calendar but is on the desk of each member of the Senate.

I move that the Senate concur in the amendments made by the House.

Mr. HALUSKA. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, not knowing what the amendments are, I vote "Present".

Mr. SALUS. Mr. President, I shall vote "No" on this bill, because I do not know, and nobody seems to know, what the amendments are. There are no copies of this bill on the table.

The PRESIDENT. The Chair understands that they are on the desks.

Mr. SALUS. The Chair ought to come down here and find out that they are not on the desks. We cannot vote on legisation we have not before us.

The PRESIDENT. Let us clear this up. The Chair understands that these amendments are on the desks. They are either on the desks or they are not on the desks.

Mr. BUCKMAN. What is the Printer's number, Mr. President?

The PRESIDENT. The Printer's number is 762.

The Chair suggests that the Senators wake up, instead of asking that the Chair wake up.

Mr. SALUS. Mr. President, on loking over the desk I do find that that bill was somewhere mixed up with other bills on the desk, and maybe we did not look hard enough for it. It is not on the calendar but it is scattered among the other bills on the desk.

The PRESIDENT. You know, the rule was suspended today, and they are not required to be noted on the calendar.

And the question recurring,

Will the Senate concur in the amendments.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	McCreesh,	Rupp,
Dando,	Huffman,	McGinnis,	Ruth,
Deitrick,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,		

NAYS—13

Bean,	Gelder,	Mallery,	Salus,
Buckman,	Heyburn,	Owlett,	Scarlett,
Chapman,	Homsher,	Pierson,	Wolfenden,
Ealy,			

Woodward present.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 759. RETURNED WITH AMENDMENTS

Mr. DENT. Mr. President, I call up at this time Senate Bill No. 759, Printer's No. 761, for concurrence in the House amendments, which bill is on the desks.

I move that the Senate concur in the amendments made by the House.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate concur?

Mr. BUCKMAN. Mr. President, to avoid confusion, and for the protection of the Senators in their voting, and realizing that the rule, requiring that amendments be noted on the calendar was suspended, I think the least the sponsor of the bill could do would be to explain the purpose of the bill and give the Printer's number. We cannot digest a large bill in a few moments.

The PRESIDENT. The Chair believes that would be the proper procedure, and would facilitate the business of the Senate.

Mr. DENT. Mr. President, the only amendment made to the bill by the House is by bringing under its terms the farmers, wood-choppers and so forth. If you will listen a minute, I will read it. Page 2, line 22.

"'Boilers used on farms' shall mean any boilers used for threshing grain baling hay or straw, filling silos and shredding fodder, grinding feed, sawing wood, crushing or pulverizing stone, operating dairy equipment or other similar agricultural operations, except boilers owned or operated by any person regularly engaged in such business."

That is the only amendment put into the bill.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Cavalcante,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Huffman,	McGinnis,	Salus,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Owlett,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gelder,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,	Law,	Rodgers,	Woodward,

NAYS—6

Buckman,	Ealy,	Pierson,	Scarlett,
Chapman,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 1121 RETURNED WITH AMENDMENTS

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1121,

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1121, entitled

An Act providing for the erection, construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from the General State Authority, upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties, to the extent, and in the manner, provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon, and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. GELDER. Mr. President, I suggest that the Senator from Adams, Mr. Rice explain what the amendments are.

Mr. RICE. Mr. President, I will ask the sponsor of the bill, the Senator from Luzerne, Mr. Mundy, to explain the amendments.

Mr. MUNDY. Mr. President, on page 5, line 11, it is changed from "fifty" to "thirty years." That is the extent of the change.

Mr. SHAPIRO. Mr. President, that may be all that is—from thirty to fifty, but in my opinion that is an important change. This is in an institution against the debt for the creation of which bonds will be issued, for the abatement of which you can look to the particular income from the property. Now the question arises whether or not those bonds will be worth anything, or saleable if the term is changed from thirty to fifty years. I do not know what the amortizing rate will be, or if over that period of time the property will be able to carry these bonds. If it is not, it will mean, of necessity, the rates will be increased. Now, some more consideration ought to be given to this amendment than can be given at this time.

Mr. MUNDY. Mr. President, I understand the change to be in the reverse order from what the Senator from Philadelphia, Mr. Shapiro, designated. It is from fifty to thirty.

Mr. SHAPIRO. Mr. President, that is right, you are reducing the time for paying and amortizing the bond issue, and if you do that you must of necessity increase the burden on the State to pay those carrying charges and amortization; and I think more consideration, on a matter of this kind, should be given than is given at this time to the amendment.

And the question recurring,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—2

Deitrick,	Kilgallen,

NAYS—40

Barthold,	Gilson,	Lanius,	Rice,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Shapiro,
Dent,	Huffman,	Mundy,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Frey,	Kahle,	Rankin,	Thompson,
Gelder	Kunkel,	Reed,	Wolfenden,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 1122 RETURNED WITH AMENDMENTS

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1122, returned with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1122, entitled:

An Act providing for the erection, construction and equipment of a Maximum Security State Penitentiary for the detention, care, maintenance and employment of maximum security prisoners, transferred thereto from the Eastern and Western State Penitentiaries; designating the manner of acquiring or setting aside of lad for the erection and construction thereon of the Penitentiary by The General State Authority; authorizing the Commonwealth to lease the penitentiary and its grounds from the General State Authority upon its completion, and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—1

Dettrick,

NAYS—40

Barthold,	Gilson,	Kunkel,	Rice,
Cavalcante,	Haluska,	Lanius,	Rodgers,
Chapman,	Henney,	Law,	Rupp,
Dando,	Heyburn,	Mallery,	Ruth,
Dent,	Homsher,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jacobs,	Mundy,	Sones,
Eroe,	Jaspan,	Pytko,	Stiefel,
Frey,	Kahle,	Rankin,	Thompson,
Gelder,	Kilgallen,	Reed,	Wolfenden,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

QUESTION OF PERSONAL PRIVILEGE

Mr. McGINNIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. McGinnis, will state his question of personal privilege.

Mr. McGINNIS. Mr. President, Senate Bill No. 60 (House Bill No. 64) passed the House after a long struggle. It came to the Senate, and was referred to the Committee on County Government, on March 29, and a hearing was held on April 13th. This bill is known as the Holland Bill—introduced by Representative Holland, of the City of Pittsburgh—and it makes real estate of Public Service Companies subject to taxation.

This bill, in that committee—of which I am a member—has been considered several times; there was no attempt made by anyone to stifle a hearing or prevent anyone from having his say or voting as he pleased and although the bill was called up several times by the chairman there were never enough votes to report the bill out; and I want to say this for the chairman—that every time I asked him to consider this bill he very fairly called it up, although he might have delayed it; so that, on every occasion when I asked that this bill be considered in committee it was fully considered, and never had enough votes to get out; and what I am doing tonight I am doing most reluctantly, I have waited until the very last day, I had hoped that this committee would see its way clear to let this very important bill—especially to my County and my City—come on the floor.

I might state that in the City of Pittsburgh alone, if this bill were in effect in the City of Pitstburgh, and the schools, would receive a revenue annually of $420,000. I know it is argued that this bill provides for the taxation of real estate of utilities and that the utilities sell their product outside the place where the real estate is located; and the people outside might eventually have to pay the taxes; but I want to remind the Senate that the Jones-Laughlin Company in the City of Pittsburgh pays an annual tax in the City of Pittsburgh of over $400,000; that one company pays as much, practically, as all of the utilities would pay on their real estate if this bill were in effect; and the other day the Supreme Court decided—in deciding the Wagner Act—that the Jones-Laughlin Company were engaged in interstate commerce; that its products—the distribution of them, rather, was so far flung that although it was engaged in manufacturing in the City of Pittsburgh its activities could be regarded as being interstate.

The State of Louisiana, the State of Idaho, the State of Delaware, the State of Connecticut, along with New York, Vermont, New Hampshire, Rhode Island, Indiana, Maine and several other states—all these do exactly what this bill proposes.

These Public Service Companies during the depression, practically everyone of them, made money; they are protected by the Public Service Commission, and their income is almost guaranteed; and on account of the heavy taxes on the home-owners of the City of Pittsburgh, and on account of the interest that the people of Pittsburgh have had in this bill, and the discussion they have had in campaigns, and the very serious fight they had in the House, Mr. President, I now offer the following motion and move its adoption:

MOTION TO DISCHARGE COMMITTEE

I move that the Committee on County Government be discharged from further consideration of Senate Bill No. 760 (House Bill No. 64), Printer's No. 169, so that the same may be returned to the floor of the Senate for consideration according to the provisions of the Constitution.

Mr. JASPAN. Mr. President, I am about to second the motion of the Senator from Allegheny, Mr. McGinnis, and I want to give my reason therefor. I want to record my emphatic endorsement of the motion to discharge the Senate Committee on County Government from further consideration of Senate Bill No. 760 (House Bill No. 64), the so called Holland Bill; and in so doing I am not unmindful of the reason and implications of that motion—

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, my point of order is that a motion to discharge a committee is not debatable.

The PRESIDENT. The point of order is well taken.

QUESTION OF PERSONAL PRIVILEGE

Mr. JASPAN. Mr. President, I now rise to a question of personal privilege. There is no seconding of the motion; there is nothing before the Senate—

The PRESIDENT. Will the Senator pay some attention to the Chair? A motion to discharge is not debatable—

Mr. JASPAN. Mr. President, this motion has not been seconded—

The PRESIDENT. Just one moment. Will the Senator content himself until the Chair has expressed his opinion?

A motion to discharge is not debatable on the merits of the bill. He may talk on the reason for the discharge.

QUESTION OF PERSONAL PRIVILEGE

Mr. JASPAN. Mr. President, I rise to a question of personal privilege.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I object. I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Jaspan, is out of order; he may not talk on a question of personal privilege at this time.

Mr. JASPAN. Mr. President, I second the motion of the Senator from Allegheny, Mr. McGinnis.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, certainly.

Mr. SHAPIRO. Mr. President, will the Senator from Allegheny state when was the last date upon which this bill was acted upon by the Committee on County Government?

Mr. McGINNIS. Well, Mr. President, it was acted on today.

Mr. SHAPIRO. Mr. President, when was the last time before today?

Mr. McGINNIS. Mr. President, about two weeks ago.

Mr. SHAPIRO. Mr. President, will the Senator from Allegheny state why it was he waited, after this bill had been turned down—

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I insist that the point of order be enforced.

Mr. SHAPIRO. Mr. President, I know of no question of order being raised at this time.

The PRESIDENT. The Chair thinks that the Senator from Philadelphia is in order.

Mr. SHAPIRO. Mr. President, will the Senator from Allegheny, Mr. McGinnis, state why, after the committee upon several occasions since April had refused to report this bill favorably, he waits until the last day before adjournment, when we are in the midst of dealing with important measures, to present this motion?

Mr. McGINNIS. Mr. President, I stated that the reason I waited was, I hoped this committee would change its mind; and I at least every other day, or every two or three days, talked to the chairman and asked him if he did not think that there was some way of getting these bills out; and on every occasion he told me he did not think that the committee would change its mind, that the bills had been up several times and were voted down in the committee.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis, further.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated further?

Mr. McGINNIS. Mr. President, certainly.

Mr. SHAPIRO. Mr. President, did not the Senator from Allegheny know that this bill was indefinitely postponed at least three weeks ago?

Mr. McGINNIS. Yes, your Honor.

Mr. SHAPIRO. Mr. President, I thank the Senator from Allegheny for the compliment, but I am going to stay in the Senate for awhile.

Mr. McGINNIS. Mr. President, I am glad the Senator from Philadelphia mentioned that motion to postpone, because that further shows the fairness of the chairman of that committee; notwithstanding that motion, after the bill had been indefinitely postponed, he brought the matter up again and it was voted down again.

On the question,

Will the Senate agree to the motion?

MOTION TO LAY ON TABLE

Mr. HEYBURN. Mr. President I move that the resolution be laid on the table.

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I ask for a roll call.

The yeas and nays were required by Mr. CAVALCANTE and Mr. JASPAN, and were as follows, viz:

YEAS—28

Bean,	Gelder	McCreesh,	Salus,
Buckman,	Heyburn,	Mundy,	Scarlett,
Chapman,	Homsher,	Owlett,	Shapiro,

Dando,	Howell,	Pierson,	Sones,
Deitrick,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Kahle,	Rodgers,	Woodward,
Ealy,	Mallery,	Rupp,	Huffman, Pres. Pro. Tem.

NAYS—18

Cavalcante,	Haluska,	Lanius,	Ruth,
Dent,	Henney,	McGinnis,	Sipe,
Eroe,	Jaspan,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gilson,	Kunkel,		

So the question was determined in the affirmative.

REQUEST FOR RE-CONSIDERATION OF SENATE BILL No. 1085

Mr. MALLERY. Mr. President, I wish to call up at this time Senate Bill No. 1085, Printer's No. 538, which was noted on the calendar of Wednesday, May 19th, on page 16.

Mr. SHAPIRO. Mr. President, as that is the only time I may do it, I ask the Senator from Blair, Mr. Mallery, to defer his request for the moment, so I may state my reasons for voting to lay this motion on the table.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, yield the floor to the Senator from Philadelphia, Mr. Shapiro?

Mr. MALLERY. Mr. President, I will.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, the Senator from Pittsburgh, Mr. McGinnis, had no consideration for the time, or for the other members of the Senate, when he made his motion at this late date for the discharge of the Committee on County Government from further consideration of Senate Bill No. 760 (House Bill No. 64); and I think it comes with bad taste for them to make a laughing matter of what is a serious matter to me and to the citizens of the Commonwealth of Pennsylvania; and I rise to place on the record my reasons for voting against the motion, and, secondly, to express my resentment that a matter of such great importance, and requiring such great discussion, should be brought up at this time, so that my reasons may be understood very clearly.

I voted against this motion to discharge the committee because there is important business of the Senate to come up and no time to discuss a bill which would tax industry thousands of dollars, and at a time when the Public Service Commission is called upon to fix rates; and I resent anyone, any member of this Senate, after we have been struggling here day and night to clear the calendar, presenting legislation or trying to pass legislation of importance so that local political constituents shall be able to say that certain gentlemen who come from a certain district in the State, have satisfied their constituents by going through the form of a protest, in the hope that the motion which they made would not carry. And that is the reason I voted to lay this motion on the table.

Mr. CAVALCANTE. Mr. President, I say that the statement of the Senator from Philadelphia, Mr. Shapiro, does not come with good grace when he is perfectly aware that this Senate for three or four weeks of this Session has ben doing nothing but considering Philadelphia bills. If the Senator from Philadelphia had, at the beginning of the session, given more thought to legislation pertaining to the entire State of Pennsylvania, instead of only the City of Philadelphia, we probably would have been further ahead.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

POINT OF ORDER

Mr. THOMPSON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his point of order.

Mr. THOMPSON. Mr. President, there is nothing befor the Senate, and therefore debate is out of order.

The PRESIDENT. The point of order is well taken, there is nothing before the Senate; and we will proceed with the calendar, the next bill in order being Senate Bill No. 1295 (House Bill No. 2115), on third reading.

The PRESIDENT. The next bill is at the top of page 14 of today's calendar, Senate Bill No. 1295.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1295 (House Bill No. 2115), entitled:

An Act relating to criminal prosecutions limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gelder,	Law,	Rupp,
Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Haluska,	McCreesh,	Salus,
Cavalcante,	Henney,	McGinnis,	Scarlett,
Chapman,	Heyburn,	Mundy,	Sipe,
Dando,	Homsher,	Owlett,	Sones,
Deitrick,	Jacobs,	Pierson,	Stiefel,
Dent,	Jaspan,	Pytko,	Thompson,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,
Eroe,	Kunkel,	Rice,	Huffman,
Frey,	Lanius,	Rodgers,	Pres. Pro. Tem.

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

MOTION TO RECONSIDER VOTE ON SENATE BILL NO. 1085.

Mr. MALLERY. Mr. President, I move that the vote by which Senate Bill No. 1085 was defeated be reconsidered. I have seen the light of day, and I want to make

my peace with the barbers—in case I do not do anything else.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "No."

Mr. HOWELL. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HOWELL. Mr. President, I voted "No."

On the question,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, I desire to interrogate the maker of this motion, the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. BUCKMAN. Mr. President, will the Senator from Blair, Mr. Mallery, tell us what this bill goes on to state, if anything?

Mr. MALLERY. Well, Mr. President, I would like to say that happy days are here again, but unfortunately the barbers are not sharing in these happy days back in my home, in Altoona; at least, I have gotten word from back home that the barbers think this is a good bill; and, as I am not able to shave myself, and unhappy things are liable to happen to me if I am not for this bill, I feel I should support it; and, further more, I, like the sponsor of this bill, feel that we Irish must stick together.

Mr. CAVALCANTE. Mr. President, I say Amen to that.

and the question recurring,

Will the Senate agree to the motion?

It was not agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1331 (House Bill No. 1305), entitled:

An Act to amend section twenty-nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effort of judcial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim and providing for the management and disposition of said property after said sale.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barthold,	Gelder,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey	Kunkel,	Rice,	Huffman,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1332 (House Bill No. 1331) entitled:

An Act requiring all persons claiming damages from any county city borough town township or school district to file within six (6) months from the orgin of such claim a written notice with such county city borough town township or school district.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Barthold,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Howell,	McGinnis,	Shapiro,
Dando,	Jacobs,	Mundy,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Huffman,
Haluska,	Law,	Rupp,	Pres. Pro. Tem.
Henney,	Mallery,		

NAYS—9

Bean,	Deitrick,	Gelder,	Salus,
Buckman,	Ealy,	Homsher,	Scarlett,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1335 (House Bill No. 1835), entitled:

An Act to authorize the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost

of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condemnation authorizing the issuance of revenue refunding bonds and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. JASPAN. Mr. President, I sincerely hope that when it reaches the House they will not agree to the amendments inserted by the Senate they destroy the very purpose of the bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Gelder,	Law,	Ruth,
Bean,	Gilson,	Mallery,	Salus,
Buckman,	Haluska,	McCreesh,	Scarlett,
Cavalcante,	Henney,	McGinnis,	Shapiro,
Chapman,	Heyburn,	Mundy,	Sipe,
Dando,	Homsher,	Pierson,	Sones,
Deitrick,	Jacobs,	Pytko,	Stiefel,
Dent,	Jaspan,	Rankin,	Thompson,
DiSilvestro,	Kahle,	Reed,	Wolfenden,
Ealy,	Kilgallen,	Rice,	Huffman,
Eroe,	Kunkel,	Rodgers,	Pres. Pro. Tem.
Frey,	Lanius,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1339 (House Bill No. 1020), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organizations of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National Banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Ruth,
Buckman,	Henney,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Chapman,	Homsher,	Mundy,	Shapiro,
Dando,	Howell,	Pierson,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Stiefel,
DiSilvestro,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,	Lanius,		Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

ANNOUNCEMENT

The SECRETARY. Immediately upon a recess there will be a caucus of all the Democratic Senators in the House Caucus Room.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 1962 (Senate Bill No. 1450), entitled:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the re-publication of certain surveys and studies in order to make the same available to the citizens of the State.

Which was committed to the Committee on Appropriations.

House Bill No. 2099 (Senate Bill No. 1451), entitled:

An Act to further amend sections two hundred forty-six, two hundred fifty-six, and two hundred sixty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" fixing the salary of the district attorney, and providing for the appointment and compensation of assistant district attorneys, stenographers and clerks, in counties of the sixth and seventh classes.

Which was committed to the Committee on Judiciary General.

ANNOUNCEMENT

Mr. RICE. Mr. President, the action taken by the caucus was due to the fact that it was impossible for the printer to complete his work in time to adjourn this week, the House and Senate would meet tomorrow and then adjourn until 2 o'clock next Wednesday afternoon, hoping that we can finish on Wednesday, and with that thought in view, I believe that several appropriation bills which I believe are necessary, should be taken up tonight and I would like to call these bills up at this time and put the rest over until tomorrow. There are about five or six bills on the calendar that I desire to call up.

BILL ON THIRD READING

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1359 (House Bill No. 1787).

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1359 (House Bill No. 1787), entitled:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in Equity in certain Courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties of Judges and other officers of every Court of Record.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. BUCKMAN. Mr. President, I Move to

Amend sec. 5, page 4, line 24, by inserting after the word: "Commonwealth" the following: "but such rules shall not include any provision regulating the admission of attorneys to practice before any of the trial courts of this Commonwealth."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1415, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-seven and such time as the funds provided by the General Appropriation Act become available.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barthold,	Gelder,	Lanius,	Rupp,
Bean,	Gilson,	Law,	Ruth,
Buckman,	Haluska,	Mallery,	Scarlett,
Cavalcante,	Henney,	McCreesh,	Shapiro,
Chapman,	Heyburn,	McGinnis,	Sipe,
Dando,	Homsher,	Owlett,	Sones,
Deitrick,	Howell,	Pierson,	Sordoni,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Huffman,
Frey,	Kunkel,	Rodgers,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1417.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1417, as follows:

An Act making an appropriation out of the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the State Employees' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-seven for payment from time to time into the State Employees' Retirement Fund to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to employees of the Pennsylvania Motor Police receiving compensation from the Motor License Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1418.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1418, as follows:

An Act making an appropriation out of the General Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary

is hereby specifically appropriated out of the General Fund to the State Employees' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred thirty-seven for payment from time to time into the State Employees' Retirement Fund to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to employees of the Pennsylvania Motor Police receiving compensation from the General Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1429.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1429, as follows:

An Act making an appropriation to the Department of Welfare for pensions for the blind

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred forty-five thousand seven hundred dollars ($345,700.00) is hereby appropriated out of the General Fund to the Department of Welfare for the month of June one thousand nine hundred thirty-seven for the payment of pensions for the blind in the manner provided by law

Section 2 Any unexpended balance remaining in the appropriation made by Section 1 of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending the thirty-first day of May one thousand nine hundred thirty-nine and shall be credited to the allocation contained in such appropriation for the payment of pensions to the blind.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. RICE. Mr. President, I call up at this time, Senate Bill No. 1422 on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1422 (House Bill No. 1817), entitled:

An Act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That until the next decennial United States census and the apportionment be made thereon by law the House of Representatives shall consist of two hundred and nine members and shall be apportioned as follows namely

The city of Philadelphia shall elect forty members and the said city shall be divided into twenty-one districts as follows

The first second and thirty-ninth wards shall constitute the first district and elect three members

The twenty-sixth thirty-sixth and forty-eighth wards shall constitute the fifth district and elect one member

The third fourth fifth sixth eleventh and twelfth wards shall constitute the third district and elect one member

The seventh and thirtieth wards shall constitute the fourth district and elect one member

The eighth ninth tenth thirteenth and fourteenth wards shall constitute the fifth district and elect one member

The fifteenth twenty-ninth thirty-second and forty-seventh wards shall constitute the sixth district and elect three members

The sixteenth and twentieth wards shall constitute the seventh district and elect one member

The seventeenth eighteenth nineteenth and thirty-first wards shall constitute the eighth district and elect two members

The twenty-eighth ward shall constitute he ninth district and elect one member

The thirty-seventh and thirty-eight wards shall constitute the tenth district and elect two members

The forty-third ward shall constitute the eleventh district and elect one member

The twenty-third and thirty-third wards shall constitute the twelfth district and elect two members

The twenty-first ward shall constitute the thirteenth district and elect one member

The twenty-fifth and forty-fifth wards shall constitute the fourteenth district and elect two members

The twenty-second ward shall constitute the fifteenth district and elect two members

The forty-second forty-ninth and fiftieth wards shall constitute the sixteenth district and elect three members

The thirty-fifth ward shall constitute the seventeenth district and elect one member

The forty-first ward shall constitute the eighteenth district and elect one member

The twenty-fourth thirty-fourth and forty-fourth wards shall constitute the nineteenth district and elect four members

The forty-sixth ward shall constitute the twentieth district and elect two members

The twenty-seventh fortieth and fifty-first wards shall constitute the twenty-first district and elect three members

The county of Adams shall elect one member

The county of Allegheny shall elect twenty-eight members and shall be divided into eleven districts as follows

The first second third fourth and fifth wards in the city of Pittsburgh shall constitute the first district and elect two members

The sixth ninth tenth and eleventh wards in the city of Pittsburgh shall constitute the second district and elect two members

The seventh eighth twelfth thirteenth fourteenth fifteenth and thirty-first wards in the city of Pittsburgh shall constitute the third district and elect four members

The sixteenth seventeenth eighteenth ninetenth twentieth twenty-eighth twenty-ninth thirtieth and thirty-second wards in the city of Pittsburgh shall constitute the fourth district and elect three members

The twenty-first twenty-second twenty-sixth and twenty-seventh wards in the city of Pittsburgh shall constitute the fifth district and elect two members

The twenty-third twenty-fourth and twenty-fifth wards in the city of Pittsburgh shall constitute the sixth district and elect one member

The boroughs and townships north of the Ohio and Allegheny Rivers shall constitute the seventh district and elect three members

The boroughs and townships lying between the Allegheny and Youghiogheny Rivers and the boroughs and townships lying between the Youghiogheny and Monongahela Rivers shall constitute the eighth district and elect four members

The city of McKeesport shall constitute the ninth district and elect one member

The following cities boroughs and townships south of the Ohio and Monongahela Rivers the city of Clairton (Clairton North Clairton and Wilson Boroughs) the city of Duquesne the boroughs of Dravosburg Hays Homestead Munhall West Elizabeth West Homestead and Whitaker

and the townships of Jefferson and Mifflin shall constitute the tenth district and elect two members

All the boroughs and townships south of the Ohio and Monongahela Rivers not included in the tenth district including the township of Neville shall constitute the eleventh district ond elect four members

The county of Armstrong shall elect two members

The county of Beaver shall elect three members and shall be divided into two districts as follows

The boroughs of Ambridge Baden Conway East Rochester Eastvale Freedom New Brighton Rochester that portion of the borough of Ellwood City lying within the cunty of Beaver and the townships of Daugherty Economy Franklin Harmony Marion New Sewickley North Sewickley Pulaski and Rochester shall constitute the first district and elect one member

The residue of the county of Beaver not included in the first district shall constitute the second district and elect two members

The county of Bedford shall elect one member

The county of Berks shall elect five members and shall be divided into two districts as follows

The city of Reading shall constitute the first district and elect two members

The residue of the county of Berks not included in the first district shall constitute the second district and elect three members

The county of Blair shall elect three members and shall be divided into two districts as follows

The city of Altoona shall constitute the first district and elect two members

The residue of the county of Blair not included in the first district shall constitute the second district and elect one member

The county of Bradford shall elect one member

The county of Bucks shall elect two members and shall be divided into two districts as follows

The boroughs of Bristol Hulmeville Ivyland Langhorne Langhorne Manor Morrisville Newtown South Langhorne and Yardley and the townships of Bristol Bensalem Falls Makefield Middletown Northampton Southampton Warminster Warrington Warwick and Wrightstown shall constitute the first district and elect one member

The boroughs of Chalfont Doylestown Dublin New Britain New Hope Perkasie Quakertown Riegelsville Richlandtown Sellersville Silverdale Telford Trumbauersville and Tullytown and the townships of Bedminster Bridgeton Buckingham Doylestown Durham Haycock Hilltown Milford Nockamixon Plumstead Rockhill Richland Solebury Springfield and Tinicum shall constitute the second district and shall elect one member

The county of Butler shall elect two members and shall be divided into two districts as follows

The city of Butler the boroughs of East Butler Millerstown and Saxonburg and the townships of Butler Donegal Oakland Clearfield Summit Winfield Jefferson Buffalo and Clinton shall constitute the first district and elect one member

The boroughs of Bruin Callery Cherry Valley Evansburg Eau Claire Fairview Harmony Harrisville Karns City Mars Petrolia Petersville Portersville Prospect Slippery Rock Valencia West Liberty West Sunbury and Zelienople and the townships of Adams Allegheny Brady Center Cherry Clay Concord Conoquenessing Cranberry Fairview Forward Franklin Jackson Lancaster Marion Mercer Middlesex Muddycreek Parker Penn Slippery Rock Washington Worth and Venango shall constitute the second district and elect one member

The county of Cambria shall elect four members and shall be divided into two districts as follows

The city of Johnstown shall constitute the first district and elect one member

The remainder of the county of Cambria shall constitute the second district and elect three members

The county of Cameron shall elect one member

The county of Carbon shall elect one member

The county of Centre shall elect one member

The county of Chester shall elect three members and shall be divided into two districts as follows

The city of Coatesville the boroughs of Atglen Avondale Oxford Parkesburg and Westgrove and the townships of East Fallowfield East Nottingham Elk Franklin Highland London Britain London Grove Londonderry Lower Oxford New Garden New London Penn Upper Oxford West Fallowfield West Marlboro and West Nottingham shall constitute the first district and elect one member

The boroughs of Downingtown Elverson Honeybrook Kennett Square Malvern Phoenixville Spring City and West Chester and the townships of Birmingham Caln Charlestown East Bradford East Brandywine East Caln East Coventry East Goshen East Marlboro East Nantmeal East Pikeland East Vincent East Whiteland Easttown Honeybrook Kennett Newlin North Coventry Pennsbury Cocopson Sadsbury Schuylkill South Coventry Thornbury Tredyffryn Upper Uwchlan Uwchlan Valley Wallace Warwick West Bradford West Brandywine West Caln West Goshen West Nantmeal West Pikeland West Sadsbury West Whiteland Westtown and Willistown shall constitute the second district and elect two members

The county of Clarion shall elect one member

The county of Clearfield shall elect two members and shall be divided into five districts as follows

The boroughs of Brisbin Chester Hill Clearfield Houtzdale Osceola Ramey and Wallaceton and the townships of Bigler Boggs Bradford Cooper Covington Decatur Girard Goshen Graham Gulich Jordan Karthaus Lawrence Morris and Woodward shall constitute the first district and elect one member

The city of DuBois the boroughs of Burnside Coalport Curwensville Glen Hope Grampian Irvona Lumber City Mahaffey Newbury New Washington Troutville and Westover and the townships of Beccaria Bell Bloom Brady Burnside Chest Ferguson Greenwood Huston Knox Penn Pike Pine Sandy and Union shall constitute the second district and elect one member

The county of Clinton shall elect one member

The county of Columbia shall elect one member

The county of Crawford shall elect one member

The county of Cumberland shall elect one member

The county of Dauphin shall elect three members and shall be divided into five districts as follows

The city of Harrisburg shall constitute the first district and elect two members

The remainder of the county of Dauphin shall constitute the second district and elect one member

The county of Delaware shall elect five members and shall be divided into five districts as follows

The city of Chester shall constitute the first district and elect one member

The townships of Birmingham Concord Ashton Bethel Upper Chichester Lower Chichester Middletown Upper Providence Nether Providence Chester and Ridley and the boroughs of Marcus Hook Trainer Upland Parkside Rose Valley Media Eddystone and Ridley Park shall constitute the second district and elect one member

The boroughs of Prospect Park Norwood Glenolden Folcroft Sharon Hill Collingdale Alden Clifton Heights Yeadon Darby and Colwyn and the townships of Darby and Tinicum shall constitute the third district and elect one member

The township of Upper Darby and the boroughs of Millbourne Lansdowne and East Lansdowne shall constitute the fourth district and elect one member

The townships of Radnor Haverford Newtown Marple Springfield Edgemont and Thornberry and the boroughs of Swarthmore Morton and Rutledge shall constitute the fifth district and elect one member

The county of Elk shall elect one member

The county of Erie shall elect four members and shall be divided into four districts as follows

The third fourth and sixth wards of the city of Erie as constituted April one one thousand nine hundred and twenty-one shall constitute the first district and elect one member

The first second and fifth wards of the city of Erie as constituted April one one thousand nine hundred and twenty-one shall constitute the second district and elect one member

The city of Corry the boroughs of Elgin North East Union City Wattsburg and Westleyville and the townships of Amity Concord Greene Greenfield Harbour Creek North East Union Venango and Wayne shall constitute the third district and elect one member

The residue of the county of Erie not included in the first second or third district shall constitute the fourth district and elect one member

The county of Fayette shall elect four members and shall be divided into two districts as follows

The townships of German Luzerne Redstone Nicholson Springhill Georges Menallen Henry Clay Wharton South Union and the boroughs of Smithfield Point Marion Masontown Fairchance Markleysburg and the city of Uniontown shall constitute the first district and shall elect two members

The townships of Brownsville Dunbar Franklin Jefferson Lower Tyrone Perry Upper Tyrone Washington North Union Bull Skin Connellsville Saltlick Springfield and Stewart and the boroughs of Belle Vernon Brownsville Dawson Dunbar Everson Fayette City Vanderbilt Ohiopyle South Connellsville and the city of Connellsville shall constitute the second district and shall elect two members

The county of Forest shall elect one member

The county of Franklin shall elect one member

The county of Fulton shall elect one member

The county of Greene shall elect one member

The county of Huntingdon shall elect one member

The county of Jefferson shall elect one member

The county of Indiana shall elect two members

The county of Juniata shall elect one member

The county of Lackawanna shall elect six members and shall be divided into six districts as follows

The fourth fifth sixth fourteenth fifteenth eighteenth twentieth and twenty-second wards of the city of Scranton shall constitute the first district and elect one member

The first second third seventh thirteenth sixteenth and twenty-first wards of the city of Scranton shall constitute the second district and elect one member

The eighth ninth tenth eleventh twelfth seventeenth and nineteenth wards of the city of Scranton shall constitute the third district and elect one member

The boroughs of Dickson City Dunmore Elmhurst Olyphant Throop and Winton and the townships of Jefferson and Roaring Brook shall constitute the fourth district and elect one member

The city of Carbondale the boroughs of Archbald Blakely Jermyn Mayfield and Vandling and the townships of Carbondale and Fell shall constitute the fifth district and elect one member

The boroughs of Clarks Green Clarks Summit Dalton Glenburn Gouldsboro La Plume Moosic Moscow Old Forge and Taylor and the townships of Abington Greenfield and Scot Benton Clifton Covington Lackawanna Lehigh Madison Newton North Abington Ransom South Abington Spring Brook and West Abington shall constitute the sixth district and elect one member

The county of Lancaster shall elect four members and shall be divided into four districts as follows

The city of Lancaster shall constitute the first district and elect one member

The boroughs of Adamstown Akron Denver Ephrata Lititz New Holland and Terre Hill and the townships of Brecknock Caernarvon Clay East Cocalico West Cocalico East Earl Earl West Earl Elizabeth Ephrata Upper Leacock Manheim and Warwick shall constitute the second district and elect one member

The boroughs of Columbia Elizabethtown Manheim Marietta Mount Joy and Mountville and the townships of Conoy East Donegal West Donegal East Hempfield West Hempfield Mount Joy Penn and Rapho shall constitute the thrid district and elect one member

The boroughs of Christiana Millersville Quarryville Strasburg and Washington Borough and the townships of Bart Colerain Conestoga Drumore East Drumore Eden Fulton East Lampeter West Lampeter Lancaster Leacock Little Britain Manor Martic Paradise Pequea Providence Sadsbury Salisbury and Strasburg shall constitute the fourth district and elect one member

The county of Lawrence shall elect two members and shall be divided into two districts as follows

The city of New Castle shall constitute the first district and elect one member

The residue of the county of Lawrence not included in the first district shall constitute the second district and elect one member

The county of Lebanon shall elect one member

The county of Lehigh shall elect four members and shall be divided into two districts as follows

The city of Allentown shall constitute the first district and elect two members

The residue of the county of Lehigh not included in the first district shall constitute the second district and elect two members

The county of Luzerne shall be entitled to nine members and shall be divided into eight districts as follows

The city of Hazleton the boroughs of Freeland Jeddo and West Hazleton and the townships of Foster and Hazle shall constitute the first district and elect one member

The boroughs of Ashley Laurel Run Sugar Notch Warrior Run and White Haven and the townships of Bear Creek Buck Denison Hanover and Wilkes-Barre shall constitute the second district and elect one member

The city of Pittston the boroughs of Avoca Dupont Hughestown Laflin and Yatesville and the townships of Jenkins Pittston and Plains shall constitute the third district and elect one member

The city of Nanticoke the borough of Nuangola and the townships of Conyngham Newport Slocum Dorrance Rice Wright and Fairview shall constitute the fourth district and elect one member

The boroughs of Edwardsville Larksville and Plymouth the first and second wards the second and third districts of the third ward and the first and second districts of the sixth ward of the borough of Kingston and the township of Plymouth shall constitute the fifth district and elect one member

The boroughs of Duryea Exeter Luzerne Swoyersville West Pittston West Wyoming and Wyoming shall constitute the sixth district and elect one member

The boroughs of Courtdale Dallas Forty Fort Pringle New Columbus Shickshinney Nescopeck and Conyngham the first district of the third ward the fourth and fifth wards the third district of the sixth ward and the seventh ward of the borough of Kingston and the townships of Dallas Exeter Franklin Jackson Kingston Lake Lehman Ross Fairmount Hunlock Union Huntingdon Salem Nescopeck Black Creek Sugarloaf Butler and Hollenback shall constitute the seventh district and elect one member

The city of Wilkes-Barre shall constitute the eighth district and elect two members

The county of Lycoming shall elect two members

The county of McKean shall elect one member

The county of Mercer shall elect two members

The county of Mifflin shall elect one member

The county of Monroe shall elect one member

The county of Montgomery shall elect five members and shall be divided into five districts as follows

The boroughs of Bridgeport Narberth and West Conshohocken and the townships of Lower Merion and Upper Merion shall constitute the first district and elect one member

The boroughs of Conshohocken and Norristown and the township of Plymouth shall constitute the second district and elect one member

The boroughs of Bryn Athyn Rockledge Jenkintown and Hatboro and the townships of Lower Moreland Upper Moreland Abington Cheltenham and Horsham shall constitute the third district and elect one member

The boroughs of Ambler North Wales Lansdale Hatfield Schwenkville and Souderton and the townships of Springfield Upper Dublin Whitemarsh Whitpain East Norriton West Norriton Worcester Lower Gwynedd Upper Gwynedd Montgomery Hatfield Towamencin Skippack Lower Salford Perkiomen and West Telford shall constitute the fourth district and elect one member

The boroughs of Collegeville Trappe Royersford Green Lane Red Hill Pennsburg East Greenville and Pottstown and the townships of Lower Providence Upper Providence Limerick Lower Frederick Upper Frederick Marlborough Upper Hanover New Hanover Douglass Upper Pottsgrove Lower Pottsgrove West Pottsgrove Franconia Salford and Upper Salford shall constitute the fifth district and elect one member

The county of Montour shall elect one member

The county of Northampton shall elect four members and shall be divided into two districts as follows

That portion of the city of Bethlehem in the county of Northampton shall constitute the first district and elect one member

The residue of the county of Northampton not included in the first district shall constitute the second district and elect three members

The county of Northumberland shall elect three members and shall be divided into two districts as follows

The city of Sunbury the boroughs of McEwensville Milton Northumberland Riverside Turbotville and Watsontown and the townships of Delaware East Chillisquaque Gearhart Lewis Point Rockefeller Rush Turbot Upper Augusta and West Chilliquaque shall constitute the first district and elect one member

The residue of the county of Northumberland not included in the first district shall constitute the second district and elect two members

The county of Perry shall elect one member

The county of Pike shall elect one member

The county of Potter shall elect one member

The county of Schuylkill shall elect five members and shall be divided into four districts as follows

The boroughs of Frackville Gilberton Mahoney City and Shenandoah and the townships of Delano Mahanoy and West Mahanoy shall constitute the first district and elect one member

The boroughs of Ashland Girardville and Gordon and the townships of Barry Butler Cass Eldred Foster Hegins Hubley and Upper Mahantongo shall constitute the second district and elect one member

The boroughs of Coaldale McAdoo Middleport New Phildaelphia New Ringgold Port Clinton Ringtown and Tamaqua and the townships of Blythe East Brunswick East Union Kline North Union Rahn Rush Ryan Schuylkill Union Walker West Brunswick and West Penn shall constitute the third district and elect one member

The city of Pottsville boroughs of Auburn Cressona Landingville Mechanicsville Minersville Mount Carbon Orwigsburg Palo Alto Pine Grove Port Carbon Saint Clair Schuylkill Haven Tower City and Tremont and the townships of Branch East Norwegian Frailey New Castle North Manheim, Norwegian Pinegrove Porter Riley South Manheim Tremont Washington and Wayne shall constitute the fourth district and elect two members

The county of Snyder shall elect one member

The county of Somerset shall elect two members

The county of Sullivan shall elect one member

The county of Susquehanna shall elect one member

The county of Tioga shall elect one member

The county of Union shall elect one member

The county of Venango shall elect one member

The county of Warren shall elect one member

The county of Washington shall elect four members and shall be divided into two districts as follows

The boroughs of Burgettstown Canonsburg Claysville East Washington Houston McDonald Midway Washington West Alexander and West Middletown and the townships of Blaine Buffalo Canton Cecil Chartiers Cross Creek Donegal East Finley Hanover Hopewell Independence Jefferson Morris Mount Pleasant North Franklin Robinson Smith South Franklin South Strabane and West Finley shall constitute the first district and elect two members

The residue of the county of Washington not included in the first district shall constitute the second district and elect two members

The county of Wayne shall elect one member

The county of Westmoreland shall elect six members and shall be divided into three districts as follows

The boroughs of Bolivar Cokeville Derry Donegal Latrobe Ligonier Livermore Mount Pleasant New Alexandria New Florence Seward and Youngstown and the townships of Cook Derry Donegal Fairfield Ligonier Loyalhanna Mount Pleasant Saint Clair and Unity shall constitute the first district and elect two members

The boroughs of East Vandergrift Hyde Park Vandergrift Vandergrift Heights Arnold New Kensington Parnassus Avonmore Export New Salem Trafford Penn Jeannette North Irwin Manor and Irwin and the townships of Allegheny Lower Burrell Upper Burrell Bell Washington Franklin Salem Penn and North Huntingdon shall constitute the second district and shall elect two members

The residue of the county of Westmoreland not included in the first and second districts shall constitute the third district and elect two members

The county of Wyoming shall elect one member

The county of York shall elect three members and shall be divided into three districts as follows

The city of York shall constitute the first district and shall elect one member

The townships of Carroll Conewago Dover East Manchester Fairview Franklin Heidelburg Hellam Jackson Manchester Monaghan Newberry North Godorus Paradise Penn Springgarden Springettsbury Warrington Washington and West Manchester and the boroughs of Dillsburg Dover Franklintown Goldsboro Hallan Hanover Lewisberry Manchester Mount Wolf Newsalem North York Springgrove Wellsville West York Wrightsville and York Haven shall constitute the second district and shall elect one member

The townships of Chanceford Codorus East Hopewell Fawn Hopewell Lower Chanceford Lower Windsor Manheim North Hopewell Peachbottom Shrewsbury Springfield West Manheim Windsor and York and the boroughs of Crossroads Dallastown Delta East Prospect Fawn Grove Felton Glenrock Jacobus Jefferson Loganville New Freedom Railroad Red Lion Seven Valleys Shrewsbury Stewartstown Windsor Winterstown Yoe and Yorkana shall constitute the third district and shall elect one member

On the question,

Will the Senate agree to the section?

Mr. RODGERS. Mr. President, I move to amend section 1, page 7, line 6 by inserting after the word "Plumstead" and before the word "Rockhill" the following: "East Rockhill and West"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

Mr. SIPE. Mr. President, I move to further amend sec. 1, page 7, line 13, by striking out the word "Sumit" and inserting in lieu thereof "Summit"; amend sec. 1, page 7, line 18, by striking out the word "Petersville" and inserting in lieu thereof "Connoquenessing"; amend sec. 1, page 7, line 21, by striking out the word "Conoquenessing" and inserting in lieu thereof "Connoquenessing"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second, third and fourth sections of the bill was read as follows and agreed to.

Section 2 The foregoing apportionment is based on the United States decennial census of one thousand nine hundred and thirty Any township borough or ward created since such census and not specifically provided for by this act shall form a part of the district to which the territory comprised within such township borough or ward is allotted by the provisions of this act according to the political division existing at the time of such census

Section 3 The first election under this act shall be held at the general election in the year one thousand nine hundred and thirty-eight

The Members of the House of Representatives now in office shall continue in such office until the expiration of their respective terms

Section 4 The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 455) entitled "An act to fix the number of Repnsentatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution" and its amendments is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

The title of the bill was read as follows and agreed to.

An Act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 213.

Mr. HEYBURN presented the Report of the Committee of Conference on Senate Bill No. 213, entitled:

An Act to amend section eighteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," requiring local ordinances in certain cases to conform to this act and the regulations made thereunder.

which was laid upon the table.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 1411.

Mr. HEYBURN presented the Report of the Committee of Conference on Senate Bill No. 1411, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support port of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven.

BILL ON SECOND READING

Mr. RICE. Mr. President, I call up at this time, Senate Bill No. 1411 on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1411, (House Bill No. 1177), entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 1411, (House Bill No. 1177), the bill just read.

be recommitted to the Committee on Appropriations.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1429, as follows:

An Act making an appropriation to the Department of Welfare for pensions for the blind

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred forty-five thousand seven hundred dollars ($345,700.00) is hereby appropriated out of the General Fund to the Department of Welfare for the month of June one thousand nine hundred thirty-seven for the payment of pensions for the blind in the manner provided by law

Section 2 Any unexpended balance remaining in the appropriation made by Section 1 of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending the thirty-first day of May one thousand nine hundred thirty-nine and shall be credited to the allocation contained in such appropriation for the payment of pensions to the blind.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1430, as follows:

An Act making an appropriation to the Department of Welfare for Mother's Assistance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred eleven thousand eight hundred fifty dollars ($211,850.00) is hereby specifically appropriated out of the General Fund to the Department of Welfare for allocation and expenditure during the month of June one thousand nine hundred thirty-six for Old Age Assistance (including local administration costs in the manner provided by law)

Section 2 Any unexpended balance remaining in the appropriation made by section one of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending May thirty-first one htousand nine hundred thirty-nine ad shall be credited to the allocation contained in such appropriation for Mother's Assistance sistance.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1431, as follows:

An Act making an appropriation to the Department of Welfare for old age assistance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million eighteen thousand three hundred fifty dollars ($1,018,350.00) is hereby specifically appropriated out of the General Fund to the Department of Welfare for expenditure during the month of June one thousand nine hundred thirty-seven for old age assistance in the manner provided by law

Section 2 Any unexpended balance remaining in the appropriation made by Section 1 of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending the thirty-first day of May one thousand nine hundred thirty-nine and shall be credited to the allocation contained in such appropriation for the payment of old age assistance

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1434, (House Bill No. 2436), as follows:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. HALUSKA. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 1067, on second reading postponed, entitled:

An Act to amend section five hundred and one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by changing the requirements relating to the annexation of boroughs and townships to cities of the third class; and defining the phrase "taxable inhabitants."

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

BILL DROPPED FROM CALENDAR

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 1067, be dropped from the Calendar.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No. 1353 (House Bill 1214), on second reading, entitled:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture making certain changes regarding the examination and registration of those who desire to engage in the occupation of beauty culture modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators and manicurists prescribing certain qualifications for examiners inspectors investigators and supervisors and making certain changes in the powers and duties of the Department of Public Instruction and in the procedure to be allowed in the enforcement of the act.

be recommitted to the Committee on Law and Order.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion,

Mr. FREY. Mr. President, I understand that the arrangement was to call up certain bills that were agreed upon. Now this bill, as I understand, was not one of the bills that was to be called up. I believe that it would be far better to allow the bill to go over and I ask the Senator to withdraw his motion.

Mr. REED. Mr. President, the sponsor of this bill, Miss Brancato, asked me to make this motion for the reason that this bill had come out of committee unbeknown to her and had been amended. She wanted an opportunity to look over the amendment and, perhaps, offer another amendment. I did not think there was any objection. I do not know what Senator Frey's objections are but if he has any legitimate objection, I will withdraw the motion and ask that the bill go over in order.

Mr. SHAPIRO. Mr. President, I withdraw my second.

BILL OVER IN ORDER

The PRESIDENT. The motion is withdrawn and the bill will go over in its order.

ACTION ON BILL DEFERRED

Mr. RICE. Mr. President, I move that all remaining bills on the Calendar go over in order.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. KAHLE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KAHLE from the Committee on Welfare re-reported as committed, Senate Bill No. 878, entitled:

An Act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure.

Mr. LAW. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW, from the Committee on Highways reported as committed amended, Senate Bill No. 1446, (House Bill No. 1781), entitled:

An Act to amend sections two and three of the act approved the fourteenth day of May one thousand nine hundred twenty-nine (P. L. 1721) entitled "An act providing for the service of process in civil suits on non-resident operators or non-resident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said non-resident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended by providing fur ther for the return of and fees for service.

Mr. GILSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON (By request of Mr. Thompson) from the Committee on State Government reported as amended, Senate Bill No. 1442 (House Bill No. 1495) entitled:

An Act to amend clause (b) of section four hundred forty-eight of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, changing the personnel of the State Veterans Commission.

Mr. McCREESH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Judiciary Special reported as committed, Senate Bill No. 420, entitled:

An Act to amend sections two hundred and eleven, three hundred and twelve, seven hundred and seven and eight hundred and seven of the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas,p rothonotaries of such courts, recorders of deeds, and certain State departments, commissions and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by placing the incorporation and regulation of non-profit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth; and conferring discretionary powers upon the courts.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL from the Committee on Insurance reported as committed, Senate Bill No. 1405, entitled:

An Act to further amend section two hundred two of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled, "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by authorizing stock insurance companies, other than life, to transact any or all of the classes and kinds of insurance mentioned in said section, subject to certain conditions.

Mr. RANKIN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on Highways reported as committed, Senate Bill No. 1406 (House Bill No. 86), entitled:

An Act to establish as a State highway a certain section of public road in the County of Allegheny and providing for its construction and maintenance at the expense of the Commonwealth.

Mr. RICE. Mr. President, I ask unanimous consent to make reports from committees at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE from the Committee on Highways, reported as committed, Senate Bill No. 1441 (House Bill No. 1801) entitled :

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred and thirty-one

(Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," as amended by changing certain routes and adding certain new routes.

Also from the Committee on Highways reported as committed, Senate Bill No. 1448 House Bill No. 2012) entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth," as amended, by changing certain routes and adding certain new routes.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1444 (House Bill No. 2208) entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

Mr. OWLETT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Judiciary General, reported as amended, Senate Bill No. 1451 (House Bill No. 2099) entitled:

An Act to further amend sections two hundred forty-six, two hundred fifty-six and two hundred sixty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight, entitled, "An act relating to counties, of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending, and consolidating the laws relating thereto," fixing the salary and qualification of the district attorney and providing for the appointment and compensation of assistant district attorneys, stenographers and clerks in counties of the sixth, seventh and eight classes.

Mr. GELDER. Mr. President, I ask unanimous consent to make reports from committees at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways re-reported as committed, Senate Bill No. 761 (House Bill No. 662), entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds"; changing the registration year and adjusting registration fees.

Also from the Committee on Highways reported as committed, Senate Bill No. 1447, (House Bill No. 2010), entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class, second class A and third class as State highways and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," as amended by changing certain routes and adding certain new routes.

HOUSE MESSAGES

SENATE BILL NO. 197 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 197, entitled:

An Act to amend section one of the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-one (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of sub-ordinate assessors a solicitor, engineers, and clerks; providing for their compensation payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities;" providing for the appointment of the members of the boards for the assessment and revision of taxes by the Auditor General of the Commonwealth; terminating the terms of the existing members of such boards; and fixing the membership of the county salary boards for certain purposes.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 771 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 771, entitled:

An Act relating to nonprofit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

HOUSE CONCURS IN SENATE BILL NO. 998

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 998, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by further regulating the incurring or refunding of indebtedness, the issuing of bonds by school districts, and the retiring of indebtedness; making payroll obligations preferential claims against the district; providing for penalties for failure to comply with any part of the act; and repealing provisions of state laws inconsistent with this act.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 415

He also returned to the Senate, Senate Bill No. 415, entitled:

An Act providing for the examination and certification of, and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines; imposing duties upon the Secretary of Mines; and providing penalties.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 416

He also returned to the Senate, Senate Bill No. 416, entitled:

An Act providing for the examination and certification of, and regulating the employment of mine electricians in bituminous coal mines; imposing duties upon the mine foremen's examining board and the Secretary of Mines; and providing penalties.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 1046

He also returned to the Senate, Senate Bill No. 1046, entitled:

An Act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters; authorizing the employment of assistants for the performance of such duties; fixing the salaries of such assistants; and repealing inconsistent acts.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 1076

He also returned to the Senate, Senate Bill No. 1076, entitled:

An Act to amend section one as amended, and sections two and three of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (P. L. 129), entitled "An act to empower boroughs and cities to establish a police pension fund; to take property in trust therefor; and regulating and providing for the regulation of the same," requiring cities to make certain appropriations to the police retirement fund; increasing the maximum payments by members; and generally clarifying the provisions of said act.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 1158

He also returned to the Senate, Senate Bill No. 1158, entitled:

An Act providing a method of annexation of townships of the first class parts thereof to cities and boroughs, and regulating the proceedings pertaining thereto.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 1167

He also returned to the Senate, Senate Bill No. 1167, entitled:

An Act to define and restrict the obligation of persons engaged on, connected with, or employed by certain newspapers, or press associations in testifying as to the source of information procured or obtained by such persons.

with the information that the House has passed the same without amendments.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 159, entitled:

An Act to amend section seven of the act approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (Pamphlet Laws twenty-eight) entitled, "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," providing that all eligible applicants shall be entitled to assistance and preventing discrimination.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 420, entitled:

An Act to amend sections two hundred and eleven, three hundred and twelve, seven hundred and seven and eight hundred and seven of the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled, "An act relating to non-profit corporations defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas, prothontaries of such courts, recorders of deeds, and certain State departments, commissions and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by placing the incorporation and regulation of nonprofit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth; and conferring discretionary powers upon the courts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 896, (House Bill No. 1449, entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 984, (House Bill No. 2001), entitled:

An Act to amend section four hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled, "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," further regulating the creation and abolition of wards.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1100, (House Bill No. 1476),, entitled:

An Act to amend section one of the act approved the sixth day of May, one thousand eight hundred and seventy-four (Pamphlet Laws one hundred twenty-five) entitled, "An act regulating State tax on certain county offices," as amended, regulating the payment over to the county of excess earnings of county officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1128, (House Bill No. 1765), entitled:

An Act to further amend the act approved the eighteen day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such supervisors of special education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1135, entitled:

An Act to amend sections two, three and four, section five as amended, and sections six, seven, eight, nine, thirteen, fourteen and sixteen, and to repeal sections ten, eleven and twelve of the act approved the seventeenth day of June, one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) entitled, "An act to provide revenue for State and county purposes, and, in cities co-extensive with counties for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and

modifying existing legislation which provided for raising revenue for State purposes," by providing for the collection of the taxes therein imposed by the county commissioners, boards of revision of taxes, and boards for the assessment and revision of taxes; further regulating returns; the inspection of books and records, and the attendance of witnesses; providing that such taxes shall be a lien on the real estate of the taxable and recoverable in assumpsit; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1276, (House Bill No. 1049), entitled:

An Act providing for the creation of a legal holiday on April 8, 1938, to be known and observed as "Forefathers Day."

And said bill having been read at length the first time, Ordered ,To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1277 (House Bill No. 1093), entitled:

An Act to amend clause XLIX of section one thousand two hundred of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen), entitled "An act concerning boroughs and revising, amending and consolidating the law relating to boroughs," authorizing boroughs to expend moneys for the purchase and planting of trees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1283 (House Bill No. 1751), entitled:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed, changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value, providing a procedure by which the actual value of such property when purchased by or for the holder of the mortgage may be determined and credited on the mortgage debt and providing a limitation of time within which such procedure may be invoked.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1290 (House Bill No. 1963), entitled:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1291 (House Bill No. 2029), entitled:

An Act to amend Article Five of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing counties to make appropriations for the maintenance of short wave radio broadcasting stations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1346 (House Bill No. 1636), entitled:

An Act to amend section six hundred one of the act approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws one thousand one) entitled, "An act providing for the regulation of aeronautics within this Commonwealth, conferring powers and imposing duties upon the Department of Revenue in respect thereto, providing for the licensing and registration of airman and aircraft, establishing the legal status of air navigation, providing for sovereignty in and ownership of space, providing for lawfulness of flights, regulating civil causes of action, arising out of operation of aircraft, fixing the status of contracts, crimes and torts in by or by means of operation of aircraft, imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof, providing for denial or revocation of licenses, providing for certain penalties and their disposition and repealing certain existing laws," by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft and extending certain penalties to owners of aircraft.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1378 (House Bill No. 588), entitled:

An Act authorizing the Water and Power Resources Board to make a survey and investigation to determine to what extent the beds of rivers, lakes and streams, title to which is in the Commonwealth have been and are occupied or encroached upon and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1403, entitled:

An Act to amend the act approved the seventh day of June, one thousand nine hundred and fifteen, (Pamphlet Laws nine hundred) entitled, "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits: requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths and diseases, or practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining registration of births, deaths, marriages, and diseases

throughout the State, as provided in section ten of an act, entitled, 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act;" by adding thereto section 18.1; providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1405, entitled:

An Act to further amend section two hundred two of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, six hundred eighty-two) entitled, "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by authorizing stock insurance companies, other than life, to transact any or all of the classes and kinds of insurance mentioned in said section, subject to certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1406 (House Bill No. 86), entitled:

An Act to establish as a State highway a certain section of public road in the County of Allegheny and providing for its construction and maintenance at the expense of the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1413 (House Bill No. 1465), entitled:

An Act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government, prescribing their powers and duties, conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1416, entitled:

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1419 (House Bill No. 1690), entitled:

An Act regulating the mining of bituminous coal in counties of the second class, prescribing duties for county commissioners and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1421 (House Bill No. 1640), entitled:

A Supplement to the act approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation, providing procedure for the determination of liability and compensation thereunder and prescribing penalties," as amended, and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions, provisions and procedure related to such diseases and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1425 (House Bill No. 1894), entitled:

An Act relating to soil conservation and soil erosion and regulating land use practices, contributing to soil wastage and soil erosion, providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources, prescribing the officers and employes thereof and defining their powers and duties, creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act, providing financial assistance to such soil conservation districts, prescribing penalties and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1426 (House Bill No. 1959), entitled:

An Act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer state plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1435 (House Bill No. 143), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1437 (House Bill No. 865), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1438 (House Bill No. 1135), entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration, preservation, development and maintenance of the Ephrata Cloisters Park.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1439 (House Bill No. 1237), entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeen, one thousand nine hundred and nineteen (Pamphlet Laws one thousand three) entitled, "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties," as amended, providing for the method of reimbursement to such licensees and making an appropriation therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1441 (House Bill No. 1801), entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four) entitled, "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," as amended by changing certain routes and adding certain new routes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1442 (House Bill No. 1495), entitled:

An Act to amend clause (b) of section four hundred forty-eight of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, changing the personnel of the State Veterans Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1444 (House Bill No. 2208), entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1446 (House Bill No. 1781), entitled:

An Act to amend sections two and three of the act approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled, "A act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles, operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit," as amended by providing further for the return of and fees for service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1447 (House Bill No. 2010), entitled:

An Act to amend Section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class, second class A and third class as State highways and for the im-

provement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," as amended by changing certain routes and adding certain new routes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1448 (House Bill No. 2012), entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred seventy-two) entitled, "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth," as amended, by changing certain routes and adding certain new routes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1451 (House Bill No. 2099), entitled:

An Act to further amend sections two hundred forty-six, two hundred fifty-six and two hundred sixty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties, of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys, stenographers and clerks in counties of the sixth, seventh and eighth classes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

HOUSE MESSAGE

FINAL ADJOURNMENT RESOLUTION RESCINDED

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives which was twice read, considered and agreed to:

Resolved (if the Senate concur) That this regular session of the General Assembly adjourn sine die, Friday, May [twenty-first] twenty-eighth, 1937 at 12 o'clock noon.

Signed by the House Committee on Rules:

1. Roy E. Furman
2. Herbert B. Cohen
3. Joseph A. Simon
4. John J. O'Keefe
5. Leo A. Achterman
6. Joseph Ominsky

Mr. LAW. Mr. President, I move that the Senate concur in the Resolution.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. RICE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE offered the following resolution, which was twice read considered and agreed to:

In the Senate, May 26, 1937.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Tuesday afternoon, June first, at 2 p. m. Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Tuesday afternoon, June first, at 2 p. m. Eastern Standard Time.

Ordered, That the Clerk inform the House of Representatives accordingly.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until 1:00 o'clock p. m. tomorrow.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until one o'clock p. m. tomorrow, Thursday, May 27, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 26, 1937.

The House met at 3:30 p. m.
The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father, our prayer of today is: Make us all channels of blessing today. In His name we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday when, on motion of Mr. VANALLSBURG, the further reading was dispensed with and the Journal approved.

SENATE MESSAGES

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 916

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 916.

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax'" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1769

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1769.

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 965

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 965, entitled:

An Act to amend section one of the act approved the sixteenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 244) entitled "An act applying to third class counties only and regulating the selection drawing and summoning of all jurors and talesmen and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors for the array and regulating the procedure if array is quashed repealing all acts or parts of acts inconsistent therewith" by reconstituting the jury board

And has appointed Messrs. MUNDY, DENT and BEAN a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1754

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1754, entitled:

An Act to amend the act, approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for, and regulating the incorporation of non-profit corporations organized to provide hospital care and service for subscribers; and conferring powers on the Insurance Department with respect thereto and further defining the scope of the act

And has appointed Messrs. PYTKO, RUTH and HOWELL a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1755

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1755, entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospitalization for subscribers prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospitalization conferring powers on the Insurance Department and the Department of Welfare exempting such corporations from taxation and providing penalties

And has appointed Messrs. PYTKO, RUTH and HOWELL a Committee of Conference to confer with a similiar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

BILL TAKEN FROM TABLE

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that House Bill No. 557, Printer's No. 913, together with the message from the Senate which was laid on the table on Friday, May 21, 1937, be taken from the table.

The motion was agreed to.

The Clerk read the message as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 557.

An Act making an appropriation to the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, by striking out in lines 4 and 5 the words and figures "eight million dollars ($8,000,000)" and inserting in lieu thereof the words and figures "five million dollars ($5,000,000)"; also by striking out at the end of line 10 the word "Provided"; also on page 2 by striking out all of lines 1 to 5 inclusive as follows: "however That not less than four million dollars ($4,000,000) of the sum appropriated by this act and paid into the Flood Control Fund shall be used and expended only for flood control work and improvements on and along the Susquehanna River and its tributaries."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. WOODSIDE. Mr. Speaker and members of the House, this bill provides for an appropriation to be given from the General Fund to the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes. This bill provided for an appropriation of eight million dollars, and four million dollars of that sum was to be used and expended only for flood control work along the Susquehanna River and its tributaries. The bill has been amended in the Senate to strike out the eight million dollar provision and substitute in lieu thereof five million dollars, and to remove from the bill that part of it which provided that four million dollars of that sum should be expended upon the Susquehanna River and its tributaries. The amendment raising the amount from five million dollars to eight million dollars, originally was put in by the House. We felt that this sum was to be spent upon flood control, partly along the Susquehanna River and partly elsewhere. If we allow this amendment to stand we feel that over four million dollars of it, or approximately ninety percent or more will be used entirely in the western part of Pennsylvania and practically none of it would be used in the Susquehanna Basin. We know the suffering that has been caused along the Susquehanna and its tributaries in the last year. We felt that we were entitled to some of it, and we felt that a larger amount should be used on the Susquehanna Basin. If this sum is to be spent for flood control then the Susquehanna Basin should have its share and should have a more complete participation in the program. For that reason I object to the concurrence in the amendments of the Senate and I ask the members of the House to vote "no."

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I ask the membership of the House to vote "aye" on concurrence in the amendments inserted by the Senate. My friend on the other side of the House knows that the Governor in his budget set up five million dollars to be appropriated by this House for flood control. If the gentleman from Dauphin, Mr. Woodside, knew how we could get the other four or five million dollars we might be in a position to appropriate a specific amount of this sum for the Susquehanna River Basin, but due to the fact that this money was given to the Flood Control Fund to be used by the Water Power Resources Board throughout the entire Commonwealth, not for any specific section, he cannot complain that we should appropriate the four million dollars for the Susquehanna River Basin. There are sections in and around Cambria County, Johnstown, Pa., and other sections of the Commonwealth that have suffered just as severely and more so than the Susquehanna River Basin. Due to the fact that we have not the means in this House to raise the money to appropriate to the Board eight million dollars' it is foolish for us to pass on appropriation bill and let the administration find out where to secure this money. The people have been taxed enough and I do not think that we are in a position to levy any further taxes for the purpose of raising money for flood control purposes. With the money we are going to get from the Federal Government, with the fifty million dollar bond issue for flood control work, I believe that within the next two years we will be able to use this money for the purpose of curbing these floods.

I ask the members of the House to vote "aye" in the concurrence of the amendments inserted by the Senate.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—159

Achterman,	Falkenstein,	McCullough.	Schor,
Alexander,	Finnerty,	McDermott,	Schrock,
Allen,	Fitch,	McElroy,	Schrope,
Allmond,	Flanagan,	McFall,	Shaw,
Arnold,	Flannery,	McGee,	Shea,
Aukerman,	Flinchbaugh,	McShane,	Shepard,
Baine,	Ganser,	Melchiorre,	Shoemaker,
Baker, J. J.,	Gerard,	Mellott,	Shugarts,
Balthaser,	Gorski,	Mihm,	Siegel,
Bierly,	Haberlen,	Moomaw,	Simon,
Blank,	Hagerty,	Mooney,	Skale,
Bohn,	Hamilton, F. P.,	Moran,	Smith, James A.,
Bois,	Harkins,	Moul,	Smith, John A.,
Boltz,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Stewart,
Broad,	Hess,	O'Brien,	Thomas,
Brown,	Hetrick,	O'Connor,	Thompson,
Brownfield,	Hindman,	O'Keefe,	Toole,
Burrows,	Hirsch,	Ominsky,	Tronzo,
Caesar,	Holland,	O'Neill,	Tumelty,
Caputo,	Holmes,	Ostroff,	Valibus,
Chervenak,	Holstrom,	Patterson, C. S.,	Van Allsburg,
Coakley,	Hontz,	Patterson, J. W.,	VanSickle,
Cohen, H. B.,	Horting,	Pearson,	Vogt,
Cohen, R. E.,	Jirolanio,	Pershing,	Wagner,
Coleman,	Keenan,	Piole,	Walsh,
Coolahan,	Kelso,	Powers,	Weiss, D. H.,
Corrigan,	Kilroy,	Preston,	Weiss, S. A.,
Costanzo,	Kroll,	Readinger,	Welliver,
Davies,	LaRue,	Reese,	Welsh,
Decker,	Levy,	Reising,	Westrick,
DeNote,	Lewis,	Richter,	Whalen,
Dickinson,	Long,	Robinson,	Whitenight,
Donohoe,	Lopresti,	Rothenberger,	Wright,
Dougherty,	Lovett,	Ruffennach,	Yanoshat,
Downey,	Marino,	Rush,	Yourishin,
Dubbs,	Matthews, H. T.,	Sarraf,	Zappala,
Dyson,	McArdle,	Scanlon,	Furman,
Elpern,			

NAYS—16

Atkins,	Huntley,	Perry,	Trout,
Baker, F. T.,	Imbrie,	Royer,	Turner,
Boose,	Kane,	Schumacher,	Wall,
Boyer,	Kline,	Serrill,	Wampole,
Bradley,	Leisey,	Sloan,	Watkins,
Cadwalader,	Longaker,	Snyder,	Webster,
Eckels,	Lyons,	Sollenberger,	Weidemann,
Fiss,	Matthews, J. F.,	Sproul,	Wilson,
Gillette,	McDevitt,	Stackpole,	Winner,
Habbyshaw,	McKinney,	Stockham,	Wood,
Hall,	Muir,	Strode,	Woodside,
Hamilton, R. S.	Peale,	Terry,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

RELIEF

Petitions (104) from residents of various counties opposing passage of legislation abolishing present system of general poor relief by elected Poor Directors.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 639

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 639.

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a Court of Common Pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the Common Pleas Court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 639

Mr. BROWN. Mr. Speaker, I desire to call up the report of the Committee of Conference on Senate Bill No. 639, Printer's No. 777.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 639, entitled: "An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and to certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a Court of Common Pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the Common Pleas Court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties" respectfully submit the following bill as our report:

JOHN H. DENT,
BERNARD B. McGINNIS,
CHARLES R. MALLERY,
Committee on the part of the Senate

HOMER S. BROWN,
JOHN YOURISHIN,
J. HALL STACKPOLE,
Committee on the part of the House of Representatives

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State Government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a Court of Common Pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the Common Pleas Court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That this act shall be known and may be cited as the "Pennsylvania Labor Relations Act"

Section 2 Findings And Policy

(a) Under prevailing economic conditions individual

employes do not possess full freedom of association or actual liberty of contract Employers in many instances organized in corporate or other forms of ownership associations with the aid of government authority have superior economic power in bargaining with employes This growing inequality of bargaining power substantially and adversely affects the general welfare of the State by creating variations and instability in competitive wage rates and working conditions within and between industries and by depressing the purchasing power of wage earners thus (1) creating sweatshops with their attendant dangers to the health peace and morals of the people (2) increasing the disparity between production and consumption and (3) tending to produce and aggravate recurrent business depressions The denial by some employers of the right of employes to organize and the refusal by employers to accept the procedure of collective bargaining tend to lead to strikes lock-outs and other forms of industrial strife and unrest which are inimical to the public safety and welfare and frequently endanger the public health

(b) Experience has proved that protection by law of the right of employes to organize and bargain collectively removes certain recognized sources of industrial strife and unrest encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages hours or other working conditions and tends to restore equality of bargaining power between employers and employes

(c) In the interpretation and application of this act and otherwise it is hereby declared to be the public policy of the State to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection free from the interference restraint or coercion of their employers

(d) All the provisions of this act shall be liberally construed for the accomplishment of this purpose

(e) This act shall be deemed an exercise of the police power of the Commonwealth of Pennsylvania for the protection of the public welfare prosperity health and peace of the people of the Commonwealth

Section 3 Definitions When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "person" includes an individual partnership association corporation legal representative trustee trustee in bankruptcy or receiver

(c) The term "employer" includes any person acting directly or indirectly in the interest of an employer but shall not include the United States or the Commonwealth or any political subdivision thereof or any person subject to the Federal Railway Labor Act or the National Labor Relations Act as amended from time to time or any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization

(d) The term "employe" shall include any employe and shall not be limited to the employes of a particular employer unless the act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment but shall not include any individual employed as an agricultural laborer or in the domestic service of any person in the home of such person or any individual employed by his parent or spouse

(e) The term "representative" includes any individual or labor organization

(f) The term "labor organization" means any organization of any kind or any agency or employe representation committee or plan in which employes participate and which exists for the purpose in whole or in part of dealing with employers concerning grievances labor disputes wages rates of pay hours of employment or conditions of work but shall not include any labor organization which by ritualistic practice constitutional or by-law proscription by tacit agreement among its members or otherwise denies a person or persons membership in its organization on account of race creed or color

(g) The term "unfair labor practice" means only these unfair labor practices listed in section six of this act

(h) The term "labor dispute" includes any controversy concerning (1) terms tenure or conditions of employment or concerning (2) the association or representation of persons in negotiating fixing maintaining changing or seeking to arrange terms or conditions of employment regardless of whether the disputants stand in the proximate relation of employer and employe

(i) The term "Board" means the Pennsylvania Labor Relations Board created by section four of this act

(j) The singular shall include the plural and the masculine shall include the feminine and neuter

Section 4 Pennsylvania Labor Relations Board Created

(a) There is hereby created a departmental administrative board in the department to be known as the "Pennsylvania Labor Relations Board" (hereinafter referred to as the "Board") which shall be composed of three members who shall be appointed by the Governor but with the advice and consent of two-thirds of all the members of the Senate Each member of the Board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment No member of the Board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United States One of the original members shall be appointed for a term of two years one for a term of four years and one for a term of six years but their successors shall be appointed for terms of six years each except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed The Governor shall designate one member to serve as Chairman of the Board

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board and two members of the Board shall at all times constitute a quorum The Board shall have an official seal of which courts shall take judicial notice

(c) The Board shall at the end of every year make a report in writing to the Governor stating in detail the work it has done in hearing and deciding cases and otherwise and it shall sign and report in full an opinion in every case decided by it

(d) Each member of the Board shall receive a salary of nine thousand dollars ($9,000) a year and shall be eligible for re-appointment The employes of the Board shall be appointed by the Secretary of Labor and Industry with the approval of the Governor The Board may establish or use such voluntary and uncompensated services as may from time to time be needed

(e) The principal office of the Board shall be in the City of Harrisburg but it may meet and exercise any or all of its powers at any place The Board may by one or more of its members or by such agents as it may designate prosecute in any part of this Commonwealth any inquiry necessary to the performance of its functions A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation mediation or arbitration (or for statistical work) where such service may be obtained from the Department of Labor and Industry

(f) The Board shall have authority from time to time to make amend and rescind such rules and regulations as may be necessary to carry out the provisions of this act Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe

Section 5 Rights of Employes Employes shall have the right to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted

activities for the purpose of collective bargaining or other mutual aid or protection

Section 6 Unfair Labor Practices It shall be an unfair labor practice for an employer

(a) To interfere with restrain or coerce employes in the exercise of the rights guaranteed in this act

(b) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it Provided That subject to rules and regulations made and published by the board pursuant to this act an employer shall not be prohibited from permitting employes to confer with him during working hours without loss of time or pay

(c) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization Provided That nothing in this act or in any agreement approved or prescribed thereunder or in any other statute of this Commonwealth shall preclude an employer from making an agreement with a labor organization (not established maintained or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein if such labor organization is the representative of the employes as provided in section seven (a) of this act in the appropriate collective bargaining unit covered by such agreement when made

(d) To discharge or otherwise discriminate against an employe because he has filed charges or given testimony under this act

(e) To refuse to bargain collectively with the representatives of his employes subject to the provisions of section seven (a) of this act

Section 7 Representatives and Elections

(a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employes in a unit appropriate for such purposes shall be the exclusive representatives of all the employes in such unit for the purposes of collective bargaining in respect to rates of pay wages hours of employment or other conditions of employment Provided That any individual employe or a group of employes shall have the right at any time to present grievances to their employer

(b) The Board shall decide in each case whether in order to insure to employe the full benefit of their right to self-organization and to collective bargaining and otherwise to effectuate the policies of this act the unit appropriate for the purposes of collective bargaining shall be the employer unit craft unit plant unit or subdivision thereof

(c) Whenever a question arises concerning the representation of employes the Board may investigate such controversy and certify to the parties in writing the name or names of the representatives who have been designated or selected In any such investigation the Board shall provide for an appropriate hearing upon due notice either in conjunction with a proceeding under section eight or otherwise and may take a secret ballot of employes or utilize any other suitable method to ascertain such representatives

(d) Whenever an order of the Board made pursuant to section eight subsection (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections (a) or (b) of section nine and thereupon the decree of the court enforcing modifying or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings testimony and proceedings set forth in such transcript

Section 8 Prevention of Unfair Labor Practices

(a) The Board is empowered as hereinafter provided to prevent any person from engaging in any unfair labor practice listed in section six of this act This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that have been or may be established by agreement law or otherwise

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice the Board or any member or designated agent thereof shall have authority to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Board or any member or designated agent thereof at a place therein fixed not less than five days after the serving of said complaint Any such complaint may be amended by the Board member or agent conducting the hearing at any time prior to the issuance of an order based thereon The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint In the discretion of a member or agent conducting the hearing or of the Board any other person may be allowed to intervene in the said proceeding and to present testimony In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling

(c) The testimony taken at the hearing shall be reduced to writing and filed with the Board The Board upon notice may take further testimony or hear argument If upon all the testimony taken the Board shall determine that any person named in the complaint has engaged in or is engaging in any such unfair labor practice the Board shall state its findings of fact and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such affirmative action including re-instatement of employes with or without back pay as will effectuate the policies of this act Such order may further require such person to make reports from time to time showing the extent to which the order has been complied with If upon all the testimony the Board shall be of the opinion that the person or persons named in the complaint has not engaged in or is not engaging in any such unfair labor practice then the Board shall make its findings of fact and shall issue an order dismissing the complaint

(d) Until a transcript of the record in a case shall have been filed in a court as hereinafter provided the Board may at any time upon reasonable notice and in such manner as it shall deem proper modify or set aside in whole or in part any finding or order made or issued by it

Section 9 Judicial Review

(a) The Board shall have power to petition the Court of Common Pleas of any county wherein the unfair labor practice in question occurred or wherein any person charged with the commission of any unfair labor practice resides or transacts business for the enforcement of such order and for appropriate temporary relief or restraining order and shall certify and file in the court a transcript of the entire record in the proceeding including the pleadings and testimony upon which such order was entered and the findings and order of the Board Upon such filing the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings testimony and proceedings set forth in such transcript a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board No objection that has not been urged before the Board its members or agents shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances The findings of the Board as to the facts if supported by evidence shall be conclusive If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence at the hearing before the Board its members or agent the court may order such additional evidence to be taken before the Board its members or agent and to be made a part of the transcript The Board may modify its findings as to the facts or make new findings by reason of additional evidence so taken

and filed and it shall file such modified or new findings which if supported by evidence shall be conclusive and shall file its recommendations if any for the modification or setting aside of its original order The jurisdiction of the Court of Common Pleas shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court on appeal by either party irrespective of the nature of the decree or judgment or the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Supreme Court and the record so certified shall contain all that was before the Court of Common Pleas

(b) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in the Court of Common Pleas of any county where the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Board be modified or set aside A copy of such petition shall be forthwith served upon the Board and the Board shall file in the court a transcript of the entire record in the proceeding certified by the Board including the pleadings and testimony and order of the Board Upon such filing the court shall proceed in the same manner as in the case of an application by the Board under subsection (a) and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper and in like manner to make and enter a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board and the findings of the Board as to the facts if supported by evidence shall in like manner be conclusive

(c) The commencement of proceedings under subsection (a) or (b) of this section shall not unless specifically ordered by the court operate as a stay of the Board's order

(d) When granting appropriate temporary relief or a restraining order or making and entering a decree enforcing modifying or enforcing as so modified or setting aside in whole or in part an order of the Board as provided in this section the jurisdiction of courts sitting in equity shall not be limited by acts pertaining to equity jurisdiction of courts The Act of June twenty-third one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty-five) entitled "An act defining the rights of persons accused of contempt of court arising out of violation of injunctions limiting eligibility of judges in such cases and prescribing procedure and penalties" shall not be applicable to orders of the Board or to court orders enforcing orders of the Board or any provision of this act or to violations of any order of the Board or of court orders enforcing orders of the Board or any provision of this act

(e) Petitions filed under this act shall be heard expeditiously and if possible within ten days after they have been docketed

Section 10 Investigatory Powers For the purpose of all hearings and investigations which in the opinion of the Board are necessary and proper for the exercise of the powers vested in it by sections seven and eight

(a) The Board or its duly authorized agents shall at all reasonable times have access to for the purpose of examination and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question Any member of the Board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the Board its members or agent conducting the hearing or investigation Any member of the Board or any agent designated by the Board for such purposes may administer oaths and affirmations examine witnesses and receive evidence

(b) If any witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the Board or its members or agent conducting the hearing or investigation his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the Board or its members or agent conducting the hearing may by special order or general rule prescribe

(c) In case of contumacy or refusal to obey a subpoena issued to any person the Court of Common Pleas of any county within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board its members or agent there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question and any failure to obey such order of the court may be punished by said court as a contempt thereof

(d) No person shall be excused from attending and testifying or from producing books records correspondence documents or other evidence in obedience to the subpoena of the Board on the ground that the testimony or evidence required to him may tend to incriminate him or subject him to a penalty or forfeiture but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he is compelled after having claimed his privilege against self-incrimination to testify or produce evidence except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying

(e) Complaints orders and other process and papers of the Board its members or agent may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same Witnesses summoned before the Board its members or agent shall be paid the same fees and mileage that are paid witnesses in the courts of this Commonwealth and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this Commonwealth

(f) All process of any court to which application may be made under this act may be served in the county wherein the defendant or other person required to be served resides or may be found

(g) The several departments commissions divisions authorities boards bureaus agencies and offices of the Commonwealth or any political subdivision or agency thereof shall furnish the Board upon its request all records papers and information in their possession relating to any matter before the Board

Section 11 Penalties Any person who shall wilfully resist prevent impede or interfere with any member of the Board or any of its agents in the performance of duties pursuant to this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five thousand dollars ($5000) or by imprisonment for not more than one year or both

Section 12 Repealer All acts or parts of acts whether special or local inconsistent herewith are hereby repealed

Section 13 Limitations Nothing in this act shall be construed so as to interfere with impede or diminish in any way the right of employes to strike

Section 14 Separability If any cause sentence paragraph or part of this act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be

the legislative intent that this act would have been adopted had such invalid provisions not been included

Section 15 Effective Date This act shall take effect immediately upon its final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Ccakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILLS MADE SPECIAL ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I move that bills on second reading, final passage recalled from the Governor, bill on final passage and bills on third reading as announced by the Chair be made special orders of business, in their order, immediately upon the adoption of this motion.

The motion was agreed to.

SPECIAL ORDER

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2354, (Senate Bill No. 1116), entitled:

An Act to amend section one of the act approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws seven hundred fifty-nine) entitled, "An act granting the right and lawful authority to corporations to construct, operate, and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply, subject to the approval of the Water Supply Commission," extending the provisions of said act to additional corporations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 647, as follows:

An Act to promote public health morals safety and welfare by providing for the supervision and encouragement of housing creating a State Board of Housing a departmental administrative board within the Department of Health providing for the organization of the board the appointment and removal of its members enumerating its duties and powers including the powers to conduct investigations issue subpoenas apply to courts for punishment of contempts make orders rules and regulations prescribe forms require reports supervise the operations of limited dividend housing companies and housing authorities and their members and ememployes acquire property by eminent domain for limited dividend housing companies commence actions to prevent violations of law and to surcharge members of authorities supervise rental charged by limited dividend companies charge fees for services providing for the selection and removal of the board's employes providing for appeals from its orders and making an appropriation

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that

Section 1 This act shall be known as and may be cited as the "State Board of Housing Law"

Section 2 Findings and Declaration of Policy It has been determined by the General Assembly of this Commonwealth and it is hereby declared as a matter of legislative finding that

(a) There exist in urban and rural communities within the various counties of this Commonwealth slums or unsafe unsanitary inadequate or overcrowded dwellings or a combination of these conditions accompanied and aggravated by an acute shortage of decent safe and sanitary dwellings within the financial reach of families of low income such conditions arising from overcrowding obsolete buildings lack of proper light air and sanitary facilities

(b) The above enumerated conditions both singly and in combination are prejudicial to the health and welfare of the people of this Commonwealth because they (1) encourage the spread of disease and impair public health and morals (2) increase the hazards of fires accidents and other calamities which result in loss of life and property (3) subject the moral standards of the young to influ-

ences which have permanent deleterious social effects (4) increase the violation of the criminal laws of the Commonwealth so as to jeopardize the safety and well-being of the inhabitants thereof (5) necessitate the expenditure of vast sums of public money both by the Commonwealth and local governmental bodies for the purposes of crime prevention punishment and correction fire prevention public health service and relief

(c) The failure to remedy the acute dwelling shortage is directly related to the stagnation of business activity in the construction durable goods and allied industries which are conducted within this Commonwealth and the stagnation of which has produced serious and prolonged unemployment with all its injurious effect upon the health and welfare of the inhabitants of this Commonwealth

(d) Private industry alone has been and now is unable to overcome the obstacles which have prevented and are now preventing it from relieving the shortage of decent safe and sanitary dwellings for families of low income

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the health morals safety and welfare of the inhabitants thereof by providing for the creation of a State Board of Housing for the purpose of supervising encouraging assisting and regulating any housing authorities limited dividend companies or other associations organizations bodies corporate or politic which may exist or be formed within the Commonwealth to ameliorate the conditions hereinabove described

Section 3 Definitions The following words and phrases when used in this act shall have the meanings respectively ascribed to them in this section

1 "Actual Cost" shall mean cost of project or real property buildings and improvements in projects including charges for financing supervision and carrying charges during construction including interest on borrowed capital

2 "Areas of Bad Housing" shall mean areas where in the opinion of the State Board of Housing land is overcrowded or where the structural or unsanitary condition of unfit obsolete or deteriorated buildings have in the opinion of the board a tendency to endanger the health safety morals or general welfare of the public Such areas shall extend only to the limits of neighborhoods that might reasonably be deemed to be affected by these conditions but may include buildings not in themselves structurally unsafe or unsanitary

3 "Board" shall mean the State Board of Housing created by this act as a departmental administrative board within the Department of Health of the Commonwealth

4 "Housing Authority" or "Authority" shall mean any public housing authority created under that name by any act of assembly of this State

5 "Housing Project" or "Project" shall mean any work or undertaking (1) to demolish clear or remove buildings from any area of bad housing or to adapt such area to public purposes including parks playgrounds swimming pools or other recreational or community purposes or (2) to provide decent safe and sanitary dwellings apartments or other living accommodations for persons of low income through new construction or reconditioning or repair of existing structures Such work or undertaking may include buildings land equipment facilities and real or personal property for necessary convenient or desirable appurtenances streets sewers water services parks site preparation gardening administrative community health recreational educational welfare or other purposes or (3) to accomplish a combination of the foregoing The term "Housing Project" or "Project" also may be applied to the planning of buildings and improvements and all other work in connection therewith

6 "Limited Dividend Housing Company" shall mean a company incorporated under or accepting the provisions of any Limited Dividend Housing Company Law

7 "Municipality" shall mean any county city borough or township

Section 4 State Board of Housing There is hereby created and established a State Board of Housing which shall be a departmental administrative board within the Department of Health and which shall be deemed subject to all the provisions of the Administrative Code of one thousand nine hundred and twenty-nine as amended which apply generally to departmental administrative boards The Board shall consist of five citizens of the Commonwealth who shall be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate Members of the Board who are first appointed shall be designated by the Governor to serve for terms of one two three four and five years respectively from the date of their appointment Thereafter the term of office shall be for five years A member shall hold office until his successor has been appointed and has qualified A vacancy occurring during a term shall be filled only for the balance of the unexpired term Each appointee shall be qualified by training or experience to perform the duties of the board The members of the board shall be entitled to receive their traveling and other necesary expenses actually incurred in the performance of their public duties plus an honorarium not more than five dollars per diem provided no greater sum than fifteen dollars shall be received by a member for any sequence of several days' continuous service The board shall organize by the election of a chairman and secretary Three members shall constitute a quorum The board shall appoint a full-time executive director who may act as secretary of the board but who shall not be a member of the board and who shall be technically qualified for the duties of his office The executive director shall be under the sole direction of the board He shall receive a salary of six thousand dollars per annum The board shall have power to select and fix the salaries of such employes as may be necessary for the performance of the duties and the exercise of the powers herein imposed or conferred upon the board

Section 5 Removal of Members of Board The Governor may remove a member of the board for inefficiency neglect of duty or misconduct in office

Section 6 General Powers and Duties of the Board The Board shall (a) study housing conditions and needs throughout the Commonwealth to determine areas wherein the conditions of bad housing enumerated in Section 2 (a) of this act exist (b) devise ways and means of eliminating such conditions in such areas and of securing economies in the construction or renovation of dwellings so that a large number of safe and sanitary houses may become available for families of low income (c) collect and distribute information relating to housing to the administration of housing authorities and to the construction maintenance and operation of projects by such authorities (d) suggest and assist in the preparation of legislation relating to housing authorities and their functions (e) exercise such powers of supervision over housing authorities as may be prescribed in this act (f) encourage approve supervise and control the organization and operation of limited dividend housing companies (g) recommend or approve areas within municipalities which areas may be within adjacent to or separate and apart from designated areas of bad housing within which the development of housing projects by limited dividend housing companies may be undertaken (h) cooperate with local housing officials and planning commissions or similar bodies in cities and other municipalities in the development of projects (i) have jurisdiction over all limited dividend company housing projects (j) from time to time make amend and repeal rules and regulations for carrying into effect the provisions of this act (k) conduct public hearings and thereafter issue such appropriate orders as may be permitted by law

Section 7 Inquisitorial Powers of the Board The board shall have power to investigate the affairs of limited dividends housing companies and housing authorities to the extent provided by law as well as the dealings transactions or relationships of such companies or authorities with other persons Any of the investigations provided for in this act may be conducted by the board or by

a committee appointed by the board consisting of one or more members of the board Each member of the board or of a committee thereof shall have power to administer oaths take affidavits and to make personal inspections of all such places as may be necessary in the performance of their duties The board or a committee thereof shall have power to subpoena and require the attendance of witnesses at any place in the Commonwealth designated by the board and the production of books and papers pertaining to the investigations and inquiries authorized in this act and to examine them in relation to any matter it has power to investigate

Section 8 Enforcement of Board Subpoena Any witness who refuses to obey a subpoena issued by the board in the performance of its duties or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished for contempt Application for punishment for contempt may be made by the board to any Court of Common Pleas within whose territorial jurisdiction the offense was committed

Section 9 Accounts and Records of Housing Authorities The Board shall prescribe uniform systems and forms for keeping accounts records and books to be used by an authority The board may require an authority to file periodical reports in addition to annual reports but not oftener than quarterly covering its operations and activities Such reports shall be in a form prescribed by the board The board may from time to time require from an authority or any member or members thereof specific answers to questions upon which the board may require information in order to effectuate the purposes of this act For the purpose of gathering in formation to facilitate the making of suggestions for legislation the board may require an authority to submit additional information relating to the projects of an authority

Section 10 Filing of Plans of Authorities or Limited Divident Companies. The board shall receive and preserve all information and papers which must be filed with it in connection with any authority or limited dividend company by the terms of the law The board shall require the filing with it of a copy of the plans of each proposed project of each authority or limited dividend company embodying the layout estimated costs and proposed methods of financing Upon the filing of any such copy the board shall with reasonable promptness transmit to the authority or limited dividend company its criticisms and suggestions Any change made thority or limited dividend company At any time upon request of the authority or limited dividend company the board shall submit to the authority or limited dividend company its criticisms and suggestions with reference to any change in a project of the authority or limited dividend company

Section 11 Supervision of Operations of Authority or Limited Dividend Company Whenever the board is of the opinion that any of the projects or plans of an authority or limited divident company are in violation of any law of this Commonwealth it shall commence an action for an injunction against the carrying out of such projects or plans

Section 12 Supervision of Members of Authorities Whenever it shall appear to the board that any member or employe of an authority has had an undisclosed interest in any property included in any project of such authority or in any contract for materials or service furnished to such authority the board shall take appropriate steps to insure that such member or employe shall be surcharged in favor of such authority to the extent of any profit to such member or employe

Section 13 Approval of Projects of Limited Dividend Companies by the Board No housing project proposed by a limited dividend housing company shall be undertaken and no building or other construction shall be placed under contract or started without the aproval of the board No such housing project shall be approved by the board unless

(a) There is an acceptance by such limited dividend housing company of a designee of the State Board as a member of the board of directors of such corporation

(b) It shall appear practicable to rent the housing accommodations of such company at rentals not exceeding those prescribed by the board in accordance with this act No such project shall be approved in contravention of any zoning or building ordinances in effect in the municipality in which designated areas are located

(c) There shall be submitted by such company a financial plan in such form and with such assurances as the board may prescribe to raise at least one third of the actual cost of the lands and improvements through the investment of private capital in the shares and income debentures of such company and to raise the balance by mortgage bonds which shall not exceed two thirds of the actual cost of the project provided however when the bonds of such company are insured by any agency of the Federal government the entire amount of paid in capital need not exceed the difference between the total par value of the insured bonds and the actual cost of the project or projects of such company The plan may provide for the raising of working capital in an amount to be approved by the board not to exceed three per centum of the actual cost through the investment in shares and income debentures of the company

(d) There shall be submitted by such company such plans of site development and buildings as show conformity to reasonable standards of health sanitation safety and provisions for light and air accompanied by proper specifications and estimates of cost Such plans may if the board approves provide for the use to the extent permitted by law of a limited portion of the buildings for stores professional offices necessary garage facilities and commercial cooperative or recreational purposes Such plans and specifications shall not in any case fall below the requirements of the health sanitation safety and housing laws of the Commonwealth and shall meet superior requirements if prescribed by local laws and ordinances No such plan of a proposed project of a limited dividend company shall be approved by the board unless the board is reasonably assured that the proposed housing development conforms with or calls for higher standards than the local official city or regional plan building and zoning regulations

(e) The limited dividend company shall agree if required by the board to deposit all moneys received by it as proceeds of its mortgage bonds notes income debentures or shares with a corporate trustee approved by the board Such trustee shall receive such moneys and make payment therefrom for the acquisition of land and the construction of improvements and other items entering into cost of land and improvements upon presentation of draft check or order signed by a proper officer of the company Any funds remaining in the custody of such trustee after the completion of the project and payment or arrangement in a manner satisfactory to the board for payment in full thereof shall be paid to the company

Section 14 Consolidation or Operation of Several Projects The board may permit the consolidation of two or more approved projects of a limited dividend company or the extension or amendment of any approved project or the consolidation of any approved project with a proposed project In any of these events the consolidated project shall be treated as an original project and an application shall be submitted as in the case of an original project and rents may be averaged throughout the consolidated or extended project but the averaging of rentals shall not be approved if consolidated projects are so widely separated that the averaging of rentals is not warranted The board may likewise permit any limited dividend housing company to organize and operate more than one project or to take over any project heretofore approved by the board and to operate it independently of other projects of such company The board may in its discretion decline to permit more than one project to be operated by the same limited dividend housing company The board may permit a Limited Dividend Housing Company to sell assign convey or dispose of real property or any interest

therein owned by it under such terms regulations or restrictions as the board shall approve

Section 15 General Regulation of Limited Dividend Housing Companies by the Board In pursuance of its power and authority to supervise and regulate the operations of limited dividend housing companies the board shall

(a) Order such repairs and improvements as will preserve the health safety and general welfare of the occupants of buildings and structures owned or operated by such companies

(b) Order all such companies to do such acts as may be necessary to comply with the provisions of the law the rules and regulations adopted by the board or the terms of any project approved by the board or to refrain from doing any acts in violation thereof

(c) Examine all such companies and keep informed as to their general condition their capitalization and the manner in which their property is constructed leased operated or managed

(d) In all proceedings to foreclose mortgages of such companies and in all other actions where judgments have been entered upon which any of the real property of such companies may be sold take such steps as in its judgment may be necessary to protect the interest of the public therein and the rights of all parties interested in such property

(e) Either through its members or agents duly authorized by it enter in or upon and inspect the property equipment buildings plants offices apparatus and devices of any such company examine all books contracts records documents and papers of any such corporation and by subpoena duces tecum compel the production thereof

(f) In its discretion prescribe uniform methods and forms of keeping accounts records and books to be observed by such companies and after a hearing to prescribe by order accounts in which particular outlays and receipts shall be entered charged or credited

(g) Require every such company to file with the board an annual report setting forth such information as the board may require verified by the oath of the president and general manager or receiver if any thereof or by the person required to file the same Such report shall be in the form cover the period and be filed at the time prescribed by the board The board may further require specific answers to questions upon which the board may desire information and may also require such corporation to file periodic reports in the form covering the period and at the time prescribed by the board

(h) Establish such rules as may be necessary from time to time governing the necessity amount and purpose of reserves of such companies

(i) Upon the filing by a limited dividend housing company of a petition requesting the board to institute condemnation proceedings to acquire property described in the petition which the limited dividend company shall therein certify to be necessary for a housing project the board shall determine in its discretion whether the public interest would be served by its instituting condemnation proceedings to acquire the property described in the petition and whether such property is necessary for public use After the adoption by the board of a resolution declaring that the acquisition of the property described in the petition is in the public interest and necessary for public use the board may exercise the power of eminent domain to acquire such property The proceedings for the condemnation of property and for the assessment of damages for property taken injured or destroyed shall be in accordance with the act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred seventy-six) entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain where the purchase of such property has either been authorized by law or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws and an appropriation made therefor" its amendments and supplements Before instituting any such condemnation proceedings to acquire property for a limited dividend housing company the board shall require said company to deposit with it a sum equal to the value of the property as appraised by the board and also to deliver to the board a bond with sureties approved by the board fully indemnifying the board with respect to all sums that it may expend and all costs expenses and obligations which it may incur in acquiring said property The board shall transfer and convey to the limited dividend housing company all real property acquired by the board through condemnation for said company provided that the board has first been paid in full all sums expended by it and all costs expenses and obligations incurred by it in the acquisition of the property to be conveyed to said limited dividend housing company

Section 16 A Control of Rentals The board shall from time to time establish for each municipality within which a limited dividend housing company proposes to operate the maximum rental per room to be charged the tenants of the housing accommodations furnished by limited dividend housing companies Such maximum rental shall be fixed on the basis of land values for housing purposes and building construction costs in such municipality and shall be reasonable for the type of housing in such municipality The board shall further establish within the limit of such maximum rental the average rental per room for each project built or acquired and managed by a limited dividend housing company upon the basis of the actual cost of the project so as to secure from the housing accommodations together with all other income of the company a sufficient income to meet all necessary expenses including operating and maintenance costs and reserves to be made by limited dividend housing companies and within the limits of allowable dividends Such room rental rates shall be subject to revision by the board from time to time if found to be excessive For the foregoing purposes the board shall promulgate a uniform method of rating the various types of rooms of dwellings Rentals for the commercial portion of such projects such as stores professional offices necessary garage facilities cooperative or commercial uses ordinary accessory uses in dwelling or recreational purposes may be fixed on the basis of current market rates the income therefrom to effect reductions in rentals applying to residential uses

It shall be unlawful to let sublet or assign leases of apartments in such buildings or structures at greater rentals than prescribed by the order of the board All such leases shall be void for all intents and purposes In the case of a limited dividend housing company for which the board has exercised the power of eminent domain and in all cases where public funds or assistance have been given to a housing project of a limited dividend housing company the Board may specify such methods and conditions as will safeguard the housing accommodations against occupancy by families of a higher income than those for whom the project may have been designated

B Increase of Rentals Whenever it shall appear that the interests of lienholders creditors debenture holders or shareholders cannot otherwise be safeguarded the board shall notwithstanding the limitations prescribed in this act for maximum and average rentals have power by its order made upon written application of a limited dividend housing company or of a lien-holder a creditor or of holders of ten per centum of the income debentures or shares of the company to authorize such limited dividend housing company to increase rentals beyond the maximum established by the board but the increase shall not be in excess of the minimum amount necessary to enable such corporation to meet such obligations and then only after a public hearing at a time and place designated by the board Such hearing shall be held upon no less than twenty days written notice to the tenants Such notice shall have annexed thereto a copy of the application for increase in rentals No such order or authorization shall be made or given unless the board shall find that because of changes in economic conditions in their

application to the particular project involved or because of special assessments or causes or contingencies beyond the control of the company affecting such project the maximum rentals fixed by the board are insufficient to meet the payments authorized by law to be made by such company and unless the board shall find that such insufficiency cannot be corrected by reasonable economies in management and operation

C Reduction of Rentals of Limited Dividend Housing Companies If in any calendar or fiscal year the gross receipts of any limited dividend housing company shall have exceeded the payments which it is authorized by law to make including the sums necessary to pay dividends and interest accrued or unpaid on any shares or income debentures and the authorized transfer to surplus the balance shall be applied to the reduction of rentals unless the board of directors with the approval of the board shall deem such balance too small for the purpose

Section 17 Summary Proceedings Against Companies Whenever the board shall be of the opinion that a limited dividend housing company is failing or omitting or about to fail or omit to do anything required of such company by law or by order of the board and is doing or about to do anything or permitting anything or about to permit anything to be done contrary to and in violation of law or of any order of the board the board shall commence an action for an injunction in the Court of Common Pleas of the county wherein the main office of such company is located for the purpose of having such violations or threatened violation stopped and prevented

Section 18 Fees Collectible The State Board of Housing may charge and collect for an approved project from a limited dividend housing company reasonable fees in accordance with rates to be established by the rules of the board for the examination of plans and specifications and the supervision of construction in an amount not to exceed one-fifth of one per centum of the cost of the project and not to exceed five thousand dollars for any one project for the holding of a public hearing upon the application of a limited dividend housing company an amount sufficient to meet the reasonable cost of advertising the notice thereof and of the transcript of testimony taken threat for any examination or investigation made upon application of a limited dividend housing company an amount reasonably calculated to meet the expenses of the board incurred in connection therewith All such receipts shall be paid into the State Treasury The board may authorize a limited dividend housing company to include such fees as part of the cost of a project

Section 19 Selection of Employes and Assistants Merit System Removals

(a) The board shall classify all positions they are empowered to fill according to the qualifications required by such positions Any vacancy in any class of employment shall be filled by a selection from the three successful candidates whose names stand highest on the eligible list secured for that class of employment through open competitive examinations Such examinations shall be conducted at such times and in such manner and graded and marked by such persons as the board may direct and shall have reference to the skill intelligence and general aptitude of the candidate for the class of employment for which the examination is conducted In all written tests each candidate shall be given a number so that the person marking or grading each paper shall not be able to ascertain the identity of any candidate The names of all successful candidates in each examination for each class of employment shall be placed on an eligible list for such class of employment All persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall be rated an additional five per centum over and above the rating fixed for the quality and character of answers in the examination and any such person who shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required and in either case the total per centum mark for grade thus obtained shall determine the order of standing of such persons on any list of eligibles

(b) No person who shall have performed the active duties of his employment for more than sixty (60) days shall be discharged except for just cause which shall be neither racial religious nor political nor until he has been furnished with a written statement of the reasons for such purposed discharge and is afford five (5) days within which to reply to said statement The charges and the answer shall be filed with the board and a public hearing granted if requested

Section 20 Appeal from Orders of Board Any order of the board shall be final and conclusive upon all questions within its jurisdiction unless reversed or modified on appeal An appeal may be taken within thirty (30) days after entry of the board's order by filing with the Court of Common Pleas of Dauphin County a petition praying that the order of the board be modified or set aside Notice of such appeal must be served upon the board and it shall within thirty (30) days thereafter serve upon the parties appealing from such order a statement of its conclusions of fact and rulings of law in the case No argument that has not been urged at the hearing conducted by the board shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances and the failure to consider the same would materially prejudice the attainment of the purposes of this act The findings of the board as to the facts if supported by evidence shall be conclusive

An appeal from the decision of such Court of Common Pleas may be taken by any party in interest including the board to the Superior Court

Section 21 Appropriation The sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary is hereby appropriated to the Department of Health for the use of the State Board of Housing for the two fiscal years ending on the thirty-first day of May one thousand nine hundred and thirty-nine for the purpose of carrying into effect the provisions of this act

Section 22 Constitutional Construction The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 23 Repeal All acts or parts of acts inconsistent herewith are hereby repealed

Section 24 Effective Date This act shall become effective immediately upon its passage and approval by the Governor.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Berly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,

Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Eipern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2055.

An Act authorizing any county of the second class and any city in any such county in which the county seat is within the limits of such city to agree upon the joint management and control of any or all city hospitals and institutions and any or all county hospitals and institutions within the county and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of the second class of this Commonwealth where the county seat is within the limits of any city the county commissioners and the proper corporate authorities of such city shall have the power and they are hereby authorized to agree upon the administration management maintenance control and operation of any or all city hospitals and institutions and of any or all county hospitals and institutions within the county under one board of managers and to share the expenses thereof in such manner and proportions as shall be agreed upon

Section 2 Such board of managers shall consist of seven members Three members one of whom shall be a member of the board of county commissioners shall be appointed by the county commissioners Two members shall be appointed by the mayor of such city One member who shall be a member of city council shall be appointed by the council of such city One member shall be appointed by the county commissioners and mayor jointly In acting on the appointment of such last member the three county commissioners together shall have one vote and the mayor shall have one vote

The members of the board shall be appointed for terms of four years and shall serve without compensation

The board shall organize each year by electing one of its members chairman and another member secretary of the board

Section 3 The board of managers shall employ a superintendent for each hospital and institution under its control and such medical surgical nursing and other staffs and such other employes as they deem necessary for the proper conduct of the activities of the respective hospital or institution

All persons appointed by the board shall be qualified according to standards not inconsistent with law adopted by the board and pursuant to such oral or written examinations as the board shall prescribe In so far as possible vacancies shall be filled by promotions from among the then employes of the board

The salaries or other compensation of all appointees of the board shall be fixed by the board subject to the approval and ratification by the salary board of the county and the proper corporate authorities of the city and shall be paid by the county and city in such proportions as shall be agreed upon by the county commissioners and such corporate authorities

Section 4 The board of managers shall subject to the approval of the county commissioners of the county and the proper corporate authorities of the city make such by-laws rules and regulations for the management of the several hospitals and institutions as it may deem advisable

Section 5 The right of appointment by the board of managers of a superintendent for each hospital and institution surgical nursing and other staffs and other employes shall not be limited or restricted in any manner by the requirements of the present civil service act applicable to any city nor shall any such act apply to any person so appointed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,

Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Flunerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2268, (Senate Bill No. 759), as follows:

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" are hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "boiler" shall mean a vessel in which power or heat is generated and including all piping and apparatus connected thereto up to and including the stop-valve or valves nearest the boiler

"Boilers used on farms" shall mean any boilers used for threshing grain bailing hay or straw filling silos and shredding fodder grinding feed sawing wood crushing or pulverizing stone operating dairy equipment or other similar agricultural operations except boilers owned or operated by any person regularly engaged in such business

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public has access except farms or private dwellings

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect boilers in this Commonwealth or boilers destined for use in this Commonwealth

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality and shall include the Commonwealth

"Place of public assembly" shall mean any building or portion thereof designed intended and used for occupation by persons for purposes of entertainment instruction or amusement

"School" shall mean any building or portion thereof where persons assemble for purposes of education and shall include public and private schools academies colleges and universities

Whenever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section 2 General Requirement Every boiler used or destined for use by any establishment and every boiler used or destined for use in any school or place of public assembly in this Commonwealth shall be so constructed installed maintained and operated with respect to the thickness and strength of the materials used in construction stay bolts and braces drums headers tubes doors riveting welding steam air and water gauges safety valves blow offs all necessary piping and all other parts and appurtenances as to safely sustain the pressure at which the said boiler is designed and intended to operate Provided That nothing in this act shall be construed to apply to boilers [carrying a pressure of not more than fifteen pounds per square inch which are equipped with safety devices approved by the department nor to apply to boilers in municipalities wherein provision is now made by ordinance for their inspection nor to boilers] subject to Federal inspection and control on steam locomotives railroad cars or steam boats nor to equipment used in connection with the operation of trains nor to boilers on other common carriers [nor to boilers on other common carriers nor to boilers used in the operation of oil wells] nor to boilers carrying a pressure of not more than fifteen pounds per square inch which are equipped with safety device approved by the department except such boiler located in theatres motion picture theatres hospitals schools and colleges

Section 7 Inspection of Uninsured Boilers If such boiler is not so insured [or is not located in a city having a department established by ordinance for the inspection of boilers] then such inspection shall be made by an inspector in the employ of the department and there shall be a fee charged for each inspection as hereinafter provided for in this act

Section 19 Repealer Section nineteen of an act approved the second day of May one thousand nine hundred and five (Pamphlet Laws three hundred and fifty-two) entitled "An act to regulate the employment in all kinds of industrial establishments of women and children employed at wages or salary by regulating the age at which minors can be employed and the mode of certifying the same and by fixing the hours of labor for women and minors to provide for the safety of all employes in all industrial establishments and of men women and children in school houses academies seminaries colleges hotels hospitals storehouses office buildings public halls and places of amusement in which proper fire-escapes exits and extinguishers are required to provide for the health of all employes and of men women and children in all such establishments storehouses and buildings by proper sanitary appliances and to provide for the appointment of inspectors office clerks and others who with the Chief Factory Inspector shall constitute the Department of Factory Inspection to enforce the same and providing penalties for violations of the provisions thereof fixing the time and salaries of the Chief Factory Inspector and his appointees" and its amendments [and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed] All acts and parts of acts general local or special inconsistent with or supplied by this act are hereby repealed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—155

Achterman,	Elpern,	Matthews, H. T.,	Sarraf,
Alexander,	Falkenstein,	McArdle,	Scanlon,
Allen,	Finnerty,	McCullough,	Schor,
Allmond,	Fitch	McDermott,	Schrope,
Arnold,	Flanagan,	McElroy,	Shaw,
Aukerman,	Flannery,	McFall,	Shea,
Baine,	Flinchbaugh,	McGee,	Shepard,
Baker, J. J.,	Ganser,	McShane,	Shoemaker,
Balthaser,	Gerard,	Melchiorre,	Shugarts,
Bierly,	Gorski,	Mellott,	Siegel,
Blank,	Haberlen,	Mihm,	Simon,
Bohn,	Hagerty,	Moomaw,	Skale,
Boles,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Boltz,	Harkins,	Moran,	Smith, John A.,
Bradley,	Harmuth,	Moul,	Spengler,
Brancato,	Hays,	Munley,	Stank,
Brigerman,	Hering,	Murrin,	Thomas,
Broad,	Hess,	Nagel,	Thompson,
Brown,	Hetrick,	O'Brien,	Toole,
Brownfield,	Hindman,	O'Connor,	Tronzo,
Burrows,	Hirsch,	O'Keefe,	Tumelty,
Caesar,	Holland,	Ominsky,	Valibus,
Caputo,	Holmes,	O'Neill,	VanSickle,
Chervenak,	Holstrom,	Ostroff,	Vogt,
Coakley,	Hontz,	Patterson, C. S.,	Wagner,
Cohen, H. B.,	Horting,	Patterson, J. W.,	Walsh,
Cohen, R. E.,	Jirolanio,	Pearson	Weiss, D. H.,
Coleman,	Keenan,	Pershing,	Weiss, S. A.,
Coolahan,	Kelso,	Piole,	Welliver,
Corrigan,	Kilroy,	Powers,	Welsh,
Costanzo,	Kline,	Preston,	Westrick,
Decker,	Kroll,	Readinger,	Whalen,
DeNote,	LaRue,	Reese,	Whitenight,
Dickinson,	Levy,	Reising,	Wright,
Donohoe,	Lewis,	Richter,	Yanoshat,
Dougherty,	Long,	Robinson,	Yourishin,
Downey,	Lopresti,	Rothenberger,	Zappala,
Dubbs,	Lovett,	Ruffennach,	Furman,
Dyson,	Marino,	Rush,	

NAYS—50

Atkins,	Imbrie,	Schumacher,	Turner,
Baker, F. T.,	Kane,	Serrill,	VanAllsburg,
Boose,	Leisey,	Sloan,	Wall,
Boyer,	Longaker,	Snyder,	Wampole,
Cadwalader,	Lyons,	Sollenberger,	Watkins,
Davies,	Matthews, J. F.,	Sproul,	Webster,
Eckels,	McDevitt,	Stackpole,	Weidemann,
Fiss,	McKinney,	Stewart,	Wilson,
Gillette,	Muir,	Stockham,	Winner,
Habbyshaw,	Peale,	Strode,	Wood,
Hall,	Perry,	Terry,	Woodside,
Hamilton, R. S.,	Royer,	Trout,	Yeakel,
Huntley,	Schrock,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 270, entitled:

An Act to amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," regulating and limiting the use of revenues derived from the operation of water-works.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2333, (Senate Bill No. 148), entitled:

An Act to amend the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five, (P. L. 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties," as amended, by further regulating the manufacture and sale of carbonated beverages and still drinks, changing the penalties prescribed and providing for injunctions in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2188, (Senate Bill No. 679), entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville Lebanon County

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2356, (Senate Bill No. 1122), as follows:

An Act providing for the erection construction and equipment of a Maximum Security State Penitentiary for the detention care maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries designating the manner of acquiring or setting aside of land for the erection and construction thereon of the penitentiary by The General State Authority authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries and conferring powers and imposing duties upon certain State departments boards commissions and officers

Whereas The Eastern State Penitentiary located in Philadelphia is antiquated and many hazardous conditions exist due to deferred maintenance of more than a decade anticipating the removal of inmates therefrom and

Whereas There is urgent need for the erection of a new State penitentiary for the segregation of maximum security prisoners transferred from both the Eastern and Western State Penitentiaries thus accomplishing one important step in the development of an adequate penal institution program for the Commonwealth and

Whereas It is the desire of the Commonwealth of Pennsylvania that The General State Authority construct such new penitentiary and lease the same to the Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Welfare with the approval of the Governor shall select for acquisition either by the Department of Property and Supplies in the name of the Commonwealth or by The General State Authority with funds of the Authority a tract of land of not less than five hundred acres centrally located well supplied with water and capable of being properly sewered and drained for the erection and construction thereon by The General State Authority of an institution to be known as the Maximum Security State Penitentiary for the confinement of not less than six hundred convicts to be transferred from the Eastern and Western State Penitentiaries The title to the lands so acquired shall be approved by the Attorney General If it shall be found that the Commonwealth owns State forest lands or other lands suitable in whole or in part for such use such lands may be designated by the Department of Welfare with the approval of the Governor and the department board or commission having possession and control of the same and used for the aforesaid purpose and any additional lands necessary may be selected and acquired as aforesaid

Section 2 Upon the acquisition of any land in the name of the Commonwealth or designation of any land of the Commonwealth as provided in section one the Department of Property and Supplies shall have authority to convey the same to The General State Authority for the purpose of having such Authority erect and construct thereon and equip the Maximum Security State Penitentiary The plans and specifications of the penitentiary whether erected on land acquired directly by The General State Authority or by conveyance to it from the Commonwealth shall be subject to the approval of the Department of Welfare and shall provide for suitable buildings and an adequate water supply system sewage treatment works heat and electric power plant or plants service lines and other necessary equipment structures and improvements The buildings shall be of modern design plain and substantial and capable of extension as the needs of the institution may require

Section 3 The Department of Welfare may enter into an agreement with The General State Authority for the use of convicts in the Eastern and Western State Penitentiaries in improving the site of the new penitentiary the preparation of building materials the construction of any buildings and improvements pertinent thereto or to engage in farming or dairying work In the case of any such agreement the Department of Welfare shall have power to transfer from the Eastern and Western State Penitentiaries such convicts as it may deem necessary for these purposes provided that a suitable building or building are available for the custody of such convicts Such agreement shall require that The General State Authority shall pay to the Manufacturing Fund in the State Treasury for the labor of such convicts such wages for each convict so employed as may be agreed upon in accordance with the laws regulating the employment of prison or inmate labor The expense of maintaining such convicts at the site of the new penitentiary shall be borne by the respective counties in which they shall have been convicted and shall be paid to the State Treasurer through the Department of Revenue as provided by law in the case of convicts confined in the State penitentiaries but such actual expense shall be paid in the first instance by the Department of Welfare from appropriations made for such purposes Upon the completion of their work any convict transferred for work in connection with such penitentiary shall be re-transferred to the penitentiary from which they were originally transferred unless they are detained in the new penitentiary as maximum security prisoners

Section 4 The Department of Property and Supplies with the approval of the Governor is hereby authorized to enter into a lease for not more than thirty (30) years with the General State Authority to acquire the use of the Maximum Security State Penitentiary and any lands or farms connected therewith for the purpose of having the same managed and operated by the Department of Welfare In such case the management and operation of the penitentiary and the care maintenance and employment of the convicts shall be the function of the Department of Welfare Subject to and in the manner provided in The Administrative Code of 1929 and its amendments the Department of Welfare shall have power to employ and fix the compensation of a superintendent deputy superintendent chaplain guards physicians mechanics clerks stenographer and other employes as may be deemed necessary for the proper maintenance and management of the penitentiary and the safe-keeping therein of maximum security prisoners The compensation of all persons so appointed and all other expenses in connection with the care and maintenance of convicts in said penitentiary shall be paid from the appropriations made to the Department of Welfare for such purposes but the Commonwealth shall be reimbursed for such expenditures by the respective counties in which such convicts were convicted to the extent and in the manner provided by law in the case of convicts maintained in the Eastern and Western State Penitentiaries

Section 5 Upon the completion of the Maximum Security State Penitentiary and after the execution of a lease of the same by the Commonwealth of Pennsylvania from the General State Authority the Department of Welfare from time to time transfer from the Eastern and Western State Penitentiaries such convicts as by the conduct in such penitentiaries and past records require provision for maximum security in order to prevent the escape or to prevent the causing of riot and disorder in the State penitentiaries Such convicts shall be known as maximum security prisoners After the penitentiary herein provided for shall have been fully completed only maximum security prisoners shall be detained in such penitentiary The Department of Welfare shall be the sole judge of those convicts who shall be transferred to and detained in the Maximum Security State Penitentiary The Department of Welfare shall have power to re-transfer from the Maximum Security State Penitentiary to the penitentiary from which originally transferred any convict who by his or her conduct shall in the opinion of the department no longer require detention in the Maximum Security State Penitentiary Any convict so transferred or re-transferred shall serve out the unexpired term of his or her sentence in the penitentiary to which transferred or re-transferred in accordance with the laws in force with reference to the punishment of persons convicted of crime and sentenced to a State penitentiary and as though such convict had been duly committed to such penitentiary and had already served there for such time as had been served in the penitentiary from which transferred or re-transferred All such transfers and re-transfers shall be made only by and under the direction of the Department of Welfare When any such transfer or re-transfer is made all records or true and full copies thereof relating to such convicts shall be transmitted from the institution of transfer to the institution of transfer as provided by law in the case of transfers between the Eastern and Western State Penitentiaries

Section 6 In the management and operation of the Maximum Security State Penitentiary the Department of Welfare shall have all the powers conferred and perform all the duties imposed by the laws of this Commonwealth on the Boards of Trustees of the Eastern and Western State Penitentiaries and all the laws of the Commonwealth relating to the care maintenance management safe-keeping employment pardon and parole of con-

victs confined in State penitentiaries shall be deemed to apply to convicts detained in such penitentiaries

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stoçkham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2321, (Senate Bill No. 1121), as follows:

An Act providing for the erection construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority authorizing the Commonwealth to lease the new school and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon and conferring powers and imposing duties upon certain State departments boards commissions and officers

Whereas The present Pennsylvania Industrial School at Huntingdon originally intended as a Middle State Penitentiary with its high walls and towers has all the aspects of a State Penitentiary and the addition of a medium security bloc has detracted little from its forbidding appearance and

Whereas The internal arrangement of the cell blocs with barred windows and double locked switches contradicts the idea that this institution is a school devoted to rehabilitation and

Whereas the erection of a new industrial school and the use of the present institution at Huntingdon for the detention of defective delinquents will accomplish one important step in the development of an adequate penal institution program for the Commonwealth and

Whereas It is the desire of the Commonwealth of Pennsylvania that The General State Authority construct such new industrial school and lease the same to the Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Welfare with the approval of the Governor shall select for acquisition either by the Department of Property and Supplies in the name of the Commonwealth or by The General State Authority with funds of the Authority a tract of land of not less than one thousand acres well supplied with water and capable of being sewered and drained for the erection and construction thereon by The General State Authority of an institution to be known as the Pennsylvania Industrial School with a capacity of not less than twelve hundred inmates to take the place of and to serve the same purposes as the present Pennsylvania Industrial School at Huntingdon The title to the lands so acquired shall be approved by the Attorney General If it shall be found that the Commonwealth owns State forest lands or other lands suitable in whole or in part for such use such lands may be designated by the Department of Welfare with the approval of the Governor and the department board or commission of the Commonwealth having possession and control of the same and used for the aforesaid purpose and any additional lands necessary may be selected and acquired as aforesaid

Section 2 Upon the acquisition of any land in the name of the Commonwealth or designation of any land of the Commonwealth as provided in section one the Department of Property and Supplies shall have authority to convey the same to The General State Authority for the purpose of having such Authority erect and construct thereon and equip the new Pennsylvania Industrial School The plans and specifications of the school whether erected on land acquired directly by the General State Authority or by conveyance to it from the Commonwealth shall be subject to the approval of the Department of Welfare and shall provide for suitable buildings and an adequate water supply system sewage treatment works heat and electric power plant or plants service lines and other necessary equipment structures and improvements The buildings shall be of modern design plain and substantial and capable of extension as the needs of the institution may require The setting and the architecture shall express the principle of rehabilitation through the greatest possible freedom of choice and expression in work education and recreation consistent with the protection of society

Section 3 The Department of Welfare may enter into an agreement with The General State Authority for the

use of inmates in the present Pennsylvania Industrial School at Huntingdon in improving the site of the new school the preparation of building materials the construction of new buildings and improvements pertinent thereto or to engage in farming or dairying work In the case of any such agreement the Department of Welfare shall have power to transfer from the present Pennsylvania Industrial School at Huntingdon such inmates as it may deem necessary for these purposes provided a suitable building or buildings are available for the custody of such inmates Such agreement shall require that The General State Authority shall pay to the Manufacturing Fund in the State Treasury for the labor of such inmates such wages for each inmate so employed as may be agreed upon in accordance with the laws regulating the employment of prison or inmate labor The expenses of maintaining such inmates at the site of the new school shall be borne by the respective counties from which they shall have been committed and shall be paid to the State Treasurer through the Department of Revenue as provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon but such actual expense shall be paid in the first instance by the Department of Welfare from appropriations made for such purposes

Section 4 The Department of Property and Supplies with the approval of the Governor is hereby authorized to enter into a lease for not more than thirty (30) years with The General State Authority to acquire the use of the new Pennsylvania Industrial School and any lands or farms connected therewith for the purposes of having the same managed and operated by the Department of Welfare In such case the management and operation of the school and the care maintenance and employment of the inmates shall be the function of the Department of Welfare Subject to and in the manner provided in The Administrative Code of 1929 and its amendments the Department of Welfare shall have power to employ and fix the compensation of a superintendent deputy superintendent chaplain guards physicians mechanics clerks stenographers and other employes as may be deemed necessary for the proper maintenance and management of the school and the safekeeping therein of its inmates The compensation of all persons so appointed and all other expenses in connection with the care and maintenance of inmates of said school shall be paid from the appropriation made to the Department of Welfare for such purposes but the Commonwealth shall be reimbursed for such expenditures by the respective counties from which such inmates were committed to the extent and in the manner provided by law in the case of inmates maintained in Pennsylvania Industrial School at Huntingdon

Section 5 Upon the completion of the new Pennsylvania Industrial School and after the execution of a lease of the same by the Commonwealth of Pennsylvania from The General State Authority the Department of Welfare shall transfer under the provisions of The Administrative Code of 1929 from the Pennsylvania Industrial School at Huntingdon all persons who are then detained therein unless directed otherwise as provided by the Mental Health Act of July eleventh one thousand nine hundred thirty-three (P. L. 998) and all books papers records documents in the possession of the said school and the board of trustees thereof Thereafter all commitments which were heretofore made by the courts of this Commonwealth to the Pennsylvania Industrial School at Huntingdon shall be made to the new Pennsylvania Industrial School erected under the provisions of this act The Department of Welfare shall advise all of the courts of this Commonwealth of the date from and after which commitments shall be made to the new school

Section 6 In the management and operation of the new Pennsylvania Industrial School the Department of Welfare shall have all the powers conferred and perform all the duties imposed by the laws of this Commonwealth on the Board of Trustees of the Pennsylvania Industrial School at Huntingdon All laws of this Commonwealth now relating to the care maintenance management safe-keeping employment training and treatment pardon and parole of persons detained in the Pennsylvania Industrial School at Huntingdon shall be deemed to apply to persons detained in and committed to the new Pennsylvania Industrial School

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2359, (Senate Bill No. 1162) entitled:

An Act to amend the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pam-

phlet Laws one thousand one hundred ninety-nine) entitled, "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare," providing for the conveyance of said tract to the General State Authority, for the construction of said hospital, and for the leasing thereof by the Commonwealth after construction.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2140, (Senate Bill No. 481), entitled:

An Act to amend a part of section three of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" vesting discretion in the Governor with respect to the approval of the charter of certain corporations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154

Achterman,	Elpern,	Matthews, H. T.,	Rush,
Alexander,	Falkenstein,	McArdle,	Sarraf,
Allen,	Finnerty,	McCullough,	Scanlon,
Allmond,	Fitch,	McDermott,	Schor,
Arnold,	Flanagan,	McElroy,	Schrope,
Aukerman,	Flannery,	McFall,	Shaw,
Baine,	Flinchbaugh,	McGee,	Shea,
Baker, J. J.,	Ganser,	McShane,	Shepard,
Balthaser,	Gerard,	Melchiorre,	Shoemaker,
Bierly,	Gorski,	Mellott,	Shugarts,
Blank,	Haberlen,	Mihm,	Siegel,
Bohn,	Hagerty,	Moomaw,	Simon,
Boles,	Hamilton, F. P.,	Mooney,	Skale,
Boltz,	Harkins,	Moran,	Smith, James A.,
Bradley,	Harmuth,	Moul,	Smith, John A.,
Brancato,	Hays,	Munley,	Spengler,
Brigerman,	Hering,	Murrin,	Stank,
Broad,	Hess,	Nagel,	Thomas,
Brown,	Hetrick,	O'Brien,	Thompson,
Brownfield,	Hindman,	O'Connor,	Toole,
Burrows,	Hirsch,	O'Keefe,	Tronzo,
Caesar,	Holland,	Ominsky,	Valibus,
Caputo,	Holmes,	O'Neill,	VanSickle,
Chervenak,	Holstrom,	Ostroff,	Vogt,
Coakley,	Hontz,	Patterson, C. S.,	Wagner,
Cohen, H. B.,	Horting,	Patterson, J. W.,	Walsh,
Cohen, R. E.,	Jirolanio,	Pearson,	Weiss, D. H.,
Coleman,	Keenan,	Pershing,	Weiss, S. A.,
Coolahan,	Kelso,	Piole,	Welliver,
Corrigan,	Kilroy,	Powers,	Welsh,
Costanzo,	Kroll,	Preston,	Westrick,
Decker,	LaRue,	Readinger,	Whalen,
DeNote,	Levy,	Reese,	Whitenight,
Dickinson,	Lewis,	Reising,	Wright,
Donohoe,	Long,	Richter,	Yanoshat,
Dougherty,	Lopresti,	Robinson,	Yourishin,
Downey,	Lovett,	Rothenberger,	Zappala,
Dubbs,	Marino,	Ruffennach,	Furman,
Dyson,			

NAYS—51

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	VanAllsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2232, (Senate Bill No. 708), as follows:

An Act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permits fees and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person shall manufacture process store or have in his possession any explosives in this Commonwealth until all requirements of this act have been complied with Provided That nothing contained in this act shall be construed to apply to the actual use of explosives in legitimate and lawful mining operations agricultural work or to the military and naval forces of the United States or to the transportation of explosives upon vessels or railroad cars when in conformity with the rules of the Interstate Commerce Commission

Section 2 The term "explosives" whenever used in this act shall mean and include any chemical compound or other substance intended for the purpose of producing an explosion or that contains oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by fire by friction by concussion by percussion or by detonator may produce an explosion capable of causing injury to persons or damage to property

For the purpose of this act manufactured articles shall not be held to be explosives when individual units contain ingredients in such limited quantities and of such nature as not ordinarily to be classified as an explosive such as fixed ammunition for small arms fire-crackers safety fuse matches and other articles which may be defined from time to time by regulations of the department

The term "magazine" as used herein means any building or other structure used exclusively for the storage of explosives

The word "person" as used in this act shall be construed to include individuals copartnerships associations and corporations as well as the Commonwealth and all political subdivisions thereof

Section 3 All persons engaged in the manufacture of explosives or any process involving explosives or where explosives are used as a component part in the manufacture of any article or device on the date when this act takes effect shall within sixty days thereafter and all persons engaging in the manufacture of explosives or any process involving explosives or where explosives are used as a component part in the manufacture of any article or device after this act takes effect shall before so engaging make a report in writing subscribed to by such person or his agent to the Department of Labor and Industry the report stating

(1) The location of place of manufacture or processing

(2) The kind of explosives manufactured processed or used

Section 4 All persons storing explosives or having explosives in their possession on the date when this act takes effect shall within sixty days thereafter and all persons contemplating the storing of explosives or having same in their possession after this act takes effect shall before obtaining or storing such explosives make a report in writing subscribed to by such person or his agent to the Department of Labor and Industry the report stating

(1) The capacity type of construction and location of the magazine if then existing or in case of a new magazine or a removal of any existing magazine the capacity type of construction and proposed location of such magazine

(2) The kind of explosives that are stored or in possession or intended to be stored or obtained and the maximum quantity involved

(3) The distance that such magazine is located or intended to be located from the nearest buildings magazines railroads and highways

Section 5 The department shall determine the amount of explosives that may be stored or placed in magazines and shall issue a license to the person applying therefor as hereinafter provided such license to stipulate the maximum amount of explosives permitted

Whenever any person fails for thirty days to pay the annual license fee hereinafter provided after the same becomes due or otherwise violates any of the provisions of this act the Secretary of Labor and Industry may cancel such license Whenever a license is cancelled for any cause the Secretary of Labor and Industry or his duly authorized representative shall notify in writing the person to whom such license is issued of the fact of such cancellation and shall in said notice direct the removal of all explosives stored in said magazine within a reasonable time limit but not to exceed ten days from the giving of said notice Failure to so remove the explosives stored in said magazine within the time specified in said notice shall constitute a violation of this act

Section 6 If at any time any governing body or other authority of any locality may know of any reason why a magazine or building in which explosives are used or kept is not or cannot be conducted in accordance with the provisions of this act and should not be permitted to operate upon notifying the Secretary of Labor and Industry in writing or his duly authorized representative a hearing may be conducted by the said Secretary of Labor and Industry or his duly authorized representative to show cause why a license should not be issued or should not be revoked

Section 7 All explosive plants and all buildings and magazines wherein explosives are manufactured or stored shall be located operated maintained equipped and conducted so as to provide for the adequate protection for all persons employed in or about such explosive plants or magazines The location of explosives plants with respect to other buildings railroads and highways and the location of buildings wherein explosives are manufactured or stored with respect to other magazines or buildings when explosives are manufactured shall be in accordance with the regulations adopted by the Department of Labor and Industry

Section 8 There shall be kept in the main office on the premises of every explosives plant a plan of said plant showing the location of all buildings and the distance they are located from other buildings where persons are employed and from magazines and these plans shall at all times be open to inspection by duly authorized inspectors of the Department of Labor and Industry The superintendent of each plant shall upon demand of said inspector furnish the following information

(a) The maximum amount and kind of explosives material which is or will be present in each building at any one time

(b) The nature and kind of work carried on in each building whether or not said buildings are surrounded by natural or artificial barricades and if so the details of construction of such barricades

Section 9 After January first one thousand nine hundred and thirty-eight every person storing or in possession of explosives shall be required to have a license for each magazine used for the storing or placing of explosives which license shall be issued on a form prepared and furnished by the Department of Labor and Industry The application for license shall be accompanied by the proper license fee which shall be prescribed by the department stored or placed in the magazine and shall not be less than two dollars and fifty cents ($2.50) nor more than twenty-five dollars ($25) Such license shall be kept posted conspicuously in or about the magazine for which issued Licenses shall expire annually on the thirty-first day of December and shall be renewed annually upon payment of the fee as specified in this section

Section 10 Every person company or corporation manufacturing storing selling transferring dealing in or in any manner disposing of any explosives shall keep in a book for that purpose an accurate record of all transactions with the date thereof relating to the receiving and dis-

posing of the same which record shall show the amount of each such explosive received by whom transported or conveyed and each and every sale or other disposition made of such explosives with the amount thereof and the name of the person to whom delivery of the same was made who shall be required to receipt therefor Such record shall at all times be open to the inspection of any duly authorized representative of the Commonwealth

Section 11 For the purpose of carrying out the provisions of this act and applying these provisions to specific cases the Department of Labor and Industry shall have the power and its duties shall be to make alter amend or repeal general rules and regulations to provide protection in the manufacture processing transportation storage use or handling of explosives

Section 12 Any person or persons who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for or who shall hinder or interfere with a duly authorized officer of the Commonwealth in the performance of his duties as herein provided shall upon conviction in a summary proceeding be punished by a fine of not less than ten dollars ($10) or more than one hundred dollars ($100) and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than thirty days Any person or persons who shall on second offense violate any of the provisions of this act or the rules and regulations of the department as herein provided for shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000) or to suffer imprisonment for not more than one year or both at the discretion of the court Prosecution for violation of this act may be instituted by the Secretary of Labor and Industry or his duly authorized representative

Section 13 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 14 All fees collected under the provisions of this act shall be paid into the State Treasury through the Department of Revenue

On the question,

Will the House agree to the bill on third reading?

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 2, line 9, by inserting after the word "lawful" the following: "coal"

Amend section 3, page 4, line 11, by striking out the strike out bracket before the word "process"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2290, (Senate Bill No. 871), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by conferring on such counties the power to adopt ordinances and resolutions providing for the zoning and regulation of the location height bulk and use of buildings and other structures and of the uses of land and the requirement of building permits in the portions of counties lying outside of cities boroughs and townships of the first class providing for the creation organization powers and duties of county zoning commissions and boards of adjustment imposing duties on the State Planning Board and on State officials departments and agencies and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skalc,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffenach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2291, (Senate Bill No. 872), entitled:

An Act to amend article six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for county and regional planning and the creation organization and powers of county and regional planning commissions and imposing duties on certain city borough town and township authorities

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Houstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Cherrenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	WellIver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNole,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Zurman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2010, as follows:

An Act to amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" as amended by changing certain routes and adding certain new routes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following routes established by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" and the amendments thereto are hereby amended to read as follows

Beginning at a point on the Chester Township-Chester City line thence over Flower Street to [an intersection with Ninth Street] the Chester-Bridgeport Ferry in the City of Chester a distance of about [0.05] 0.75 of a mile

Beginning at a point on Kutztown Road on the dividing line between the City of Reading and Muhlenberg Township thence over Kutztown Road to the intersection of Kutztown Road and Ninth Street thence over Ninth Street to the intersection of Ninth Street and Eighth Street thence over Eighth Street to the intersection of Eighth Street and Spring Street thence over Spring Street to the intersection of Spring Street and [Fifth Street] Centre Avenue in the City of Reading a distance of about [1.50] 1.77 miles

Beginning at a point on the line dividing the Township of Cumru and the City of Reading and extending in a northerthly direction over Ninth Street to a point at the in-

tersection of Ninth Street and [Penn] Eight Street in the City of Reading a distance of about [1.97 of a mile] 2.0 miles

Beginning at a point on the intersection of Chestnut Street and Bingaman Street thence westerly over Chestnut Street to the intersection of Chestnut Street and Second Street [and Penn Street and extending] thence in a northerly direction over Second Street to a point at the intersection of Second Street and Washington Street thence in a westerly direction over Washington Street to a point at the intersection of Washington Street and Front Street thence in a northerly direction over Front Street to a point at the intersection of Front Street and Schuylkill Avenue thence in a northwesterly direction over Schuylkill Avenue to a point on the line dividing the City of Reading and the Township of [Muhlenburg] Bern in the City of Reading a distance of about [1.95] 3.14 miles

Section 2 That said section two is hereby amended by adding thereto the following routes

Beginning at a point on the Hanover Township-Allentown City line thence in a southerly direction on North Bradford Street to an intersection with Route 157 at North Bradford Street and Union Boulevard in the City of Allentown Lehigh County a distance of about 0.9 of a mile

Beginning at a point on the city line of Allentown about 0.02 of a mile south of Bogerts Bridge thence easterly to a point on Route 39016 near Bogerts Bridge in the City of Allentown Lehigh County a distance of about 0.01 of a mile

Beginning at a point at the intersection of Plank road and Logan Avenue in the City of Altoona thence in a northerly direction on Logan Avenue and Thirty-sixth Street to a point on Sixth Avenue at the intersection of Thirty-sixth and Race Streets thence in a northerly direction on Race Street to the intersection of Race Street and Broad Avenue in the City of Altoona a distance of about 1.40 miles

Beginning at a point at the intersection of Broad Avenue and Thirty-first Street in Altoona City thence in a northwesterly direction on Thirty-first Street to a point at the intersection of Thirty-first Street and Walnut Avenue in the City of Altoona a distance of about 0.25 of a mile

Beginning at the intersection of Hellertown Road and Coke Works Road thence easterly and southeasterly on Coke Works Road to a point on Route 48006 at the Lower Saucon Township line in the City of Bethlehem Northampton County a distance of about 1.29 miles

Beginning at a point on the dividing line between Bradford Township and the City of Bradford thence over High Street to the intersection of High and Main Streets in the City of Bradford McKean County a distance of about 0.85 of a mile

Beginning at the intersection of Second Street and Booth Street thence northerly on Booth Street to the intersection of Booth and Ninth Streets in the City of Chester Delaware County a distance of about 0.4 of a mile

Beginning at a point on the dividing line between Mill Creek Township and the City of Erie thence over South Gore Road to an intersection with Glenwood Park Avenue in the City of Erie a distance of about 0.01 of a mile

Beginning at a point on the West Hazleton Borough-Hazleton City line thence in an easterly direction on Fifteenth Street to the intersection of Fifteenth and Church Streets in the City of Hazleton Luzerne County a distance of about 0.95 of a mile

Beginning at a point on Cliff Street on the dividing line between Johnstown City and Dale Borough thence over Cliff Street to Singer Road thence over Singer Road to a point on the dividing line between Johnstown City and Stonycreek Township in Johnstown City Cambria County a distance of about 0.20 of a mile

Beginning at a point on Park Avenue on the dividing line between West Mead Township and the City of Meadville thence in a southwesterly direction on Park Avenue to a point on Route 84 at the intersection of Park Avenue and Baldwin Street in the City of Meadville Crawford County a distance of about 0.8 of a mile

Beginning at a point on Park Avenue on the dividing line between Carroll Township and Monongahela City thence over Park Avenue to the intersection of Park Avenue and Main Street in the City of Monongahela Washington County a distance of about 0.6 of a mile

Beginning at a point on South Jefferson Street at the intersection of Jefferson Street and the proposed extension of Croton Avenue thence in a northeasterly direction over the proposed extension of Croton Avenue and Croton Avenue to the intersection of Croton Avenue and East Washington Street in the City of New Castle Lawrence County a distance of about 0.3 of a mile provided the above route shall not be taken over until the entire route shall have been laid out and opened to traffic

Beginning at a point at the intersection of Taylor Street Extension and East Washington Street thence southwest on Taylor Street Extension to Cunningham Avenue thence west on Taylor Street to Neal Street thence north on Neal Street to Grove Street thence west on Grove Street to Croton Avenue Extension in the City of New Castle Lawrence County a distance of about 0.9 of a mile provided the above route shall not be taken over until the entire route shall have been laid out and opened to traffic

Beginning at a point on Sampson Street on the line between Union Township and the City of New Castle thence over Sampson Street to the intersection of Sampson Street and Grant Avenue in the City of New Castle Lawrence County a distance of about 0.75 of a mile

Beginning at a point on Baldwin Road on the dividing line between Baldwin Township and Pittsburgh City thence over Baldwin Road to the intersection of Baldwin Road and Cready Street in the City of Pittsburgh Allegheny County a distance of about 0.7 of a mile

Beginning at a point on Montier Street on the dividing line between the Borough of Wilkinsburg and the City of Pittsburgh thence over Montier Street to a second point on the above dividing line in the City of Pittsburgh Allegheny County a distance of about 0.3 of a mile

Beginning at the intersection of Second and Washington Streets thence northerly on Second Street to Walnut Street thence easterly on Walnut Street to Thirteenth Street thence northerly on Thirteenth Street to Hampden Boulevard thence northeasterly on Hampden Boulevard to the intersection of Hampden Boulevard and Marion Street in the City of Reading Berks County a distance of about 2.28 miles

Beginning at a point on Perkiomen Avenue on the dividing line between Mt. Penn Borough and Reading City thence over Perkiomen Avenue to the intersection of Perkiomen Avenue and Mineral Spring Road in the City of Reading Berks County a distance of about 0.72 of a mile

Beginning at the intersection of Eleventh Street and Penn Street thence over Eleventh Street to the intersection of Eleventh and Walnut Streets in the City of Reading Berks County a distance of a 0.22 of a mile

Beginning at a point on the dividing line between Hickory Township and Sharon City thence over Tenth Avenue to the intersection of Tenth Avenue and State Street in the City of Sharon Mercer County a distance of about 0.9 of a mile

Beginning at the line dividing South Union Township and the city of Uniontown thence in an easterly direction on McClellandtown Road to its point of intersection with Main Street in the City of Uniontown a distance of about 0.5 of a mile

Beginning at Kerr Street on the line between North Union Township and Uniontown City thence over Kerr Street to the intersection of Kerr Street and Gallatin Avenue in the City of Uniontown a distance of about 0.08 of a mile

Beginning at a point on the line between Canton Township and the City of Washington thence over Caldwell and Hayes Avenues to the intersection of Hayes Avenue and Chestnut Street in the City of Washington Washington County a distance of about 0.22 of a mile

Beginning at a point on the line between Canton Township and the City of Washington thence over Wylie Avenue to the intersection of Wylie and Jefferson Avenues in the City of Washington Washington County a distance of about 0.07 of a mile

Section 3 This act shall become effective on the first day of January one thousand nine hundred and thirty-eight

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Eiseln,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2102, as follows:

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2012, as follows:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" as amended by changing certain routes and adding certain new routes

Section 1 Be it enacted by the Senate and House of Represenatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following routes established by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" are hereby amended to read as follows

Ambridge Borough

Route 04089. Extending Route 04089. Beginning at a point on the Ambridge Borough-Harmony Township line [and extending over Fourth Street]; thence over Wilson Avenue and Glenwood Road to an intersection with Route 641, at [Fourth Street] Glenwood Road and Duss Avenue, in Ambridge Borough, Beaver County, a distance of about [0.2] 0.6 of a mile.

Darlington Borough

[Route 04007. Extending Route 04007. Beginning at a point on the Darlington Borough-Darlington Township line; thence in a northerly direction on Plum Street for a distance of forty feet; thence in a westerly direction on First Street to an intersection with Route 204, in the Borough of Darlington, Beaver County, a distance of about 0.07 of a mile.]

New Brighton Borough

Route 04081. Extending Route 04081. Beginning at a point on the New Brighton Borough-Pulaski Township line; thence in a southerly direction to an intersection with Allegheny Street; thence in a westerly direction on Allegheny Street to its intersection with Ninth Street; thence in a southwesterly direction on Ninth Street to the new location of Route 77, in the Borough of New Brighton, Beaver County a distance of about [.63] 0.7 of a mile.

Route 482. Extending Route 482. Beginning on Route 482 at the New Brighton Borough line; thence over Mercer Avenue and Fifth Street to the intersection of Fifth Street and the new location of State Highway Route 77, in the Borough of New Brighton, Beaver County, a distance of about [0.97 of a] 1.0 mile.

Canton Borough

Route 08036. Extending Route 08036. Beginning at a point on the Canton Borough-Canton Township line; thence in a southeasterly direction on [Upper Mountain Road] Fall Brook Street to an intersection with Route 20 at [Upper Mountain Road] Fall Brook Street and Troy Street in the Borough of Canton, Bradford County, a distance of about .33 of a mile.

Vandling Borough

Route 35039. Extending Route 35039. Beginning at a point on the Vandling Boroug-Fall Township line; thence in a [northwesterly] northerly direction on the Northwest Road; thence in a [westerly] northerly direction on Clinton Street [thence in a northerly direction on Oak Street] to an intersection with [a county road] Route 35047, in the Borough of Vandling, Lackawanna County, a distance of about [.86 of a mile] 1.15 miles.

Coopersburg Borough

Route 39008 Extending Route 39008 Beginning at a point on the Coopersburg Borough Upper Saucon Township line thence in a southwesterly and westerly direction on Station Avenue to an intersection with Route 153

Spur at Station Avenue and [Third] Main Street in the Borough of Coopersburg Lehigh County a distance of about [.38] 0.7 of a mile

Duryea and Avoca Boroughs

Route 40104 Beginning at a point on Route [40103 at Foote Avenue and McAlpine Streets] 35055 at Phoenix and Main Streets in the Borough of Duryea thence over Phoenix Street and McAlpine Street in the Boroughs of Duryea and [Hughestown] Avoca to an intersection with Route 5 at McAlpine and Main Streets in Avoca Luzerne County a distance of about [1.1] 1.9 miles

Sharpsville Borough

Route 43008 Extending Route 43008 Beginning at a point on the Sharpsville Borough-Hickory Township line thence in a northerly direction on Mercer Avenue to an intersection with Route [238] 43081 at Mercer Avenue and [Walnut] Main Street in the Borough of Sharpsville Mercer County a distance of about [.7 of a mile] one mile

Kulpmont Borough

Route 49085 Exetending Route 49085 Beginning at a point at or near the intersection of the northern line of Kulpmont Borough and the western line of Marion Heights Borough thence in a southerly direction on [Eleventh] Sixth Street to a point on Route 161 in the Borough of Kulpmont Northumberland County a distance of about [0.03] 0.42 of a mile

Route 49087 Extending Route 49087 Beginning at a point on the Mount Carmel Township-Kulpmont Borough line thence northerly on [Eighth] Sixth Street to an intersection with Route 161 at [Eighth] Sixth and Chestnut Streets in the Borough of Kulpmont Northumberland County a distance of about [0.08] 0.13 of a mile

Penn Borough

[Traffic Route 193] Application 5562. Beginning at a point on the Penn Borough-Hempfield Township line; thence in an easterly direction on [Application 5561 on] Coal Street to an intersection with [the continuation of Rural] Route 64096, at the intersection of [Harrison] Youghiogheny Street and Coal Street, in the Borough of Penn, Westmoreland County, a distance of about [0.02] .21 of a mile.

Route 64026. Extending Route 64026. Beginning at a point on the Penn Borough-Penn Township line; thence in an easterly direction on Emma Street to an intersection with Harrison Street; thence in a [southerly] northerly direction on Harrison Street to an intersection with [Application 5561 or Coal] Locust Street; thence in an easterly direction on [Application 5561] Locust Street to an intersection with [the continuation of Rural] Route [64096 or Youghiogheny Street] 64233 at Locust and Eleventh Streets, in the Borough of Penn, Westmoreland County, a distance of about .53 of a mile.

Penn and Jeannette Boroughs

Route 64096. Extending Route 64096. Beginning at a point on the Penn Borough-Hempfield Township line; thence in a northerly direction on Youghiogheny Street to an intersection with [Application 5581 or] Coal Street [or the continuation of Rural Route 64026]; thence easterly on Coal Street to the Jeannette Borough line; thence easterly on Penn Avenue to Twelfth Street; thence north on Twelfth Street to Clay Avenue Extension; thence east on Clay Avenue Extension to Ninth Street; thence south on Ninth Street to Magee Avenue; thence east on Magee Avenue to a point on Route 64216 at Magee Avenue and Second Street, in the [Borough] Boroughs of Penn and Jeannette, Westmoreland County, a distance of about [.05 of a mile] 2.0 miles.

Scottdale Borough

Route 64126 Extending Route 64126 Beginning at a point on the Scottdale Borough-East Huntingdon Township line thence in a westerly direction on [the Mount Pleasant-Scottdale Road] Porter Avenue to an intersection with Route 117 or Broadway Avenue in the Borough of Scottdale Westmoreland County a distance of about [.72] .2 of a mile

Stewartstown Borough

Route 66119 Extending Route 66119 Beginning at a point on the Hopewell Township-Stewartstown Borough line thence northeasterly over a borough street to Hill Street thence easterly over Hill Street to an intersection with Route 66011 at Hill and Mill Streets in the Borough of Stewartstown York County a distance of about 0.43 of a mile

Section 2 That said section two is hereby amended by adding thereto the following routes

ADAMS COUNTY

Arendtsville Borough

Route 01071 Extending Route 01071 Beginning at a point on the Franklin Township-Arendtsville Borough line thence over Cashtown Road and North High Street to a point on Route 342 at North High and Main Streets in the Borough of Arendtsville Adams County a distance of about 0.4 of a mile

Fairfield Borough

Route 01072 Extending Route 01072 Beginning at a point on the Hamiltonban Township-Fairfield Borough line thence over Water Street to an intersection with Route 44 at Water and Main Streets in the Borough of Fairfield Adams County a distance of about 0.4 of a mile

ALLEGHENY COUNTY

Sewickley Heights Borough

Application 134 Beginning at a point on the Edgeworth Borough-Sewickley Heights Borough line thence easterly to Country Club Road in the Borough of Sewickley Heights Allegheny County a distance of about 1.13 miles

Route 02094 Extending Route 02094 Beginning at a point on the eastern line of Sewickley Heights Borough thence northwesterly over Hartel Road to the Sewickley Heights Township line in the Borough of Sewickley Heights Allegheny County a distance of about 0.1 of a mile

Route 02096 Extending Route 02096 Beginning at a point on the southern line of Sewickley Heights Borough thence in a general westerly direction on Ferry Road to a second point on the southern borough line in the Borough of Sewickley Heights Allegheny County a distance of about 0.01 of a mile

Route 02098 Extending Route 02098 Beginning at a point on the southern line of Sewickley Heights Borough thence northwesterly on Merriman Road to an intersection with Glen Mitchell Road in the Borough of Sewickley Heights Allegheny County a distance of about 0.49 of a mile

Route 02117 Extending Route 02117 Beginning at a point on the eastern line of Sewickley Heights Borough thence northwesterly over Beck Hollow Road to the northern borough line in the Borough of Sewickley Heights Allegheny County a distance of about 0.16 of a mile

Trafford Borough

Route 02226 Extending Route 02226 Beginning at a point on the Patton Township-Trafford Borough line thence over Forbes Road to the Trafford Borough-Penn Township (Westmoreland County) line in the Borough of Trafford Allegheny and Westmoreland Counties a distance of about 1.0 mile

Whitatker Borough

Route 736 Spur. Beginning at a point on Route 736, about 0.3 of a mile southeast of the Rankin Bridge; thence southwesterly through Whitaker Borough to a point on Route 02185 at its intersection with Mifflin Avenue, in the Borough of Whitaker, Allegheny County, a distance of 0.3 of a mile; provided that this route shall not be taken over as a State Highway until the entire road shall have been laid out and opened.

Wilkinsburg Borough

Route 02228 Extending Route 02228 Beginning at a point on the Penn Township-Wilkinsburg Borough line thence over Montier Street to the Pittsburgh City line beginning again at a second point on the Pittsburgh City line thence

over Montier and Park Streets and Swissvale Avenue to a point on Route 120 at Swissvale and Penn Avenues in the Borough of Wilkinsburg Allegheny County a distance of about 1.25 miles

BEAVER COUNTY

Rochester Borough

Route 04104. Extending Route 04104 Beginning at a point on the Rochester Township-Rochester Borough line; thence over Deer Lane to a point on Route 78, in the Borough of Rochester, Beaver County, a distance of about 0.002 of a mile.

BEDFORD COUNTY

Coaldale Borough

Route 05107 Extending Route 05107 Beginning at a point on the Coaldale Borough-Broad Top Township line thence south over Spring Street to an intersection with Route 529 at Spring and Fluck Streets in the Borough of Coaldale Bedford County a distance of about 0.2 of a mile

BERKS COUNTY

Bechtelsville Borough

Route 06195 Extending Route 06195 Beginning at a point on the Washington Township-Bechtelsville Borough Line thence over Mill Street to a point on Route 284 at the intersection of Mill and Main Streets in the Borough of Bechtelsville Berks County a distance of about 0.2 of a mile

Mohnton Borough

Route 06181 Extending Route 06181 Beginning at a point on the Cumru Township-Mohnton Borough line thence over Church Street to a point on Route 660 at Church Street and Wyomissing Avenue in the Borough of Mohnton Berks County a distance of about 0.3 of a mile

Mount Penn Borough

Route 146 Spur Beginning at a point on the Reading City-Mt Penn Borough line thence over Perkiomen Avenue to a point on Route 146 at Perkiomen Avenue and Howard Boulevard in the Borough of Mt. Penn Berks County a distance of about 0.42 of a mile.

Shoemakersville Borough

Route 06174 Extending Route 06174 Beginning at a point on the Center Township-Shoemakersville Borough line thence over Second Street to a point on Route 160 at Second and Main Streets in the Borough of Shoemakersville Berks County a distance of about 0.1 of a mile

Temple Borough

Route 06201 Extending Route 06201 Beginning at a point on the Muhlenberg Township-Temple line thence over Leesport Avenue to a point on Route 157 Spur at Leesport Avenue and Kutztown Road in the Borough of Temple Berks County a distance of about 0.1 of a mile

West Lawn Borough

Route 06183 Extending Route 06183 Beginning at a point on the Spring Township-West Lawn Borough line thence northerly on a borough street to a point on Route 149 in the Borough of West Lawn Berks County a distance of about 0.05 of a mile

BLAIR COUNTY

Bellwood Borough

Route 07047 Extending Route 07047 Beginning at a point on the western Bellwood Borough line thence in an easterly direction on West Cambria Street to a point on Route 383 at the intersection of West Cambria and North First Streets in the Borough of Bellwood in Blair County a distance of about 0.51 of a mile

Hollidaysburg Borough

Route 07044 Extending Route 07044 Beginning at a point on the Blair Township-Hollidaysburg Borough line thence over Plank Road Street to a point on Route 833 at Plank Road and Bedford Street in the Borough of Hollidaysburg Blair County a distance of about 0.08 of a mile

Tyrone Borough

Route 07036 Extending Route 07036 Beginning at a point on the Snyder Township-Tyrone Borough line thence over Third Street to a point on Route 55 at Third Street and Washington Avenue in the Borough of Tyrone Blair County a distance of about 0.32 of a mile

BRADFORD COUNTY

New Albany Borough

Route 08121 Extending Route 08121 Beginning at a point on the Albany Township-New Albany Borough line thence over Hatch Hill Street to a point on Route 17 at Hatch Hill and First Streets in the Borough of New Albany Bradford County a distance of about 0.28 of a mile

Towanda Borough

Route 212 Spur Beginning at a point on Route 212 at the intersection of York and Packer Avenues thence over Packer Avenue in the Borough of Towanda Bradford County a distance of about 0.1 of a mile

Route 08131 Extending Route 08131 Beginning at a point on the Towanda Township-Towanda Borough line thence Borough of Towanda Bradford County a distance of about Third Streets in the Borough of Towanda Bradford County a distance of about 0.8 of a mile

Route 08154 Extending Route 08154 Beginning at a point on the north Towanda Township-Towanda Borough line thence over Hawes Street and Pratt Street to a point on Route 212 at Pratt Street and York Avenue in the Borough of Towanda Bradford County a distance of about 0.33 of a mile

BUCKS COUNTY

Doylestown Borough

Route 178 Spur Beginning at a point on Route 178 at Court and State Streets thence over Court Street to a point on Route 151 at Court and Main Streets in the Borough of Doylestown Bucks County a distance of about 0.22 of a mile

Perkasie Borough

Route 09117 Extending Route 09117 Beginning at a point on the East Rockhill Township-Perkasie Borough line thence over Main Street toa point on Route 154 at Main and Walnut Streets in the Borough of Perkasie Bucks County a distance of about 0.56 of a mile

Quakertown Borough

Route 09167 Extending Route 09167 Beginning at a point on the Richland Township-Quakertown Borough line thence over Main Street to an intersection with Routes 383 and 09086 at Main and Broad Streets in the Borough of Quakertown Bucks County a distance of about 0.48 of a mile

Route 09168 Extending Route 09168 Beginning at a point on the Richland Township-Quakertown Borough line thence over Broad Street to an intersection with Routes 386 and 09086 at Main and Broad Streets in the Borough of Quakertown Bucks County a distance of about 0.21 of a mile

Sellersville Borough

Route 09167 Extending Route 09167 Beginning at a point on the northern line of Sellersville Borough thence over Bethlehem Pike to an intersection with Route 153 in the Borough of Tullytown Bucks County a distance of of about 0.1 of a mile

Tullytown Borough

Route 09135 Extending Route 09135 Beginning at a point on the Falls Township-Tullytown Borough line thence over Fallsington Avenue to a point on Route 150 in the Borough of Tullytown Bucks County a distance of about 0.78 of a mile

BUTLER COUNTY

Cherry Valley Borough

Route 60007 Extending Route 60007 Beginning at a point on the Venango County-Cherry Valley Borough line thence southerly past the East Unity Church to an intersection with Route 10106 in the Borough of Cherry Valley Butler County a distance of about 0.4 of a mile

Fairview Borough

Route 10089 Extending Route 10089 Beginning at a point on the Fairview Township-Fairview Borough line thence over Main Street to an intersection with Routes 10075 and 10076 at Main and Washington Streets in the Borough of Fairview Butler County a distance of about 0.22 of a mile

Harrisville Borough

Route 10071 Extending Route 10071 Beginning at a point on the Mercer Township-Harrisville Borough line thence northeasterly on a borough street to an intersection with Route 73 in the Borough of Harrisville Butler County a distance of about 0.08 of a mile

Saxonburg Borough

Route 10115 Extending Route 10115 Beginning at a point on the Jefferson Township-Saxonburg Borough line thence over State Street to a point on Route 387 at State and Water Streets in the Borough of Saxonburg Butler County a distance of about 0.21 of a mile

Slippery Rock Borough

Route 10101 Extending Route 10101 Beginning at a point on the Slippery Rock Township-Slippery Rock Borough line thence northerly to an intersection with Route 73 in the Borough of Slippery Rock Butler County a distance of about 0.15 of a mile

Route 10107 Extending Route 10107 Beginning at a point on the Slippery Rock Township-Slippery Rock Borough line thence easterly on West Water Street to an intersection with Route 10066 at Water and Main Streets in the Borough of Slippery Rock Butler County a distance of about 0.63 of a mile

West Liberty Borough

Route 10101 Extending Route 10101 Beginning at a point on the Brady Township-West Liberty Borough line thence over Slippery Rock Road to an intersection with Routes 10058 and 10065 in the borough of West Liberty Butler County a distance of about 1.45 miles

CAMBRIA COUNTY

Barnesboro Borough

Route 11087 Extending Route 11087 Beginning at a point on the Susquehanna Township-Barnesboro Borough line thence southwesterly on a borough Street to a point on Route 165 at Sheppard Avenue in the borough of Barnesboro Cambria County a distance of about 0.5 of a mile

Chest Springs Borough

Route 11082. Extending Route 11082. Beginning at a point on the Chest Springs Borough-Allegheny Township line; thence in a northwesterly direction on a borough street to an intersection with Route 406 at Columbia Street, in the Borough of Chest Springs, Cambria County, a distance of about 0.11 of a mile.

Dale Borough

Route 11085 Extending Route 11085 Beginning at a point on Route 222 at the intersection of Bedford and Strayer Streets thence in an easterly and southeasterly direction on Strayer Street to its intersection with Hummel and Singer Streets thence in a northeasterly direction on Singer Street to its intersection with Cliff Street thence in a southeasterly direction on Cliff Street to a point on the Dale Borough-Johnstown City line in Dale Borough Cambria County a distance of about 0.34 of a mile

Patton Borough

Route 11086 Extending Route 11086 Beginning at a point on the East Carrol Township Patton Borough line thence in an easterly direction on Mellon Street to an intersection with Route 221 in Patton Borough Cambria County a distance of about 0.14 of a mile

CAMERON COUNTY

Emporium Borough

Route 12007 Extending Route 12007 Beginning at a point on the Shippen Township-Emporium Borough line thence northerly on Broad Street to a point on Route 99 at the intersection of Broad and Fourth Streets in the borough of Emporium Cameron County a distance of about 0.25 of a mile

CARBON COUNTY

East Side Borough

Route 13040 Extending Route 13040 Beginning at a point on the south line of East Side Borough thence northerly over a borough street to a point on Route 408 in the borough of East Side Carbon County a distance of about 0.35 of a mile

CENTRE COUNTY

State College Borough

Route 14053 Extending Route 14053 Beginning at a point on the State College Borough-College Township line thence in a northwesterly direction on a street known as Old Boalsburg Road to Allen Street thence in a northwesterly direction on Allen Street to a point on Route 56 at the intersection of Allen Street and East College Avenue in the borough of State College Centre County a distance of about 0.9 of a mile

Route 14016 Extending Route 14016 Beginning at a point on the State College Borough-College Township line thence in a southwesterly direction on East Park Avenue and West Park Avenue to a point on Route 404 at the intersection of West Park Avenue and Atherton Street in the Borough of State College Centre County a distance of about 0.85 of a mile

CHESTER COUNTY

Atglen Borough

Route 15206 Extending Route 15206 Beginning at a point on the west line of Atglen Borough about 0.1 of a mile north of the West Fallowfield Township line thence easterly over a borough street to a point on Route 215 about 0.1 of a mile north of the West Fallowfield Township line in the borough of Atglen Chester County a distance of about 0.4 of a mile

West Grove Borough

Route 15220 Extending Route 15220 Beginning at a point on the north borough line of West Grove Borough thence south over a borough street to a point on Route 131 in the borough of West Grove Chester County a distance of about 0.4 of a mile

CLEARFIELD COUNTY

Coalport Borough

Route 17112 Extending Route 17112 Beginning at a point on the Beccaria Township-Coalport Borough line thence easterly on Mill Street to an intersection with Route 234 at Mill and Main Streets in the Borough of Coalport Clearfield County a distance of about 0.06 of a mile

New Washington Borough

Route 17095 Extending Route 17095 Beginning at a point on the Burnside Township-New Washington Borough line thence southerly on Front Street to an intersection with Route 17070 at Front and Main Streets in the borough of New Washington Clearfield County a distance of about 0.6 of a mile

Osceola Mills Borough

Route 14036 Extending Route 14036 Beginning at a point on the Rush Township (Centre County)-Osceola Mills Borough line thence over Stone Street Extension and Stone Street to a point on Route 234 at Stone and Sarah Streets in the Borough of Osceola Mills Clearfield County a distance of about 0.25 of a mile

CLEARFIELD AND CENTRE COUNTIES

Chester Hill and Philipsburg Boroughs

Route 17058 Spur Beginning at a point on Route 17058 at Decatur and Centre Streets in Chester Hill Borough thence over Centre Laura and Presqueisle Streets to a point on Route 57 in Philipsburg at the intersection of Presqueisle and Front Streets in the Boroughs of Chester Hill Clearfield County and Philipsburg Centre County a distance of about 0.8 of a mile

COLUMBIA COUNTY

Berwick Borough

Route 19098 Extending Route 19098 Beginning at a point on the Briar Creek Township-Berwick Borough line thence in a southerly direction on Cemetery Road to Freas Avenue thence on Freas Avenue to its intersection with Route 19045 at Freas Avenue and Dickson Street in Berwick Borough Columbia County a distance of about 1.2 miles

Town of Bloomsburg

Route 4 Spur Beginning on Route 4 at the intersection of East Street and East Fifth Street thence easterly on East Fifth Street to its intersection with Locust Street thence southerly on Locust to Route 4 at the intersection of Locust Street and Berwick Road in the town of Bloomsburg in Columbia County a distance of about 0.4 of a mile

Route 19100 Extending Route 19100 Beginning at a point on the Hemlock Township-Bloomsburg Town line about 200 feet east of the Montour-Hemlock Township line thence in a southeasterly direction to a point on Route 3 in the town of Bloomsburg Cclumbia County a distance of about 0.03 of a mile

CRAWFORD COUNTY

Cambridge Springs Borough

Route 84 Spur. Beginning at a point on Route 84, at the intersection of Venango Avenue and Grant Street; thence northerly over Grant Street to Kearney Avenue; thence over Kearney Avenue to the intersection of Route 20056 at Kearney Avenue and McClelland Street, in the Borough of Cambridge Springs, Crawford County, a distance of about 0.5 of a mile.

Centerville Borough

Route 20145. Extending Route 20145. Beginning at a point on the Rome Township-Centerville Borough line; thence southwesterly over Sparta Street to Route 20106 at Sparta and Garland Streets, in the Borough of Centerville, Crawford County, a distance of about 0.8 of a mile.

Geneva Borough

Route 20147. Extending Route 20147. Beginning at a point on the Greenwood Township-Geneva Borough line; thence northerly over Main Street to Routes 20017, 20018 and 20020 at Main and Center Streets, in the Borough of Geneva, Crawford County, a distance of about 0.2 of a mile.

Hydetown Borough

Route 20133 Extending Route 20133 Beginning at a point on the Oil Creek Township-Hydetown Borough line thence northeasterly on a borough street to Route 271 at Main Street in the Borough of Hydetown Crawford County a distance of about 0.6 of a mile

Jamestown Borough

Route 20138 Extending Route 20138 Beginning at the South Shenango Township-Jamestown Borough line thence in a southerly direction on Denver Street to North Street thence easterly on North Street to Route 238 at the intersection of North and Depot Streets in the Borough of Jamestown Mercer County a distance of about 0.2 of a mile

Saegertown Borough

Route 20141 Extending Route 20141 Beginning at the Woodcock Township-Saegertown Borough line thence in a northerly direction on Center Road to an intersection with Route 20066 at Center Road and Grant Street in the Borough of Saegertown Crawford County a distance of about 0.7 of a mile

CUMBERLAND COUNTY

Carlisle Borough

Route 21066. Extending Route 21066. Beginning at a point on the North Middleton Township-Carlisle Borough line; thence over Poorhouse Road and North Street to a point on Route 34 at North and Hanover Streets, in the Borough of Carlisle, Cumberland County, a distance of about 0.83 of a mile.

Mechanicsburg Borough

Route 21076. Extending Route 21076. Beginning at a point on the Upper Allen Township-Mechanicsburg Borough line; thence in a northerly direction over York Street to an intersection with Route 507 at the intersection of West Main and York Streets, in the Borough of Mechanicsburg, Cumberland County, a distance of about 0.6 of a mile.

DAUPHIN COUNTY

Paxtang Borough

Route 22075 Extending Route 22075 Beginning at a point on the Swatara Township-Paxtang Borough line thence over Twenty-ninth Street to a point on Route 139 at Twenty-ninth and Derry Streets in the Borough of Paxtang Dauphin County a distance of about 0.07 of a mile

DELAWARE COUNTY

Aldan Borough

Route 23068 Extending Route 23068 Beginning at a point on the western line between Upper Darby Township and Aldan Borough thence over Providence Road to the eastern borough line in the Borough of Aldan Delaware County a distance of about 1.1 miles

Clifton Heights Borough

Route 420 Extending Route 420 Beginning at a point on the line between Upper Darby Township and Clifton Heights Borough thence over Oak Lane to a point on Route 23065 at Oak Lane and Springfield Avenue in the Borough of Clifton Heights Delaware County a distance of about 0.25 of a mile

Media Borough

Route 421 Extending Route 421 Beginning at the intersection of Routes 421 and 130 at Providence Road and Washington Street thence northwesterly on Providence Road to a point on Route 144 at Providence Road and Monroe Street in the Borough of Media Delaware County a distance of about 0.9 of a mile

Prospect Park and Norwood Boroughs

Route 23115 Extending Route 23115 Beginning at a point on the line dividing the township of Ridley from the Boroughs of Prospect Park and Norwood thence over Amosland Road to an intersection with Route 180 in the Boroughs of Prospect Park and Norwood Delaware County a distance of about 0.7 of a mile

Ridley Park Borough

Route 23102 Extending Route 23102 Beginning at a point on the above boundary line in the Borough of Ridley Park Borough thence over Haverford Road to a second point on the above boundary line in the Borough of Ridley Park Delaware County a distance of about 0.26 of a mile

Swarthmore Borough

Route 225 Spur Beginning at a point on Route 225 at the intersection of Chester Road and Swarthmore Avenue thence over Chester Road to a point on Route 130 Baltimore Pike in the Borough of Swarthmore Delaware County a distance of about 0.35 of a mile

Trainer Borough

Route 23012 Spur Beginning at a point on Route 23012 at the intersection of Boyds Lane and Langley Street

thence over Langley Street to a point on Application 1249 at Langley and Ninth Streets in the Borough of Trainer Delaware County a distance of about 0.4 of a mile

Yeadon Borough

Route 23068 Extending Route 23068 Beginning at a point on the Upper Darby Township-Yeadon Borough line thence over Providence Road to a point on Route 23047 at Providence Road and Lansdowne Avenue in the Borough of Yeadon Delaware County a distance of about 0.2 of a mile

East Lansdowne Borough

Route 23100 Extending Route 23100 Beginning at a point on the Upper Darby Township-East Lansdowne Borough line thence over Church Lane to a point on Route 23064 at Oak Avenue and Church Lane in the Borough of East Lansdowne Delaware County a distance of about 0.15 of a mile

Folcroft Borough

Route 23104 Extending Route 23104 Beginning at a point on the Darby Township-Folcroft Borough line thence northerly over Tribbitt Avenue to an intersection with Route 420 in the Borough of Folcroft Delaware County a distance of about 0.004 of a mile

Marcus Hook Borough

Route 23096 Extending Route 23096 Beginning at a point on the Lower Chichester Township-Marcus Hook Borough line thence over Hewes Street to an intersection with Route 132 in the Borough of Marcus Hook Delaware County a distance of about 0.19 of a mile

ELK COUNTY

Johnsonburg Borough

Route 24021 Extending Route 24021 Beginning at a point on the Ridgway Township-Johnsonburg Borough line thence over Glen Hazel Road Bergen Street First Avenue and Cobb Street to a point on Route 97 at Cobb and Market Streets in the Borough of Johnsonburg Elk County a distance of about 0.95 of a mile

St. Marys Borough

Route 24019 Extending Route 24019 Beginning at a point on the Benzinger Township-St Marys Borough line thence over South Saint Michael Street to a point on Route 99 at St Michael and Brussels Streets in the Borough of St Marys Elk County a distance of about 0.39 of a mile

Route 24026 Extending Route 24026 Beginning at point on the Benzinger Township-St Marys Borough line thence southerly on north St Marys Street to Route 24013 at St Marys and Washington Streets in the Borough of St Marys Elk County a distance of about 0.3 of a mile

Route 24027 Extending Route 24027 Beginning at a point on the Benzinger Township-St Marys Borough line thence over Theresia Street to a point on Route 99 at Theresia and Brussels Streets also from a second point on the above boundary line near the northeastern corner of the borough southerly over a borough street to Route 99 in the Borough of St Marys Elk County a distance of about 1.1 miles

Route 24027 Spur Beginning at a point on Route 24027 at the intersection of Theresia Street and Hall Avenue thence in a northwesterly direction on Hall Avenue to the intersection of Hall Avenue and Park Avenue thence in a northeasterly direction on a borough street for about 500 feet thence in a southeasterly direction on a borough street for about 300 feet to a point on Route 24027 on Theresia Street in the Borough of St. Marys Elk County a distance of about 0.2 of a mile

ERIE COUNTY

Wesleyville Borough

Application 4709 Extending Application 4709 Beginning at a point on the Harbor Creek Township-Wesleyville Borough line thence northerly to an intersection with Application 35 in the Borough of Wesleyville Erie County a distance of about 0.01 of a mile

FAYETTE COUNTY

Fayette City Borough

Route 247 Spur Beginning at a point on Route 247 near the bridge over Downer Run thence southwesterly over Second Street Extension to Second and Fording Streets thence southeasterly over Second Street to Second and Cook Streets thence southeasterly over Second Street extension to a point on Route 247 at Second Street Extension and State Street in the borough of Fayette City Fayette County a distance of about 0.4 of a mile

Provided That this route shall not be taken over as a State Highway until the entire route shall have been laid out and opened

Markleysville Borough

Route 26135 Extending Route 26135 Beginning at a point on the Henry Clay Township-Markleysburg Borough line thence in a northeasterly direction on a borough street to an intersection with Route 363 in the Borough of Markleysburg Fayette County a distance of about 0.5 of a mile

Smithfield Borough

Route 26111 Extending Route 26111 Beginning at a point on the Smithfield Borough-Georges Township line thence in a northwesterly direction on Water Street to an intersection with Route 116 at Water and Morgantown Streets in the Borough of Smithfield Fayette County a distance of about 0.49 of a mile

FRANKLIN COUNTY

Mont Alto Borough

Route 28069 Extending Route 28069 Beginning at a point on the south borough line of Mont Alto Borough thence northeasterly over a borough street to a point on Application 5503 in the Borough of Mont Alto Franklin County a distance of about 0.15 of a mile

FULTON COUNTY

McConnellsburg Borough

Route 38 Spur Beginning at a point on Route 38 at the intersection of Second and Common Streets thence in a southeasterly northeasterly and southeasterly direction on Common Street to an intersection at Common Street and an unnamed alley in the Borough of McConnellsburg Fulton County a distance of about 0.25 of a mile

GREENE COUNTY

Waynesburg Borough

Route 325 Spur Beginning at a point on Route 109 at East High and North Richhill Streets thence northerly on North Richhill Street to a point on Route 325 in the Borough of Waynesburg Greene County a distance of about 0.55 of a mile

HUNTINGDON COUNTY

Coalmont Borough

Route 31096 Extending Route 31096 Beginning at the Carbon Township-Coalmont Borough line thence in a northerly direction on Evans Street to a point on Route 721 at the intersection of Evans and Shell Streets in the Borough of Coalmont Huntingdon County a distance of about 0.3 of a mile

INDIANA COUNTY

Homer City Borough

Route 32123 Extending Route 32123 Beginning at a point on the Center Township-Homer City Borough line thence over Main Street to a point on Route 68 at Main and Indiana Streets in the Borough of Homer City Indiana County a distance of about 0.03 of a mile

Plumville Borough

Route 32157 Extending Route 32157 Beginning at a point on the South Mahoning Township-Plumville Borough Line thence over a borough street to a point at the intersection of Route 981 and Route 189 on Main Street in the Borough of Plumville in Indiana County a distance of about 0.3 mile

JEFFERSON COUNTY

Brockway Borough

Route 33067 Extending Route 33067 Beginning at a point on the Snyder Township-Brockway Borough line thence over First Avenue North Street and Second Avenue to a point on Route 61 at Second Avenue and Main Street in the Borough of Brockway Jefferson County a distance of about 0.27 of a mile

Worthville Borough

Route 33071 Extending Route 33071 Beginning at a point on the Ringgold Township-Worthville Borough Line thence in a northeasterly direction over a borough street to an intersection with Route 33016 at Main Street in the Borough of Worthville in Jefferson County a distance of about 0.7 of a mile

Sykesville Borough

Route 33075 Extending Route 33075 Beginning at a point on the Winslow Township-Sykesville Borough Line thence over a borough street to a point on Route 338 at Main Street in the Borough of Sykesville in Jefferson County a distance of about 0.4 of a mile

LACKAWANNA COUNTY

Blakely and Winton Boroughs

Route 35061. Beginning at the intersection of Main and Bridge Streets in the borough of Blakely; thence in a southerly direction over Deckers Bridge to Hill Street in Winton Borough; thence over Hill Street to an intersection with Route 35041 at Hill Street and Grassy Island Avenue, in the Boroughs of Blakely and Winton, Lackawanna County, a distance of about 1.0 mile.

Dalton Borough

Route 35058. Extending Route 35058. Beginning at a point on the Dalton Borough-La Plume Township line; thence southeasterly over Main Street to an intersection with Route 35024 at Main and Bank Streets, in the Borough of Dalton, Lackawanna County, a distance of about 1.6 miles.

Moosic and Old Forge Boroughs

Route 35063. Beginning on Route 5 at the intersection of Spring and Main Streets, in Moosic Borough; thence northwesterly on Spring Street to Lonesome Road; thence northwesterly and northeasterly on Lonesome Road to an intersection with Route 35055, at Lonesome Road and Main Street, Old Forge Borough, in Lackawanna County, a distance of about 0.75 of a mile.

Route 35064. Beginning at a point on Route 35055 at Main Street and Moosic Road, in Old Forge; thence southerly on Moosic Road to a point on Route 5 in Moosic, Lackawanna County, a distance of about 1.5 miles.

Olyphant and Winton Boroughs

Route 35062. Beginning at a point on Route 168 Extension at Lackawanna Street and Delaware Avenue; thence in an easterly direction on Delaware Avenue and North Valley Avenue, in the Borough of Olyphant, and on Moosic Street in the Borough of Winton, to a point on Route 35041 at Moosic and Bridge Streets, in Lackawanna County, a distance of about 1.7 miles.

LANCASTER COUNTY

Akron Borough

Route 36143 Extending Route 36143 Beginning at a point on the Ephrata Township-Akron Borough line thence in a northeasterly and northerly direction on Ninth Street to the Akron Borough-Ephrata Township line in the Borough of Akron Lancaster County a distance of about 0.4 of a mile

Denver Borough

Route 36129 Extending Route 36129 Beginning at a point on the East Cocalico Township-Denver Borough line thence over Monroe Street to a second point on the borough-township line in the Borough of Denver Lancaster County a distance of about 0.02 of a mile

Route 36178 Extending Route 36178 Beginning at a point on the West Cocalico Township-Denver Borough line thence in a southeasterly direction to a point on Route 36001 in the Borough of Denver Lancaster County a distance of about 0.1 of a mile

Route 36179 Extending Route 36179 Beginning at a point on the East Cocalico Township-Denver Borough line thence in a westerly direction on North Third Street to Route 36046 at Main and Third Streets in the Borough of Denver Lancaster County a distance of about 0.1 of a mile

LEBANON COUNTY

Richland Borough

Route 425 Extending Route 425 Beginning at a point on the Mill Creek Township-Richland Borough line thence over Poplar Street to a point on Route 38011 at Poplar and Linden Streets in the Borough of Richland Lebanon County a distance of about 0.04 of a mile

LEHIGH COUNTY

Emaus Borough

Route 39001 Extending Route 39001 Beginning at a point at the intersection of Vera Cruz Road and Emaus Borough Line thence northerly on Vera Cruz Road to Pennsylvania Avenue thence northeasterly on Pennsylvania Avenue to Tenth Street thence northwesterly on Tenth Street to a point on Route 158 at Tenth and Chestnut Streets in the Borough of Emaus Lehigh County a distance of about 1.0 mile

Slatington Borough

Route 39095 Extending Route 39095 Beginning at a point on the Washington Township-Slatington Borough line thence southerly on Welshtown Road to Chestnut Street thence easterly on Chestnut Street to Diamond Street thence southerly on Diamond Street to a point on Route 163 at Diamond and Main Streets in the Borough of Slatington Lehigh County a distance of about 0.2 of a mile

Application 745 Extending Application 745 Beginning at a point on the Washington Township-Slatington Borough line thence over Church and Dowell Streets on Application 827 to a point on Route 163 at Dowell and Main Streets in the Borough of Slatington Lehigh County a distance of about 0.67 of a mile

LUZERNE COUNTY

Freeland Borough

Route 40113 Extending Route 40113 Beginning at a point on the Foster Township-Freeland Borough line thence over Carbon Street to a point on Route 4000 at Carbon and Centre Streets in the Borough of Freeland Luzerne County a distance of about 0.1 of a mile

Hughestown Borough

Route 40111 Extending Route 40111 Beginning at a point on the southeast borough line of Hughestown Borough thence northerly over Centre Street to a point on Route 40103 at Centre and Parsonage Streets in the Borough of Hughestown Luzern County a distance of about 0.8 of a mile

Nuangola Borough

Route 40034 Extending Route 40034 Beginning at a point on the west line of Nuangola Borough thence southeasterly over a borough street to a point on Route 4002 in the Borough of Nuangola Luzerne County a distance of about 0.3 of a mile

West Hazleton Borough

Route 170 Spur Extending Route 170 Spur Beginning at a point on the Hazleton City-West Hazleton Borough line thence over Washington Avenue to a point on Rout

184 at Washington Avenue and Broad Street in the Borough of West Hazleton Luzerne County a distance of about 0.15 of a mile

LYCOMING COUNTY

Montoursville Borough

Route 18 Spur Beginning on Route 18 at the intersection of Broad and Arch Streets thence southerly on Arch Street to its intersection with Jordan Avenue thence easterly on Jordan Avenue to a point near Tombs Lane in the Borough of Montoursvill eLycoming County a distance of about 0.4 of a mile

Route 291 Spur Beginning at a point on Route 18 at the intersection of Broad Street and Allendale Road thence over Allendale Road to a point on Route 291 at the Allendale Road and Loyalsock Avenue in the Borough of Montoursville Lycoming County a distance of about 1.7 miles

Salladasburg Borough

Route 41120 Extending Route 41120 Beginning at a point on the Mifflin Township-Salladasburg Borough line thence northerly on a borough street to a point on Main Street near the intersection of Routes 353 and 41026 in the Borough of Salladasburg Lycoming County a distance of about 0.1 of a mile

South Williamsport Borough

Route 289 Spur. Beginning at a point on the Armstrong Township-South Williamsport Borough line; thence over Eighth Avenue, on Application 6958, to a point on Route 289 at Eighth Avenue and Market Street, in the Borough of South Williamsport, Lycoming County, a distance of about 0.58 of a mile.

McKEAN COUNTY

Mt. Jewett Borough

Route 42044 Extending Route 42044 Beginning at a point on the Hamlin Township-Mt. Jewett Borough line thence over Lindholm Road to a point on Route 97 at Lindholm Road and Main Street in the Borough of Mt. Jewett McKean County a distance of about 0.8 of a mile

MERCER COUNTY

Fredonia Borough

Route 43104 Extending Route 43104 Beginning at a point on the dividing line between the borough of Fredonia and Delaware Township at Main Street thence northerly over Main Street to the intersection with Route 43044 at Main and Mill Streets in the Borough of Fredonia Mercer County a distance of about 0.7 of a mile

Route 43096 Extending Route 43096 Beginning at a point on the Delaware Township-Fredonia Borough line thence over Second Street to a point on Route 43104 at Second and Main Streets in the Borough of Fredonia Mercer County a distance of about 0.3 of a mile

Greenville Borough

Route 43084 Extending Route 43084 Beginning at a point on the West Salem Township-Greenville Borough line thence over Coal Hill Road to a point on Route 238 at Coal Hill Road and Clarksville Street in the Borough of Greenville Mercer County a distance of about 0.05 of a mile

Grove City Borough

Route 43077 Extending Route 43077 Beginning at a point on the Pine Township-Grove City Borough line thence southerly to a point on Route 312 in the Borough of Grove City Mercer County a distance of about 0.03 of a mile

Mercer Borough

Route 43098 Extending Route 43098 Beginning at a point on the Findley Township-Mercer Borough line thence over Home Street to a point on Route 73 at Home and Market Streets in the Borough of Mercer Mercer County a distance of about 0.35 of a mile

Sharpsville Borough

Route 43101 Extending Route 43101 Beginning at a point on the Hickory Township-Sharpsville Borough line thence northerly on Tenth Street to a point on Route 238 at Tenth Street and Ridge Avenue in the Borough of Sharpsville Mercer County a distance of about 0.7 of a mile

Route 43081 Extending Route 43081 Beginning at a point on the South Pymatuning Township-Sharpsville Borough line thence over Mercer Avenue and Main Street to a point on Route 238 at Main and Walnut Streets in the Borough of Sharpsville Mercer County a distance of about 0.54 of a mile

Wheatland Borough

Route 43092 Extending Route 43092 Beginning at a point on the Hickory Township-Wheatland Borough line thence over Ohio and Church Streets to a point on Route 238 Spur D at Church and Broadway Streets in the Borough of Wheatland Mercer County a distance of about 0.6 of a mile

MONROE COUNTY

East Stroudsburg Borough

Route 45059. Extending Route 45059. Beginning at a point on the Smithfield Township-East Stroudsburg Borough Line; thence over Sixth Street to a point on Route 167 at Sixth and Courtland Streets, in the Borough of East Stroudsburg, Monroe County, a distance of about 0.24 of a mile.

Stroudsburg Borough

Route 45054. Extending Route 45054. Beginning at a point on the Stroud Township-Stroudsburg Borough line; thence over Cherry Lane to a point on Route 498 at Cherry Lane and Foxtown Road, in the Borough of Stroudsburg, Monroe County, a distance of about 0.21 of a mile.

MONTGOMERY COUNTY

Bridgeport Borough

Route 143 Spur. Beginning at a point on Route 143 at the intersection of Fourth and Ford Streets, in the Borough northeasterly over Ford Street to a point on Route 225 at the intersection of Fourth and Ford Streets, in the Borough of Bridgeport, Montgomery County, a distance of about 0.81 of a mile.

Collegeville Borough

Route 202 Spur Beginning at a point on Route 146 at the intersection of Fifth Avenue and Main Street thence in a southerly direction on Fifth Avenue and Park Avenue to the intersection of Park Avenue with Route 202 in the Borough of Collegeville Montgomery County a distance of about 0.8 of a mile

NORTHAMPTON COUNTY

Bangor Borough

Route 48089 Extending Route 48089 Beginning at a point on the Washington Township-Bangor Borough line thence southwesterly on Ridge Street to a point on Route 48035 at Ridge and North Main Streets in the Borough of Bangor Northampton County a distance of about 0.3 of a mile

Nazareth Borough

Route 48082 Extending Route 48082 Beginning at a point on the Upper Nazareth Township-Nazareth Borough line thence over Mauch Chunk Street to a point on Route 48070 at Mauch Chunk and Spring Streets in the Borough of Nazareth Northampton County a distance of about 0.2 of a mile

Pen Argyl Borough

Route 48079 Extending Route 48079 Beginning at a point on the Plainfield Township-Pen Argyl Borough line thence over George Street to a point on Route 48038 at George and "E" Streets in the Borough of Pen Argyl Northampton County a distance of about 0.1 of a mile

Wilson Borough

Route 48084 Extending Route 48084 Beginning at a point on the Palmer township-Wilson Borough line thence easterly and northeasterly on Wood Avenue to a point on

Route 48019 at Wood and Hackett Avenues in the borough of Wilson Northampton County a distance of about 0.7 of a mile

Wind Gap Borough

Route 48088 Extending Route 48088 Beginning at a point on the Plainfield Township-Wind Gap Borough line thence easterly on Center Street to a point on Route 166 at Center Street and Broadway in the Borough of Wind Gap Northampton County a distance of about 0.35 of a mile

POTTER COUNTY

Coudersport Borough

Route 101 Spur. Beginning at a point on Route 101 at the intersection of Main and Chestnut Streets; thence in a southerly direction on Main Street, about 2,350 feet; thence in a westerly direction to Vine Street; thence northeasterly on Vine Street to Locust Street; thence easterly on Locust Street to Main Street, in the Borough of Coudersport, Potter County, a distance of about 0.9 of a mile.

Route 52048. Extending Route 52048. Beginning at a point on the Eulalia Township-Coudersport Borough line; thence in a southwesterly direction on Buffalo Street to Route 102, at the intersection of Second and Buffalo Streets, in the Borough of Coudersport, Potter County, a distance of about 0.5 of a mile.

Shinglehouse Borough

Route 236 Spur. Beginning at a point on Route 52014, at the intersection of Stevens and Honeoye Streets; thence in a southwesterly direction on Honeoye Street to a point on Route 236, at the intersection of Honeoye and Osweyo Streets, in the Borough of Shinglehouse, Potter County, a distance of about 0.7 of a mile.

SCHUYLKILL COUNTY

Cressona Borough

Route 53079 Extending Route 53079 Beginning at a point on the North Manheim Township-Cressona Borough line thence over Wilder Street to a point on Route 417 at Wilder and Chestnut Streets in the Borough of Cressona Schuylkill County a distance of about 0.54 of a mile

Gordon Borough

Route 53094 Extending Route 53094 Beginning at a point on the Butler Township-Gordon Borough line thence in a southwesterly direction on Biddle Street to a point on Route 53001 at the intersection of Mountain Road and Biddle Street in the Borough of Gordon Schuylkill County a distance of about 0.3 of a mile

Minersville Borough

Route 53095 Extending Route 53095 Beginning at a point on the Cass Township-Minersville Borough line thence in a southwesterly direction on Front Street to a point on Route 199 at the intersection of Front and Sunbury Streets in the Borough of Minersville Schuylkill County a distance of about 0.4 of a mile

New Philadelphia Borough

Route 53098 Extending Route 53098 Beginning at a point on the Blythe Township-New Philadelphia Borough line thence in a northwesterly direction on Water Street to a point on Route 162 at the intersection of Water and Valley Streets in the Borough of New Philadelphia Schuylkill County a distance of about 1.1 miles

Orwigsburg Borough

Route 53103 Extending Route 53103 Beginning at a point on the North Manheim Township-Orwigsburg Borough line thence over Market Street to the Orwigsburg Borough-West Brunswick Township line in the Borough of Orwigsburg Schuylkill County a distance of about 2.03 miles

Saint Clair Borough

Route 53087 Extending Route 53087 Beginning at a point on the East Norwegian Township-Saint Clair Borough line thence over Hancock Street to the intersection of Routes 161 and 53033 at Hancock and Second Streets in the Borough of Saint Clair Schuylkill County a distance of about 0.56 of a mile

Frackville Borough

Route 53106 Extending Route 53106 Beginning at a point on the West Mahanoy Township-Frackville Borough line about 0.1 of a mile west of Route 161 thence in a southerly direction to a point on Route 161 about 300 feet east of the Frackville Underpass in the Borough of Frackville Schuylkill County a distance of about 0.1 of a mile

Gilberton Borough

Route 53106 Extending Route 53106 Beginning at a point on the West Mahanoy Township-Gilberton Borough line about 0.1 of a mile west of Route 161 thence in a northwesterly direction to a point on Route 161 about 0.9 of a mile west of the intersection of Route 161 and Route 290 Spur in the Borough of Gilberton Schuylkill County a distance of about 0.7 of a mile

Schuylkill Haven Borough

Route 53102 Extending Route 53102 Beginning at a point on the North Manheim Township-Schuylkill Haven Borough line thence in a southwesterly direction on East Main Street to a point on Route 140 at the intersection of East Main and Dock Streets in the Borough of Schuylkill Haven Schuylkill County a distance of about 0.4 of a mile

SNYDER COUNTY

Selinsgrove Borough

Route 54061 Extending Route 54061 Beginning at a point on the Penn Township-Selinsgrove Borough line thence in an easterly direction on Sassafras Street to Route 194 at Market and Sassafras Streets in the Borough of Selinsgrove Snyder County a distance of about 0.4 of a mile

Route 25-Spur Beginning at point on Route 25 at Pine and Market Streets thence in a westerly direction to a point on Route 25 at Pine and Walnut Streets in the Borough of Selinsgrove Snyder County a distance of about 0.4 of a mile

Route 455-Spur Beginning at a point on Route 25 at Mill and Market Streets thence in a westerly direction through Selinsgrove Borough to a point on Route 455 at Broad and Mill Streets in Snyder County a distance of about 0.4 of a mile

Shamokin Dam Borough

Route 54056 Extending Route 54056 Beginning at a point on Shamokin Dam Borough line thence in a southeasterly direction on Eleventh Avenue to a point on Route 25 at Eleventh Avenue and Market Street in the Borough of Shamokin Dam in Snyder County a distance of about 0.3 of a mile

SOMERSET COUNTY

Boswell Borough

Route 55082 Extending Route 55082 Beginning at a point on the Jenner Township-Boswell Borough line thence over a borough street to a point on Route 52 in the Borough of Boswell Somerset County a distance of about 0.1 of a mile

SULLIVAN COUNTY

Laporte Borough

Route 17 Spur Beginning at a point on Route 17 at the intersection of Main and Maple Streets thence northerly on Maple Street to its intersection with Park Street thence westerly on Park Street to the Department of Highways' property in the Borough of Laporte Sullivan County a distance of about 0.1 of a mile

SUSQUEHANNA COUNTY

Friendsville Borough

Route 57118. Extending Route 57118. Beginning at a point on the Friendsville Borough-Apolscon Township line; thence in a northeasterly direction over North Branch Street to a point on Route 944, at North Branch and Turn-

pike Streets, in the Borough of Friendsville, Susquehanna County, a distance of about 0.5 of a mile.

Montrose Borough

Route 57132. Extending Route 57132. Beginning at a point on Bridgewater Township-Montrose Borough line; thence westerly to a point on Route 57024, in the Borough of Montrose, Susquehanna County, a distance of about 0.1 of a mile.

Route 57024. Beginning at a point on Route 57024 at Lake Avenue and Maple Street; thence over Maple Street to a point on Route 9 at Maple Street and Grow Avenue, in the Borough of Montrose, Susquehanna County, a distance of about 0.2 of a mile.

TIOGA COUNTY

Blossburg Borough

Route 58104 Extending Route 58104 Beginning at a point on Route 21 commonly known as the entrance to the Blossburg State Hospital thence in a northeasterly direction through Blossburg Borough to a point on the Covington Township line in Blossburg Borough Tioga County a distance of about 0.4 of a mile

Elkland Borough

Route 58091 Extending Route 58091 Beginning at the south borough line of Elkland Borough near the Osceola-Elkland Township line thence extending in a northerly direction through Elkland Borough to a point on Route 103 on East Main Street in Tioga County a distance of about 0.7 of a mile

Knoxville Borough

Route 58089 Extending Route 58089 Beginning at a point on the Deerfield Township-Knoxville Borough line thence northerly on South Water Street to an intersection with Route 103 at Water Street and Main Street in the Borough of Knoxville Tioga County a distance of about 0.3 of a mile

Mansfield Borough

Route 58088 Extending Route 58088 Beginning at a point on the Richmond Township-Mansfield Borough line thence in a northeasterly direction on West Elmira Street to an intersection with Route 196 and Route 58063 at West Elmira Street and North Main Street in the Borough of Mansfield Tioga County a distance of about 0.7 of a mile

Wellsboro Borough

Rout 21-Spur A Beginning at a point on Route 21-Spur at the intersection of Kelsey and Conway Streets thence easterly on Conway Street to its intersection with Berwart Street thence northerly on Berwart Street to Route 21-Spur at the intersection of Berwart Street and West Avenus in the Borough of Wellsboro Tioga County a distance of about 0.4 of a mile

UNION COUNTY

Lewisburg Borough

Route 59037 Extending Route 59037 Beginning at a point on the East Buffalo Township-Lewisburg Borough line thence over Brown and Third Streets to the intersection of Routes 26 259 and 628 at Third and Market Streets in the Borough of Lewisburg Union County a distance of about 0.64 of a mile

VENANGO COUNTY

Emlenton Borough

Route 60064 Extending Route 60064 Beginning at a point on the Richland Township-Emlenton Borough line thence over College Street to an intersection with Route 60013 at College Street and Shippen Avenue in the Borough of Emlenton Venango County a distance of about 0.5 of a mile

Pleasantville Borough

Route 60074 Extending Route 60074 Beginning at a point on the Pleasantville Borough-Oil Creek Township line thence in a northerly direction on Main Street to a point on Route 89 at Main and State Streets in the borough of Pleasantville Venango County a distance of about 0.4 of a mile

Polk Borough

Route 60073 Extending Route 60073 Beginning at a point on the French Creek Township-Polk Borough line thence in a southeasterly direction in Polk Borough over a continuation of the Savannah road to a point on Route 208 and continuing from Route 208 over the Sandy Creek road to a point on the Sandy Creek Township-Polk Borough line in the Borough of Polk Venango County a distance of about 1.5 miles

Utica Borough

Route 60067 Extending Route 60067 Beginning at a point on the Utica Borough-French Creek Township line thence in a northerly direction on the Polk Road to an intersection with Route 60019 at Polk and New Lebanon Roads in the Borough of Utica Venango County a distance of about 0.2 of a mile

WARREN COUNTY

Youngsville Borough

Route 61058 Extending Route 61058 Beginning at a point on the Brokenstraw Township-Youngsville Borough line thence in a northeasterly direction on West Main Street to a point on Route 88 at the intersection of West Main and State Streets in the Borough of Youngsville Warren County a distance of about 0.2 of a mile

WASHINGTON COUNTY

Beallsville Borough

Route 62176 Extending Route 62176 Beginning at a point on the Deemston-Beallsville Borough line thence northwesterly over a borough street to a point on Route 62018 at Maiden Street in the Borough of Beallsville Washington County a distance of about 0.3 of a mile

Burgettstown Borough

Route 62180 Extending Route 62180 Beginning at a point on the Smith Township-Burgettstown Borough line thence in a southwesterly direction on Center Avenue to an intersection with Route 115 at Center Avenue and Main Street in the Borough of Burgettstown Washington County a distance of about 0.63 of a mile

Route 62182 Extending Route 62182 Beginning at a point on the Smith Township-Burgettstown Borough line thence in a northeasterly direction on Race Street to Market Street thence in an easterly direction on Market Street to an intersection with Route 115 at Market and Main Streets in the Borough of Burgettstown Washington County a distance of about 0.14 of a mile

Canonsburg Borough

Route 62163 Extending Route 62163 Beginning at a point on the North Strabane Township-Canonsburg Borough line thence over Chartiers and Strabane Avenues to a point on Route 802 at Strabane Avenue and Pike Street in the Borough of Canonsburg Washington County a distance of about 0.24 of a mile

Route 62181 Extending Route 62181 Beginning at a point on the Cecil Township-Canonsburg Borough line thence in a southeasterly direction on First Street to Euclid Avenue thence in a southwesterly and southeasterly direction on Euclid Avenue to Adams Avenue thence in a southwesterly direction on Adams Avenue to an intersection with Route 108 at Adams Avenue and East Pike Street in the Borough of Canonsburg Washington County a distance of about 0.75 of a mile

Centerville Borough

Route 62178 Extending Route 62178 Beginning at a point on the northeastern East Pike Run Township-Centerville Borough line thence in a southwesterly direction over Malden Road to an intersection with Route 113 in the Borough of Centerville Washington County a distance of about 0.5 of a mile

Deemston Borough

Route 62176 Extending Route 62176 Beginning at a point on the East Bethlehem Township-Deemston Borough line thence northwesterly over a borough street to the Beallsville Borough line in the Borough of Deemston Washington County a distance of about 3.0 miles

Donora Borough

Route 62145 Extending Route 62145 Beginning at a point on the Carroll Township-Donora Borough line thence southwesterly on Castner Avenue to Sixth Street and continuing in an easterly direction on Sixth Street to an intersection with Route 247 Spur at Sixth Street and Meldon Avenue in the Borough of Donora Washington County a distance of about 0.54 of a mile

Finleyville Borough

Route 62034 Extending Route 62034 Beginning at a point on the Union Township-Finleyville Borough line thence easterly over Washington Avenue to a point on Route 247 at Washington and Brownsville Avenues in the Borough of Finleyville Washington County a distance of about 0.3 of a mile

Route 62174 Extending Route 62174 Beginning at a point on the Union Township-Finleyville Borough line thence westerly over Washington Avenue to a point on Route 247 at Washington and Sheridan Avenues in the Borough of Finleyville Washington County a distance of about 0.35 of a mile

McDonald Borough

Route 62180 Extending Route 62180 Beginning at a point on the Cecil Township-McDonald Borough line thence in a northeasterly direction on West Lincoln Avenue to an intersection with Route 62004 at Lincoln Avenue South Main Street and North McDonald Avenue in the Borough of McDonald Washington County a distance of about 0.5 of a mile

Route 62004 Extending Route 62004 Beginning at a point on the Robinson Township-McDonald Borough line thence in a southwesterly direction on Valley Street to North McDonald Avenue thence in a southerly direction on North McDonald Avenue to South Main Street thence in a southerly direction on South Main Street to a point on the McDonald Borough-Cecil Township line in the Borough of McDonald Washington County a distance of about 0.75 of a mile

Midway Borough

Route 62180 Extending Route 62180 Beginning at a point on the Western Robinson Township-Midway Borough line thence in an easterly direction on Dickson Street to John Street thence in a northeasterly direction on John Street to Railroad Street thence in a southeasterly direction on Railroad Street to a point on the Eastern McDonald Borough-Robinson Township line in the Borough of Midway Washington County a distance of about 0.62 of a mile

West Alexander Borough

Route 62111 Extending Route 62111 Beginning at a point on the northern Donegal Township-West Alexander Borough line thence in a southerly direction on Liberty Street to an intersection with Route 114 at Liberty and Main Streets in the Borough of West Alexander Washington County a distance of about 0.1 of a mile

Route 62184 Extending Route 62184 Beginning at a point on the southern Donegal Township-West Alexander Borough line thence in a northerly direction on Maple Avenue to an intersection with Route 114 at Maple Avenue and East Main Street in the Borough of West Alexander Washington County a distance of about 0.3 of a mile

West Brownsville Borough

Route 62179 Extending Route 62179 Beginning at a point on the West Brownsville Borough-East Pike Run Township line thence in a southwesterly direction on Second Street to Watt Street thence in a southeasterly direction on Watt Street to Railroad Street thence in a southwesterly direction on Railroad Street to an intersection with Route 268 at Railroad Street and Pittsburgh Road in the Borough of West Brownsville Washington County a distance of about 0.41 of a mile

WAYNE COUNTY

Honesdale Borough

Route 63073 Extending Route 63073 Beginning at a point on the Texas Township-Honesdale Borough line thence over High Street to a point on Route 173 at High and Main Streets in the Borough of Honesdale Wayne County a distance of about 1.03 miles

WESTMORELAND COUNTY

Avonmore Borough

Route 64031 Extending Route 64031 Beginning at a point on the Bell Township-Avonmore Borough line thence in a northerly direction along Second Street Extension to Westmoreland Avenue thence along Westmoreland Avenue to Sixth Street thence along Sixth Street to the borough line at the inter-county bridge across the Kiskiminetas River in the Borough of Avonmore Westmoreland County a distance of about 1.75 miles

New Florence Borough

Route 32009 Extending Route 32009 Beginning at a point on Route 302 at the intersection of Thirteenth and Ligonier Streets thence over Ligonier Street to the bridge over the Conemaugh River at the Indiana County line in the Borough of New Florence Westmoreland County a distance of about 0.4 of a mile

Latrobe Borough

Route 64235 Extending Route 64235 Beginning at a point on the Derry Township-Latrobe Borough line thence over Harrison Avenue and Ligonier Street to a point on Route 480 at Ligonier and Depot Streets in the Borough of Latrobe Westmoreland County a distance of about 1 mile

Penn and Jeannette Boroughs

Route 64233. Extending Route 64233. Beginning at a point on the Penn Township-Penn Borough line; thence over Eleventh Street, over the Burrell Bridge, to a point on Route 64096, at Penn Avenue, in the Boroughs of Penn and Jeannette, Westmoreland County, a distance of about 0.4 of a mile.

Scottdale Borough

Route 64124. Extending Route 64124. Beginning at the west line of Scottdale Borough; thence easterly over Pittsburgh and Chestnut Streets to an intersection with Route 117 at the inersection of Chestnut Street and Broadway, in the Borough of Scottdale, Westmoreland County, a distance of about 1.1 miles.

Route 26131 Extending Route 26131 Beginning at a point on the Fayette County-Scottdale Borough line thence over 5th Avenue to a point on Route 64083 at 5th Avenue and Broadway in the Borough of Scottdale Westmoreland County a distance of about 0.2 miles

Sutersville Borough

Route 64226 Extending Route 64226 Beginning at a point on the Sewickley Township-Sutersville Borough line thence over First Street to a point on the Youghiogheny River bridge at the western borough line in the Borough of Sutersville Westmoreland County a distance of about 0.5 of a mile

YORK COUNTY

Glen Rock Borough

Route 66159 Extending Route 66159 Beginning at a point on the Shrewsbury Township-Glen Rock Borough line thence in a southwesterly direction on Church Street to a point on Route 715 at Church and Main Streets in the Borough of Glen Rock York County a distance of about 0.3 of a mile

Jacobus Borough

Route 66139 Extending Route 66139 Beginning at a point on the Springfield Township-Jacobus Borough line

thence in a southerly direction over York Road to an intersection with Routes 127 and 66048 at Main Street Gladfelter Station Road and York Road in the Borough of Jacobus York County a distance of about 0.67 of a mile

Mount Wolf Borough

Route 66153 Extending Route 66153 Beginning at a point on the East Manchester Township-Mount Wolf Borough line thence in a southwesterly direction over Main Street to an intersection with Route 716 at Main and Centre Streets in the Borough of Mount Wolf York County a distance of about 0.3 of a mile

Red Lion Borough

Route 66181. Extending Route 66181. Beginning at the York Township-Red Lion Borough line thence easterly on West High Street to Application 402 at West High and North Main Streets, in the Borough of Red Lion, York County, a distance of about 0.5 of a mile.

Yoe Borough

Route 66181 Extending Route 66181 Beginning at the York Township-Yoe Borough line thence northwesterly on South George Street to Route 66004 at South George and Main Streets in the Borough of Yoe York County a distance of about 0.25 of a mile

York Haven Borough

Route 66153 Extending Route 66153 Beginning at the East Manchester Township-York Haven Borough line thence northerly westerly and northerly over Locust Street to Landvale Avenue thence southwesterly over Landvale Avenue to an intersection with Route 250 at Landvale Avenue and Pennsylvania Avenue in the Borough of York Haven York County a distance of about 0.6 of a mile

Route 66184 Extending Route 66184 Beginning at the Newberry Township-York Haven Borough line thence northerly over Dover Road to an intersection with Route 250 at Dover Road and Landvale Avenue in the Borough of York Haven York County a distance of about 0.02 of a mile

Route 66185 Extending Route 66185 Beginning at the Newberry Township-York Haven Borough line thence southeasterly over Goldsboro Road to an intersection with Route 66153 at Goldsboro Road and Landvale Avenue in the Borough of York Haven York County a distance of about 0.3 of a mile

Section 3 This act shall become effective on the first day of January one thousand nine hundred and thirty-eight

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry.
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1262, entitled:

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by vesting in coroners the power to admit to bail persons accused of manslaughter

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—138

Achterman,	Fitch,	McDermott,	Schrope,
Alexander,	Flanagan,	McElroy,	Shaw,
Allmond,	Flannery,	McFall,	Shea,
Arnold,	Flinchbaugh,	McGee,	Shepard,
Aukerman,	Ganser,	McKinney,	Shoemaker,
Baine,	Gerard,	McShane,	Shugarts,
Baker, J. J.,	Gorski,	Melchiorre,	Siegel,
Balthaser,	Hagerty,	Mellott,	Simon,
Bierly,	Harkins,	Mihm,	Skale,
Blank,	Harmuth,	Mooney,	Smith, James A.,
Boles,	Hering,	Moran,	Smith, John A.,
Boltz,	Hess,	Moul,	Spengler,
Bradley,	Holland,	Munley,	Sproul,
Brancato,	Holmes,	Murrin,	Stewart,
Brigerman,	Holstrom,	O'Brien,	Thompson,
Broad,	Hontz,	O'Connor,	Toole,
Brown,	Horting,	O'Keefe,	Tronzo,
Caesar,	Jirolanio,	Ominsky,	Tumelty,
Caputo,	Keenan,	O'Neill,	Valibus,
Coakley,	Kelso,	Ostroff,	VanSickle,
Cohen, H. B.,	Kilroy,	Patterson, C. S.,	Vogt,
Cohen, R. E.,	Kroll,	Patterson, J. W.,	Wagner,
Coleman,	LaRue,	Pearson,	Walsh,
Coolahan,	Levy,	Piole,	Weiss, D. H.,
Corrigan,	Lewis,	Powers,	Weiss, S. A.,

Costanzo,	Long,	Readinger,	Welliver,
Davies,	Longaker,	Reese,	Welsh,
DeNote,	Lopresti,	Richter,	Westrick,
Dickinson,	Lyons,	Robinson,	Whalen,
Donohoe,	Marino,	Rothenberger,	Whitenight,
Dougherty,	Matthews, H. T.,	Rush,	Wright,
Downey,	Matthews, J. F.,	Sarraf,	Yourishin,
Dubbs,	McArdle,	Scanlon,	Zappala,
Falkenstein,	McCullough,	Schor,	Furman,
Finnerty,			

NAYS—67

Allen,	Haberlen,	Nagel,	Terry,
Atkins,	Hall,	Peale,	Thomas,
Baker, F. T.,	Hamilton, F. P.,	Perry,	Trout,
Bohn,	Hamilton, R. S.,	Pershing,	Turner,
Boose,	Hays,	Preston,	VanAllsburg,
Boyer,	Hetrick,	Reising,	Wall,
Brownfield,	Hindman,	Royer,	Wampole,
Burrows,	Hirsch,	Ruffennach,	Watkins,
Cadwalader,	Huntley,	Schrock,	Webster,
Chervenak,	Imbrie,	Schumacher,	Weidemann,
Decker,	Kane,	Serrill,	Wilson,
Dyson,	Kline,	Sloan,	Winner,
Eckels,	Leisey,	Snyder,	Wood,
Elpern,	Lovett,	Sollenberger,	Woodside,
Fiss,	McDevitt,	Stackpole,	Yanoshat,
Gillette,	Moomaw,	Stockham,	Yeakel,
Habbyshaw,	Muir,	Strode,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2334, (Senate Bill No. 199), as follows:

An Act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over time work in certain cases imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for the violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable [Provided That this act shall not apply to work in private homes and farming]

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation [and municipality] Commonwealth and any political subdivision thereof

The term "week" when used in this act shall mean any seven consecutive days and the term "day " shall mean any twenty-four consecutive hours

Section 2 That section three of said act as amended by the act approved the first day of June one thousand nine hundred fifteen (P. L. 709) is hereby further amended to read as follows

Section 3 (a) [No] Except as hereinafter provided no female shall be employed or permitted to work in or in connection with any establishment for more than [six] five and one-half days in any one week or more than [fifty-four] forty-four hours in any one week or more than [ten] eight hours in any one day fourteen consecutive hours Provided that at Christmas inventory and at other peak times for a period not to exceed two weeks in the first six months of the calendar year and not to exceed two weeks in the second six months females over eighteen years of age may be permitted to work not more than six days and not more than fifty hours in the weeks so selected but not to exceed ten hours in any one day of such weeks under regulations adopted by the Department for such work and in all such cases the same peak periods shall cover all departments of the establishment and further provided that female telephone and telegraph operators may in cases of emergency which would result in interruption or impairment of services to the public be employed in excess of the hours herein stipulated and further Provided that females engaged in the canning and packing of perishable fruits and vegetables and females other than nurses in hospitals incorporated under the non-profit act of this Commonwealth may be employed or permitted to work not more than six days in any one week or not more than fifty-four hours in any one week or not more than ten hours in any one day except that the maximum daily hours of work of female hospital employes as herein defined shall not exceed nine [Provided That during weeks in which a legal holiday occurs and is observed by an establishment any female may be employed by such establishment during three days of such week for a longer period of time than is allowed by this act but no female shall be permitted to work more than two hours overtime during any one of such three days nor more than the maximum hours per week specified in this act

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost in the same week in consequence of the alteration repairs or accidents to machinery or plant upon which she was employed and dependent for employment but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment nor shall such overtime employment be legal unless a written report of the same is sent to the Commissioner of Labor and Industry but no female shall be permitted to work more than two hours overtime during any one day nor more than the maximum number of hours per week specified in this act Provided That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products And provided further That the one day of holiday in seven may be subdivided into two days of twelve hours each for women employes in hotels boarding houses and in charitable educational and religious institutions at

the discretion of the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to effect or impair the remaining provisions of this section] provided that one day of rest may be subdivided into two days of twelve hours each for women employes in hotels boarding houses and in charitable educational and religious institutions at the discretion of the Department of Labor and Industry with the approval of the Industrial Board

Where the strict application of the schedule of hours provided for by this section imposes an unnecessary hardship and violates the intent and purpose of this act the Department of Labor and Industry with the approval of the Industrial Board may make alter amend and repeal general rules and regulations prescribing variations from said schedule of hours Provided that if it should be held hereafter by the courts of this Commonwealth that the power herein sought to be granted to the said Department of Labor and Industry is for any reason invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section

(b) Whenever any female shall be employed or permitted to work in or in connection with more than one establishment in any one week or in any one day the aggregate number of hours during which she shall be employed or permitted to work in or in connection with such establishments shall not exceed [the number of hours prescribed in this section for such females] forty-four in any one week or eight in any one day

(c) Nothing in this section or any other provisions of this act shall apply to the employment of females in agricultural field occupations or in domestic service in private homes or to the work of females employed in orphans homes and industrial schools nor shall any provisions of this act which relates to the regulation of hours of employment [The provisions of this section shall not] apply to the work of nurses in hospitals or to the work of females over twenty-one years of age earning at least twenty-five dollars a week in executive positions

(d) It shall be unlawful for any female to be employed or permitted to work in any occupation dangerous to life or limb or injurious to the health or morals as such occupation shall from time to time be determined and declared by the Industrial Board

Section 3 That section six of said act be and the same is hereby repealed

Section 4 That section seven of said act is hereby amended to read as follows

Section 7 No female shall be employed or permitted to work for more than five hours continuously in or in connection with any establishment without [an interval of at least forty-five minutes] a meal or rest period of at least thirty minutes which period shall not be considered a part of the hours of labor and no period of less than [forty-five] thirty minutes shall be deemed to interrupt a continuous period of work [Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment for less than eight hours in any one day the interval between work periods may be reduced to not less than thirty minutes]

Employes shall not be required to remain in the workrooms during the meal or rest periods required by this section

Section 5 That section thirteen of said act is hereby amended to read as follows

Section 13 [(a)] Every person employing or permitting any female to work in any establishment shall keep posted in a conspicuous place in the room where such female shall be employed or permitted to work a printed abstract of the provisions of this act and a schedule of the hours of labor of such female Provided That when any female shall be employed or permitted to work in more than one room in any establishment the aforesaid abstract and schedule shall be required in only one of the said rooms If any female shall be employed or permitted to work in connection with any establishment but not in such establishment the aforesaid abstract and schedule shall be kept posted in a conspicuous place in the office of such establishment

The schedule of hours of labor herein required shall contain [the name of the female employed or permitted to work the] maximum number of hours [such] each female shall be required or permitted to work on each day of the week with the total for the week the hours of commencing and stopping work and the hours when the time allowed for [meals] meal or rest periods shall begin and end for each day of the week If more than one schedule of hours is in operation in or in connection with any establishment the posted schedule shall also contain the names of the female employes working on the different shifts and shall clearly indicate the hours required of each female or group of females [Such female] females may begin work after the time for beginning and stop before the time for ending work stated in each schedule but [she] no female shall [not] otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule !

The [Commissioner] Department of Labor and Industry shall prepare the abstract of the provisions of this act and a form for the schedule of hours of labor required by this section Copies of such abstract and such form shall be printed in accordance with the laws of this Commonwealth regulating printing and publishing [under the supervision of the Superintendent of Public Printing and Binding] and the [Commissioner] Department of Labor and Industry shall supply the same upon application to all persons required to post the abstract and schedule aforesaid Said schedule shall remain the property of the Department of Labor and Industry

Section 6 That section seventeen of said act as amended by the act approved the eighteenth day of April one thousand nine hundred twenty-nine (P. L. 617) is hereby further amended to read as follows

Section 17 All prosecutions for violations of this act shall be instituted by the Department of Labor and Industry before a magistrate alderman or justice of the peace [who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five nor more than eight days] and shall be in the form of summary proceedings Upon conviction after hearing the penalties provided in this act shall be imposed and shall be final unless an appeal be taken to the court of proper jurisdiction within twenty days after the imposition of the penalties aforesaid in the manner already provided by law in appeals from penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to ask whether there is anybody in the House who can answer questions in reference to this bill.

Mr. YOURISHIN. I can, Mr. Speaker.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. YOURISHIN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Luzerne whether he did not put some amendments into this bill yesterday.

Mr. YOURISHIN. I did, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman explain those amendments?

Mr. YOURISHIN. Mr. Speaker, the amendments that I put in yesterday were just minor amendments. However, the amendments that were put in in the House Committee took out some large portion of the amendments

in the Senate and inserted an amendment to take care of exemptions in certain particular industries and businesses.

Mr. TURNER. Mr. Speaker, was there not an amendment that those receiving over twenty-five dollars a week should be exempt?

Mr. YOURISHIN. That is right, Mr. Speaker.

Mr. TURNER. Or in executive positions, Mr. Speaker?

Mr. YOURISHIN. That is right, Mr. Speaker.

Mr. TURNER. Mr. Speaker, how about the help in the hotels?

Mr. YOURISHIN. Mr. Speaker, that is regulated by the Department of Labor and Industry, with the consent of the Industrial Board.

Mr. TURNER. Mr. Speaker, might I suggest that this bill be passed over for a moment to allow me to confer with the gentleman from Luzerne.

Mr. YOURISHIN. I will agree, Mr. Speaker, provided we come back to the bill.

The SPEAKER. If there are no objections the bill will be passed over temporarily. The Chair hears none and the bill will be passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1781, entitled:

An Act to amend sections two and three of the act approved the fourteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on non-residents operators or non-resident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said non-resident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended by providing further for the return of and fees for service

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2342, (Senate Bill No. 855), as follows:

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (Pamphlet Laws 79) and authorizing the Governor directly or through such agency as he may designate to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capital within what is now Pennsylvania and making an appropriation therefor out of the General Fund

Whereas, The General Assembly by the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (Pamphlet Laws 79) authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction to set for and on behalf of the Commonwealth of Pennsylvania in arranging a suitable commemoration of the three hundredth anniversary of the landing of the ships Kalmar Nyckel and Fogel Grip on the Delaware in March one thousand six hundred and thirty-eight and the establishment of the colony of New Sweden as well as the coming of the first Dutch English German Welsh Irish and other settlers by whom were established the earliest settlements the first courts of law and the first capital within what is now Pennsylvania and

Whereas, This General Assembly being mindful of the character and qualities of our founders and forefathers and of their achievement in establishing the colony of New Sweden and of maintaining and preserving peaceful and harmonious relations with the Indians and the neighboring colonies thereby laying the foundations for the subsequent colony of the Commonwealth of Pennsylvania and enabling it to develop quickly into the greatest richest and most populous province among the Original Thirteen Colonies and making possible Philadelphia's rise as the greatest city of colonial America and the establishment of the Commonwealth of Pennsylvania as the Keystone in the great arch of states and this General Assembly being mindful also that such character qualities pioneering efforts and achievements were the foundations upon

which our Pennsylvania civilization is based and being mindful of the honorable pride and great interest of our citizens therein desires to make said tercentary celebration an occasion of State National and world-wide reunion to commenorate those inspiring and momentous events and

Whereas, the said tercentary anniversary celebration will arouse stimulate and encourage the interest of all of our citizens and the citizens of other states and countries young and old in a knowledge and study of the inspiring history of the founding establishing and development of this Commonwealth and will interpret and emphasize the spiritual and educational forces of the past and

Whereas, It is anticipated that the said commemoration will bring to the Commonwealth a great influx of visitors from the nation and the entire world who will learn of the historical agricultural commercial and industrial values and attractions here to be found resulting in aid and stimulation of the general business improvement of the State thereby increasing the State revenues derived from the gasoline and other taxes and

Whereas, The Governments of Sweden and Finland háve accepted invitations to participate in the said tercentenary celebrations and

Whereas, The President and Congress of the United States of America have appointed a Delaware Valley Tercentenary Commission to participate in the said celebration in behalf of the United States of America and

Whereas, The Government of Sweden has created a Swedish-American Tercentenary Commission to cooperate with the Commonwealth of Pennsylvania and

Whereas, Distinguished representatives of the Swedish Government and its Tercentenary Commission are perfecting arrangements to pay an official visit to this Commonwealth in one thousand nine hundred and thirty-eight therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Governor directly or through such agency as he may designate is authorized and directed to make supervise execute and carry out such plans and preparations as may be necessary for the proper celebration of the said tercentenary anniversary to cooperate with the United States Delaware Valley Tercentenary Commission with the Commission of Sweden Finland and other countries the Tercentenary Commission of the States of Delaware New Jersey and Maryland the Pennsylvania Federation of Historical Societies the Historical Society of Pennsylvania the Swedish Colonial Society the American Swedish Historical Museum and other Historical Associations and county municipal and other authorities committees or commissions now existing or hereafter to be appointed to send a representative or representatives to Sweden there in the City of Gothenberg to dedicate a tablet or memorial in commenoration of the three hundredth anniversary of the sailing of the ships Kalmar Nyckel and Fogel Grip in November one thousand six hundred and thirty-seven or to any other country or countries from which the earliest settlers came to our shores prior to the advent of William Penn to buy from the United States sell distribute and present commemorative coins and to create such offices and to select such assistants and personnel and to pay such reasonable and fair compensation therefor as in its judgment may be proper and necessary

Section 2 In executing and carrying out the provisions of this act the Governor shall have authority to incur costs and expenses and to expend the appropriatiin herewith authorized for the formulation and execution of plans the organization and presentation of pageants and paraues the organizing operating and conducting of declamatory essay oratorical and history contests in any or all schools located within this Commonwealth and the award of prizes medals and certificates therefor the arranging and holding of receptions in honor of the representatives of Sweden Finland and other mother countries officials of the Government of the United States the Governors of other states the Mayors of Philadelphia and Chester and other distinguished guests cooperation and participation in local and county events in this Commonwealth the cost of designing constructing erecting and dedicating historic memorial tablets markers or monuments the costs of research into and of translating publishing and distributing historic documents or records based upon the history of New Sweden and the early history of Pennsylvania whether such historic records exist within or without the Commonwealth or abroad the costs of advertising printing and publishing including the costs of advertising and publishing within and without the Commonwealth the historical agricultural commercial and industrial values and attractions of Pennsylvania of renting equipping and furnishing offices and office supplies and materials of designating manufacturing and presenting souvenir medals badges and other emblems of traveling and other costs within and without the Commonwealth and other expenses and costs as the Governor in his discretion may deem necessary for the proper conduct and operation of the said celebration

Section 3 The Governor in his discretion may contact with the American Swedish Historical Museum now established in Philadelphia for the constructing equipping and setting up of a room in the said Museum to be known as "The Pennsylvania Room" which room shall be under the control of the Pennsylvania Historical Commission or such other agency as the Governor may designate and in which articles or historic relics connected with the dawn of history in New Sweden or Pennsylvania or other objects relevant in connection therewith may be displayed such contract however to be in such legal form as meets the requirements and approval of the Department of Justice

Section 4 The sum of forty thousand dollars ($40,000) is hereby specifically appropriated out of the General Fund to the Governor to be paid out by the Auditor General on the requisitions of the said commission for the purpose of carrying out the provisions of this act

Section 5 This act shall become effective immediately upon its final enactment and the appropriation made by this act shall be available for expenditure from said effective date until the close of the fiscal period ending May thirty-first one thousand nine hundred and thirty-nine

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, my recollection is that in the general appropriation bill under the Department of Highways there was a provision of five hundred thousand dollars for the Pennsylvania Scenic and Historic Commission. Am I not correct in that?

Mr. HERBERT B. COHEN. Mr. Speaker, as I understand the item appropriating five hundred thousand dollars for the Pennsylvania Scenic and Historic Commission was not contained in the general appropriation bill but was contained in a separate bill that was passed by the House and Senate.

Mr. TURNER. Mr. Speaker, I think the gentleman from York is correct about that. It was, however, in the estimate on the part of the Department of Revenue.

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, this bill, however, does not set up an additional commission, but, as I see from

the bill, it provides for an appropriation of forty thousand dollars for a particular purpose.

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I thought at first it was a duplication of two different functions.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2255, (Senate Bill No. 875), entitled:

An Act to cede jurisdiction to the United States over lands embraced within the boundaries of Carlisle Barracks located in Cumberland County and over the tract of land and buildings occupied by the New Cumberland General Depot located in York County

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

Mr. YOURISHIN. Mr. Speaker, I desire to call up at this time House Bill No. 2334, Senate Bill No. 199, Printer's No. 762, on page 45 of today's calendar, bill on third reading, which was passed over at the request of Mr. Turner.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2334, (Senate Bill No. 199), entitled:

An Act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by Commissioner of Labor and Industry and others by prescribing penalties for violations of by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over time work in certain cases and the exemption for the canning industry imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties.

On the question recurring,

Shall the bill pass finally?

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, I feel that it is my duty to speak briefly in opposing this bill because of the exemptions that were wiped out in the House. As this bill passed in the Senate I believe it was a good bill. Where it applied to perishable foods I believe we cannot trust to the discretion of the Department for the exemption necessary in the handling of perishable foods. Therefore, I wish to go on record as opposing this bill.

Mr. YOURISHIN. Mr. Speaker, the present law has the same Industrial Board in it, which gives to those who handle perishable goods, an exception even beyond the fifty-four hours. I do not see why they should take any exception or raise any objection to this amendment in the bill, which gives the Department of Labor and Industry the right to extend the hours immediately. All they have to do is to ask for it. Therefore, I ask the membership of the House to vote for the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Fiss,	McCullough,	Schumacher,
Alexander,	Fitch,	McDermott,	Serrill,
Allen,	Flanagan,	McDevitt,	Shaw,
Allmond,	Flannery,	McElroy,	Shea,
Arnold,	Flinchbaugh,	McFall,	Shepard,
Atkins,	Ganser,	McGee,	Shoemaker,
Aukerman,	Gerard,	McKinney,	Shugarts,
Baine,	Gillette,	McShane,	Simon,
Baker, J. J.,	Gorski,	Melchiorre,	Skale,
Balthaser,	Habbyshaw,	Mellott,	Sloan,
Bierly,	Haberlen,	Mihm,	Smith, James A.,
Blank,	Hagerty,	Moomaw,	Sollenberger,
Bohn,	Hall,	Mooney,	Spengler,
Boies,	Hamilton, F. P.,	Moran,	Stackpole,
Boltz,	Hamilton, R. S.,	Moul,	Stank,
Boose,	Harkins,	Muir,	Stewart,
Boyer,	Harmuth,	Munley,	Stockham,
Bradley,	Hays,	Murrin,	Thomas,
Brancato,	Hering,	Nagel,	Thompson,
Brigerman,	Hess,	O'Brien,	Toole,
Broad,	Hindman,	O'Connor,	Tronzo,
Brown,	Hirsch,	O'Keefe,	Trout,
Brownfield,	Holland,	Ominsky,	Tumelty,
Burrows,	Holmes,	O'Neill,	Turner,
Cadwalader,	Holstrom,	Ostroff,	Valibus,
Caesar,	Hontz,	Patterson, C. S.,	VanSickle,
Caputo,	Horting,	Patterson, J. W.,	Vogt,
Chervenak,	Huntley,	Peale,	Wagner,
Coakley,	Imbrie,	Pearson,	Wall,
Cohen, H. B.,	Jirolanio,	Perry,	Walsh,
Cohen, R. E.,	Kane,	Pershing,	Watkins,
Coleman,	Keenan,	Piole,	Webster,
Coolahan,	Kelso,	Powers,	Weiss, D. H.,
Corrigan,	Kilroy,	Preston,	Weiss, S. A.,
Costanzo,	Kline,	Readinger,	Welliver,
Davies,	Kroll,	Reese,	Welsh,
Decker,	LaRue,	Reising,	Westrick,
DeNote,	Leisey,	Richter,	Whalen,
Dickinson,	Levy,	Robinson,	Whitenight,
Donohoe,	Lewis,	Rothenberger,	Winner,
Dougherty,	Long,	Royer,	Woodside,
Downey,	Longaker,	Ruffennach,	Wright,
Dubbs,	Lopresti,	Rush,	Yanoshat,
Dyson,	Lovett,	Sarraf,	Yeakel,
Eckels,	Lyons,	Scanlon,	Yourishin,
Elpern,	Marino,	Schor,	Zappala,
Falkenstein,	Matthews, H. T.,	Schrock,	Furman,
Finnerty,	McArdle,	Schrope,	

NAYS—14

Baker, F. T.,	Smith, John A.,	Terry,	Weidemann,
Hetrick,	Snyder,	VanAllsburg,	Wilson,
Matthews, J. F.,	Sproul,	Wampole,	Wood,
Siegel,	Strode,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. ALEXANDER filed the following reason for his vote:

I am voting "aye", having been assured by the Chairman of the House Labor Committee that the Industrial Board would regulate the hours of employment in counties such as Mifflin to take care of those employers who find it impossible to meet the provisions of the bill.

Mr. ALLEN filed the following reason for his vote:

I am voting in the affirmative on this bill with the assurance from the Chairman of the Labor Committee that flexibility will be allowed in the maximum hours by the Industrial Board, so that my county and other smaller counties, particularly those in the rural areas, will be able to secure exemption where it is found advisable to grant same.

Mr. JACOB F. MATTHEWS filed the following reason for his vote:

I am voting "no" on this bill because I think it will work a hardship on clerks in stores, restaurants and other business people, as it would be impossible for them to operate on a forty-four hour week.

Mr. VAN ALLSBURG filed the following reason for his vote:

I voted against this bill because I believe it will work a hardship on the canning industries in the handling of perishable fruits and vegetables.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1789, entitled:

An Act limiting the term of years of any agreement contract or lease to which any city of the first class shall be a party and making certain exceptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all cities of the first class are hereby prohibited from entering into any agreement contract or lease if the terms thereof shall bind such cities for a period of time in excess of ten years

Section 2 The provisions of this act shall not apply to any agreement under which such cities borrow funds and provide for the repayment thereof

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, John A.
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	[illegible]rty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshak,
Falkenstein,	McCullough	Shea,	Yeakel,
Flaherty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 2368, Senate Bill No. 485, Printer's No. 792 was passed over at the request of Mr. ARNOLD.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1495, entitled:

An Act to amend clause (b) of section four hundred forty-eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended changing the personnel of the State Veterans Commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagarty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,

Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—2

McDevitt,	Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2426, (Senate Bill No. 1304), as follows:

An Act for the conveyance to the United States of America of title in and to certain lands in the Township of Fairview County of York and ceding to the United States jurisdiction over said lands

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Property and Supplies with the approval of the Governor of the Commonwealth of Pennsylvania is hereby authorized to convey to the United States of America title to the following described lands all that certain plot of ground situate in the Township of Fairview and County of York beginning at a point at the intersection of the lands owned by the Commonwealth of Pennsylvania and the lands owned by W J Stonesifer thence north 57° 27 minutes west for a distance of 911.47 feet along the lands of W J Stonesifer thence along the lands of the Newton Ryder tract following four courses north 40° 09½ minutes east a distance of 115.95 feet north 58° 55½ minutes west a distance of 674.90 feet thence north 40° 05½ minutes east a distance of 219.42 feet thence north 54° 19 minutes west a distance of 809.25 feet to the lands owned by the United States Government thence along the lands of the United States Government north 34° 22 minutes east a distance of 910.90 feet to a point in the Marsh Run Road thence along the said Marsh Run Road and along the lands owned by the United States Government the following nine courses south 55° 06 minutes east a distance of 291.48 feet thence south 54° 59 minutes east a distance of 624.47 feet thence south 53° 27 minutes east a distance of 925.00 feet thence south 55° 54½ minutes east a distance of 174.30 feet thence south 40° 20½ minutes east a distance of 143.34 feet thence south 15° 56½ minutes east a distance of 403.83 feet thence south 23° 57 minutes east a distance of 700.00 feet thence south 40° 11½ minutes east a distance of 260.00 feet thence south 46° 28½ minutes east a distance of 150.00 feet to a point in Marsh Run Road thence along the lands of the United States Government south 41° 31½ minutes west a distance of 280.00 feet to a point at the intersection of the lands of the United States Government and the lands of the Commonwealth of Pennsylvania thence along the lands of the Commonwealth of Pennsylvania north 65° 53 minutes 08 seconds west a distance of 1078.88 feet to the point of beginning comprising a tract of 72.96 acres neat measure this conveyance being made pursuant to an agreement between the Secretary of War of the United States of America and the Commonwealth of Pennsylvania dated May 29 1936

Section 2 The Governor of the Commonwealth of Pennsylvania is authorized to furnish the Attorney General of the United States without cost to the United States such evidences of a valid title to the aforesaid lands as may be necessary to permit the said Attorney General to approve said title

Section 3 The consent of the Commonwealth of Pennsylvania is hereby given in accordance with the seventeenth clause eighth section of the first article of the Constitution of the United States to the acquisition by the United States of the aforesaid lands and exclusive jurisdiction in and over the aforesaid lands when acquired by the United States is hereby ceded to the United States for all purposes except the service thereon of all civil and criminal processes of the courts of this Commonwealth but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands and so long as the said lands shall remain the property of the United States and no longer the same shall be and continue exempt and exonerated from all State county and municipal assessment taxation or other charges which may be levied or imposed under the authority of this Commonwealth

Section 4 All acts or parts of acts in conflict herewith are hereby repealed

Section 5 This act shall be effective immediately upon its approval by the Governor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, John A.,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Poole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood
Dyson,	Matthews, H. T.,	Schumacher,	Woodside
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern	McArdle,	Shaw,	Yanoshat
Falkenstein,	McCullough,	Shea,	Yeakel,

Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch.	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2379, entitled:

An Act to amend section two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Falkenstein.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. FALKENSTEIN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as I understand this bill it is a reduction in the taxes upon the capital stock of companies organized and incorporated for the purpose of distilling liquors. Am I correct in that?

Mr. FALKENSTEIN. That is right, Mr. Speaker.

Mr. TURNER. Mr. Speaker, why should the tax be reduced from ten mills to five mills?

Mr. FALKENSTEIN. Mr. Speaker, because we feel that the imposition of such taxes on distillers in Pennsylvania is discriminating against them, in competition with the distillers in other states.

Mr. TURNER. Mr. Speaker, is not the same true in reference to manufacturers and other corporations in Pennsylvania. We have increased the taxes, there is no exemption. Why should we decrease it on distillers? If we decrease it on distillers why not decrease it in the others?

Mr. FALKENSTEIN. Mr. Speaker, because they are the only manufacturing industry or the only people paying ten mills. All of the rest are paying five mills.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, probably some of the members of this House are misinformed as to this bill. May I state that there are some differences in the taxes imposed in neighboring states, and I have a memorandum here as to the taxes paid in these neighboring states by the distilling companies. I will enumerate some of them, which will show the facts and give one of the reasons why the Ways and Means Committee felt it should report this bill out favorably.

Kentucky has a tax in the nature of a capital stock tax at the rate of seventy cents per thousand dollars. Indiana has no capital stock or franchise tax whatsoever. Illinois has a tax in the nature of a capital stock tax, but this tax is far less than that imposed upon Pennsylvania distillers. I might say that even Maryland has a flat one thousand dollar fee, and the taxes imposed on distilling companies in Pennsylvania exceed those of Maryland, Indiana, Illinois and Kentucky, all competing states in the liquor industry. In order to be fair, therefore, to our companies in this Commonwealth, I ask the membership of this House to vote "aye".

Mr. TURNER. Mr. Speaker and members of the House, the argument of the gentleman from Allegheny is extremely amusing to me, when he compares taxes paid by the distillers with taxes paid by those in other states. I am wondering where he has been during all the time we have been talking about the tax bills pertaining to industries in Pennsylvania. We on this side of the House have been complaining about it for some time. The only logical argument that I can see in favor of this bill from the standpoint of the other side of the House is that other manufacturers pay a five mill capital stock tax and, therefore, there is no reason to discriminate on the capital stock tax against distillers as pertaining to all other corporations in Pennsylvania.

Mr. KANE. Mr. Speaker and members of the House, I did not intend to talk on this bill because it is of no consequence to me. However, it is a little bit amusing to me to hear these distillers come in here and squeal about taxation. If there is any justice in the principle of taxing those who have the ability to pay, there is a great deal of merit in the present bill. I think this administration would undergo considerable criticism if while maintaining and raising taxes on all other corporations, including many of those, who as a matter of fact are having to withdraw from the State on account of difficulties here, that we should decide to lower the taxes being charged the distillers in Pennsylvania, who are undergoing one of the greatest booms in history. I think the members of the House should vote this bill down.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. KANE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—79.

Allmond,	Dubbs,	McArdle,	Simon,
Atkins,	Elpern,	McShane,	Skale,
Blank,	Falkenstein,	Melchiorre,	Smith, James A.,
Bohn,	Finnerty,	Milim,	Spengler,
Boies,	Fitch,	Mooney,	Sproul,
Boltz,	Flanagan,	Moran,	Stank,
Boose,	Flannery,	O'Brien,	Thompson,
Brancato,	Gerard,	O'Connor,	Tumelty,
Brigerman,	Gorski,	Ominsky,	Turner,
Brown,	Hagerty,	Ostroff,	Vogt,
Caesar,	Hering,	Patterson, C. S.,	Wagner,
Coakley,	Holstrom,	Piole,	Walsh,
Cohen, R. E.,	Hontz,	Powers,	Weidemann,
Coolahan,	Jirolanio,	Preston,	Weiss, D. H.,
Corrigan,	Kilroy,	Robinson,	Weiss, S. A.,
Costanzo,	Kroll,	Scanlon,	Winner,
DeNote,	Levy,	Schor,	Wright,
Dickinson,	Lewis,	Shea,	Yourishin,
Donohoe,	Long,	Shepard,	Zappala,
Downey,	Lovett,	Siegel,	

NAYS—96.

Alexander,	Gillette,	Muir	Stackpole,
Allen,	Habbyshaw,	Murrin,	Stewart,
Arnold,	Haberlen,	Nagel,	Stockham,
Aukerman,	Hall,	O'Neill,	Strode,
Baine	Hamilton, F. P.,	Patterson, J. W.,	Terry,
Baker, F. T.,	Harmuth,	Peale,	Thomas,
Baker, J. J.,	Hays,	Pearson,	Tronzo,
Bierly,	Hess,	Perry,	Trout,
Boyer,	Hetrick,	Pershing,	Valibus,
Brownfield,	Hirsch,	Readinger,	VanAllsburg,
Burrows,	Huntley,	Reising,	Wall,
Cadwalader,	Imbrie,	Rothenberger,	Wampole,
Caputo,	Kane,	Royer,	Watkins,
Chervenak,	Kelso,	Ruffennach,	Webster,
Cohen, H. B.,	Kline,	Schrock,	Welliver,
Coleman,	Leisey,	Schrope,	Welsh,
Davies,	Lopresti,	Schumacher,	Westrick,
Decker,	Lyons,	Serrill,	Wilson,
Dougherty,	Marino,	Shoemaker,	Wood,
Dyson,	Matthews, J. F.,	Shugarts,	Woodside,
Eckels,	McKinney,	Sloan,	Yanoshat,
Fiss,	Mellott,	Smith, John A.,	Yeakel,
Flinchbaugh,	Moomaw,	Snyder,	Furman,
Ganser,	Moul,	Sollenberger,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2208, entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1801, entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes

And said bill having been read at length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195.

Achterman,	Fiss,	McDermott,	Shea,
Alexander,	Fitch,	McDevitt,	Shepard,
Allen,	Flanagan,	McElroy,	Shoemaker,
Allmond,	Flannery,	McFall,	Shugarts,
Arnold,	Flinchbaugh,	McGee,	Siegel,
Atkins,	Ganser,	McKinney,	Simon,
Aukerman,	Gerard,	McShane,	Skale,
Baine	Gillette,	Melchiorre,	Sloan,
Baker, F. T.,	Gorski,	Mellott,	Smith, James A.,
Baker, J. J.,	Habbyshaw,	Mihm,	Smith, John A.,
Balthaser,	Hagerty,	Moomaw,	Sollenberger,
Bierly,	Hall,	Mooney,	Spengler,
Blank,	Hamilton, F. P.,	Moran,	Sproul,
Bohn,	Hamilton, R. S.,	Moul,	Stank,
Boles,	Harkins,	Muir,	Strode,
Boltz,	Harmuth,	Munley,	Thomas,
Boose,	Hays,	Murrin,	Thompson,
Boyer,	Hering,	Nagel,	Toole,
Bradley,	Hess,	O'Brien,	Tronzo,
Brancato,	Hetrick,	O'Connor,	Trout,
Brigerman,	Hindman,	O'Keefe,	Tumelty,
Broad,	Hirsch,	Ominsky,	Turner,
Brown,	Holland,	O'Neill,	Valibus,
Brownfield,	Holmes,	Ostroff,	VanSickle,
Burrows,	Holstrom,	Patterson, C. S.,	Vogt,
Cadwalader,	Hontz,	Patterson, J. W.,	Wagner,
Caesar,	Horting,	Peale,	Wall,
Caputo,	Huntley,	Pearson,	Walsh,
Chervenak,	Imbrie,	Perry,	Wampole,
Coakley,	Jirolanio,	Pershing,	Watkins,
Cohen, H. B.,	Keenan,	Piole,	Webster,
Cohen, R. E.,	Kelso,	Powers,	Weidemann,
Coleman,	Kilroy,	Preston,	Weiss, D. H.,
Coolahan,	Kline,	Readinger,	Weiss, S. A.

Corrigan,	Kroll,	Reese,	Welliver,
Costanzo,	LaRue,	Reising,	Welsh,
Davies,	Leisey,	Richter,	Westrick,
Decker,	Levy,	Robinson,	Whalen,
DeNote,	Lewis,	Rothenberger,	Whitenight,
Dickinson,	Long,	Royer,	Wilson,
Donohoe,	Longaker,	Ruffennach,	Winner,
Dougherty,	Lopresti,	Rush,	Wood,
Downey,	Lovett,	Sarraf,	Wright,
Dubbs,	Lyons,	Scanlon,	Yanoshat,
Dyson,	Marino,	Schor,	Yeakel,
Eckels,	Matthews, H. T.,	Schrock,	Yourishin,
Elpern,	Matthews, J. F.,	Schrope,	Zappala,
Falkenstein,	McArdle,	Serrill,	Furman,
Finnerty,	McCullough,	Shaw,	

NAYS—10.

Haberlen,	Snyder,	Stockham,	VanAllsburg,
Kane,	Stackpole,	Terry,	Woodside,
Schumacher,	Stewart,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2254, (Senate Bill No. 771), entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—152

Achterman,	Elpern,	McCullough,	Sarraf,
Alexander,	Falkenstein,	McDermott,	Scanlon,
Allen,	Finnerty,	McElroy,	Schor,
Allmond,	Fitch,	McFall,	Schrope,
Arnold,	Flanagan,	McGee,	Shaw,
Aukerman,	Flannery,	McShane,	Shea,
Baine	Flinchbaugh,	Melchiorre,	Shepard,
Baker, J. J.,	Ganser,	Mellott,	Shoemaker,
Balthaser,	Gerard,	Merrell,	Siegel,
Bierly,	Gorski,	Mihm,	Simon,
Blank,	Haberlen,	Moomaw,	Skale,
Bohn,	Hagerty,	Mooney,	Smith, James A.,
Boles,	Harkins,	Moran,	Smith, John A.,
Boltz,	Harmuth,	Moul,	Spengler,
Bradley,	Hays,	Munley,	Stank,
Brancato,	Hering,	Murrin,	Thomas,
Brigerman,	Hess,	Nagel,	Thompson,
Broad,	Hetrick,	O'Brien,	Toole,
Brown,	Hindman,	O'Connor,	Tronzo,
Brownfield,	Holland,	O'Keefe,	Tumelty,
Burrows,	Holmes,	Ominsky,	Valibus,
Caesar,	Holstrom,	O'Neill,	VanAllsburg,
Caputo,	Hontz,	Ostroff,	VanSickle,
Chervenak,	Horting,	Patterson, C. S.,	Vogt,
Coakley,	Jirolanio,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Keenan,	Pearson,	Walsh,
Cohen, R. E.,	Kelso,	Pershing,	Weiss, D. H.,
Coleman,	Kilroy,	Piole,	Weiss, S. A.,
Coolahan,	Kroll,	Powers,	Welliver,
Corrigan,	LaRue,	Preston,	Welsh,
Costanzo,	Levy,	Readinger,	Westrick,
Decker,	Lewis,	Reese,	Whalen,
DeNcte,	Long,	Reising,	Whitenight,
Dickinson,	Lopresti,	Richter,	Wright,
Donohoe,	Lovett,	Robinson,	Yanoshat,
Dougherty,	Mallen,	Rothenberger,	Yourishin,
Downey,	Marino,	Ruffennach,	Zappala,
Dubbs,	Matthews, H. T.,	Rush,	Furman,
Dyson,	McArdle,		

NAYS—53

Atkins,	Huntley,	Royer,	Terry,
Baker, F. T.,	Imbrie,	Schrock,	Trout,
Boose,	Kane,	Schumacher,	Turner,
Boyer,	Kline,	Serrill,	Wall,
Cadwalader,	Leisey,	Shugarts,	Wampole,
Davies,	Longaker,	Sloan,	Watkins,
Eckels,	Lyons,	Snyder,	Webster,
Fiss,	Matthews, J. F.,	Sollenberger,	Weidemann,
Gillette,	McDevitt,	Sproul,	Wilson,
Habbyshaw,	McKinney,	Stackpole,	Winner,
Hall,	Muir,	Stewart,	Wood,
Hamilton, F. P.,	Peale,	Stockham,	Woodside,
Hamilton, R. S.,	Perry,	Strode,	Yeakel,
Hirsch,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1417, (Senate Bill No. 197), entitled:

A Supplement to the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities" providing for the appointment of the members of the boards for the assessment and revision of taxes by the Auditor General of the Commonwealth terminating the terms of the existing members of such boards fixing the membership of the county salary boards for certain purposes and repealing existing law providing for the appointment of such boards by the county commissioners

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, this bill applies to the board of assessors in third class counties of this State. In

1933, I think it was, after a great many years of effort to get a centralized system of assessment in counties of the third class, we were able to write a bill which was at that time agreeable to all of the counties of the third class. Under that system the assessors are appointed by the county commissioners. When you take into consideration that these assessors set the standards for the school districts, the townships and boroughs as well as for the county taxes, you can understand that there is a real and logical reason why the board of assessors should be appointed by the county commissioners.

I know that in my County of Delaware a system of assessments has been set up which has been considered such a model that officials have come from other counties and other states to inspect the system and to obtain information as to its workings. It has been indeed a long and tedious task to bring about uniformity of assessments. This bill is a ripper bill; it has no other excuse for existence than the purpose of the Senator from Luzerne County, a third class county, to rip out the board of assessors in that county, and the bill provides for the appointment of the assessors by the Auditor General.

Now, if you can conceive of any sensible reason or any logical reason why the Auditor General of the Commonwealth should appoint a board in a county having to do with the assessment of real estate in that county I should like to know it. I think you would have difficulty in finding reasons. There might be reasons to elect the board; there might be reasons to have a board appointed by other means than local officials, but if you are dealing with the question of assessments and unformity of assessments, a question in which not only the taxpayers are interested, but a question in which every school board and every township and every borough is interested in the county, then there is certainly a detriment in having the assessors appointed by the Auditor General of the Commonwealth. Those assessors would not be responsible to any local authority, but would be entirely responsible to a State officer. It is a most flagrant disregard of home rule I have seen in this session. It is an inexcusable piece of legislation and it is one that I think should not have the support of the members of this House, even though you may be of the same political faith as the gentlemen who are advancing this measure, in order that they may secure control of the board of assessors, in order that they may have that additional patronage. I therefore ask that you vote "no" on this question.

Mr. YOURISHIN. Mr. Speaker, this bill is not only Dr. Mundy's or Senator Mundy's pet measure but it is a bill to give protection to the taxpayers of the third class counties in that the assessors cannot be used as a political football. Prior to 1933 the assessors were appointed by the judges of the third class counties. Since then in the third class County of Luzerne the appointment of county assessors did not suit some of the political leaders of that county and they had a bill introduced which ripped the assessors out at that time and placed them in the hands of the county commissioners. The county commissioners after appointing the assessors likewise appointed sub-assessors. Abuses have arisen from the desire to favor either large taxpayers, or for fear of political reprisals.

Assessors and their employes, being responsible to County Commissioners for appointment, are likely to perform their duties with an eye to perpetuating their superiors, and hence themselves, in public office, rather than doing their full duty to the public.

Another reason why we feel the assessors should be appointed or selected by the State officials is that the State itself is interested in the assessed valuation of land in the county.

Millions in school subsidies are paid by the State annually on the basis of the valuation per teacher of property assessed in school districts for school purposes. The State is interested in having such property assessed at its fair value, to insure equal distribution of such subsidies, and, at the same time, to be sure that local taxpayers bear their fair share of taxes for school purposes.

I might say that some of the sub-assessors in some of these third class counties have been using their offices for political purposes in going to certain individuals and telling them "If you don't vote as I tell you, we are going to assess or increase the assessment on your property." Not only that but they have gone so far as to increase the assessments in the valuation of properties of voters in the third class counties where they knew they were not of the same political faith, and I know whereof I speak, because the same thing happened to yours truly and practically all of his friends, when they not only raised my assessment without any consideration as to the value of my property, but raised it immediately from $1,500 to $4,500, when right along side of me, political friends of the sub-assessors, with the same kind of property practically built the same way, their property was valued at half of the valuation placed on my property and that of my friends.

A recent decision of the Supreme Court on the valuation of coal property threatens to create a chaotic condition, and may paralize the revenues of counties and other municipalities which depend on such property as their principle source of tax revenue.

In the coal regions, I will say that fifty to seventy-five percent of the school taxes is on the assessed valuation of coal lands, especially in the townships. Funds are invested and their value may be seriously impaired. Already one school district in the coal region has advised the Teachers' Retirement Fund that the reduction in the assessed value of coal property has caused it to exceed the constitutional limit and that it will not pay its bonds for that reason.

Since corporations pay Pennsylvania capital stock tax to the State based, in part, on the value of their real estate and buildings, the assessed value of these subjects should be closely scrutinized.

Valuations set by assessors are being used to reduce other taxes collected by the State, for example, inheritance taxes and the tax on deeds, based on the value of the property transferred.

Responsibility to the State should make for greater efficiency, uniformity in determining values, and still probably result in saving to the taxpayers by eliminating political drones. A notorious example of their present inefficiency is demonstrated by the inadequate collection of the personal property tax for county purposes, a department which comes under the supervision of the county assessors.

For those reasons, members of the House, I ask your vote in favor of this bill.

Mr. TURNER. Mr. Speaker, the gentleman from Luzerne stated in his opening remarks that the political

powers in Luzerne County were not satisfied with the appointment of the sub-assessors by the court, and therefore had this bill passed to have the appointment by the county commissioners.

I want to say to the gentleman from Luzerne that he is entirely wrong in that deduction. I have been a member of the Commission appointed by Governor Fisher to study the question of subsidies to the schools, and one of the things that we insisted upon having written into that report was a provision for county wide assessment, because as the gentleman from Luzerne said, and he is perfectly correct, the State does have an interest in having some centralized bureau in every county that is charged with the assessment of real estate, because it forms the basis for subsidies. With 2,408, I think it was, school districts, or their assessments, it was impossible for the department to check up on them, but the State is not interested in the matter of assessments any further than to have the means to check that assessment in the county so that it can determine the basis of valuation for teachers' subsidies. Therefore the argument of the gentleman from Luzerne is a fallacious one, that the State has an interest. All the State needs is to reduce the number of bureaus to sixty-seven so that it can send the investigators into the sixty-seven counties, where it could not send them into 2,408 school districts in order to determine what the real value of real estate is. In 1933, when we passed the act that we now have, under which the appointment of the assessors is by the county commissioners, in the beginning of that session the County of Luzerne was opposed to taking that power away from the court in Luzerne County and giving it to the county commissioners, and I know it took a lot of selling to the political powers of Luzerne County to get them to agree to go along with this measure.

Now then, this is the same question that we have in connection with a good many others. If that is the situation in Luzerne County, if things are wrong in Luzerne County that is a matter for them to take up among themselves. If their set-up as to political assessments is bad, let them clean up their own county, but don't let them come down here and involve Westmoreland, Montgomery, Lackawanna and Delaware Counties, where our assessors are responsible to the local officials, and have them appointed by the State just because Luzerne County at the present time says from the Democratic standpoint at least that they are not satisfied with the manner of the assessment and that there is political favoritism. I am certain that the gentleman from Luzerne is not naive enough to come before this House and expect us to believe that if the appointment of the assessors comes from the Auditor General's office, where they are all Democrats, that the Democrats won't play politics just the same as he says the Republicans have played it in the past. If politics enter into it, politics will enter into it the same on one side as on the other.

We had an old judge down in my county, that as I said to you before, had more horse sense than anybody I ever knew. He said you can write all the election laws you want, and you can provide all the election rules and regulations that you want, but after all, if you don't have an honest election board you don't have an honest election, and the same thing is true in this instance. No matter where the appointive power is, if you do not have an honest board, you won't get an honest administration. In the first class counties, the boards of assessors are not appointed by the Auditor General, or by the Governor or by anybody else. I understand they are appointed by the Board of Revision, and the Board of Revision, now under the ripper you put through is appointed by the treasurer and the controller. I don't know how they are appointed in the second class counties, but I do know that they are not appointed by any State officials. In all other counties except third class you elect your local assessors, therefore why should there be one assessor in the case of the third class counties in the Commonwealth of Pennsylvania, and then come to this Legislature and ask them to put it in the hands of the Auditor General. I think it is patent and clear, on its face, no matter what argument may be used for putting it in the hands of the Auditor General, the county administration in Luzerne County is Republican, the county administration in Lackawanna is Democratic and Westmoreland is Democratic, the county administration in Delaware County is Republican, and the same for Montgomery, therefore, you say "We will just switch this over to the Auditor General for the next four years. We will get Democratic boards in those counties and we will have the patronage." But just let me tell you this, you fellows have done a lot of switching around in the hope that you can control these appointments. I have never seen it fail in my recollection, that these things don't change over-night sometimes, and I can see you fellows running into a situation in your own counties sometime where you will be sorry for these ripper bills. There is no excuse for this. The local people should have control, and the only way the local people can have control is by leaving it in the hands of officials who are responsible to the local people in the counties, and there is absolutely no reason why this power should be taken away from them now, whether it be a Democratic county or a Republican county.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. SPROUL. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—116

Alexander,	Downey,	McArdle,	Schor,
Allen,	Dubbs,	McDermott,	Schrope,
Allmond,	Elpere,	McElroy,	Shaw,
Arnold,	Falkenstein,	McFall,	Shea,
Aukerman,	Finnerty,	McGee,	Shepard,
Baine,	Fitch,	McShane,	Shoemaker,
Baker, J. J.,	Flanagan,	Melchiorre,	Skale,
Balthaser,	Flannery,	Mihm,	Smith, John A.,
Bierly,	Flinchbaugh,	Mooney,	Spengler,
Blank,	Ganser,	Moran,	Stank,
Bohn,	Gerard,	Murrin,	Thomas,
Boles,	Hagerty,	O'Brien,	Thompson,
Boltz,	Harkins,	O'Keefe,	Toole,
Bradley,	Hays,	Ominsky,	Tronzo,
Brancato,	Hering,	Ostroff,	Tumelty,
Brigerman,	Hindman,	Patterson, C. S.,	Valibus,
Brownfield,	Hirsch,	Patterson, J. W.,	VanSickle,
Burrows,	Holmes,	Pearson,	Vogt,
Caesar,	Holstrom,	Piole,	Wagner,
Caputo,	Hontz,	Powers,	Walsh,
Coakley,	Horting,	Preston,	Weiss, D. H.,
Cohen, R. E.,	Keenan,	Reese,	Weiss, S. A.,
Coolahan,	Kilroy,	Reising,	Velliver,
Corrigan,	Kroll,	Richter,	Whalen,
Costanzo,	LaRue,	Robinson,	Whitenight,
Decker,	Levy,	Ruffennach,	Wright,

DeNote,	Lewis,	Rush,	Yourishin,
Dickinson,	Long,	Sarraf,	Zappala,
Donohoe,	Marino,	Scanlon,	Furman,
Downey,			

NAYS—77

Atkins,	Harmuth,	O'Connor,	Stockham,
Baker, F. T.,	Hetrick,	O'Neill,	Strode,
Boose,	Holland,	Peale,	Terry,
Boyer,	Huntley,	Perry,	Trout,
Broad,	Imbrie,	Pershing,	Turner,
Brown,	Kane,	Readinger,	VanAllsburg,
Cadwalader,	Kelso,	Rothenberger,	Wall,
Chervenak,	Kline,	Royer,	Wampole,
Coleman,	Leisey,	Schrock,	Watkins,
Davies,	Lopresti,	Schumacher,	Webster,
Dougherty,	Lovett,	Serrill,	Weidemann,
Dyson,	Lyons,	Shugarts,	Welsh,
Eckels,	Matthews, H. T.,	Siegel,	Westrick,
Gillette,	Matthews, J. F.,	Sloan,	Wilson,
Gorski,	McKinney,	Snyder,	Winner,
Habbyshaw,	Moomaw,	Sollenberger,	Wood,
Haberlen,	Moul,	Sproul,	Woodside,
Hall,	Muir,	Stackpole,	Yanoshat,
Hamilton, F. P.,	Munley,	Stewart,	Yeakel,
Hamilton, R. S.,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

REPORTS FROM COMMITTEES

Mr. COAKLEY, from the Committee on Insurance, reported as committed, House Bill No. 2451, (Senate Bill No. 1269), entitled:

An Act to further amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto sub-article VI (h) consisting of sections 685 to 696 inclusive defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

Mr. SAMUEL A. WEISS, from the Committee on Judiciary General, reported as committed, House Bill No. 2234, (Senate Bill No. 907), entitled:

An Act to repeal certain parts of acts relating to struck juries.

Mr. LOPRESTI, from the Committee on Judiciary General, reported as committed, House Bill No. 2237, (Senate Bill No. 951), entitled:

An Act providing for the service of process in civil actions on non-resident owners tenants or users of real estate located within the Commonwealth of Pennsylvania and the footways and curbs adjacent thereto or any such resident of this Commonwealth who shall subsequently become a non-resident and making the ownership possession occupancy control maintenance and use of such real estate footways and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said non-resident upon whom civil service may be served and providing for further notice to the defendants in any such action.

Mr. SHEPARD, from the Committee on Insurance, reported as committed House Bill No. 2447, (Senate Bill No. 1313), entitled:

An Act to add section five hundred and fifty-three to the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing additional penalties.

Mr. O'CONNOR, from the Committee on Judiciary General, reported as committed, House Bill No. 2390, (Senate Bill No. 958), entitled:

An Act to amend sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto by further regulating the attendance of such witnesses and limiting the powers with respect thereto to judges learned in the law.

Mr. BROWN, from the Committee on Judiciary General, reported as committed, House Bill No. 2236, (Senate Bill No. 942), entitled:

An Act to amend subsection three of section one of the act approved the ninth day of July one thousand nine hundred and one (P. L. 614) entitled "An act relating to the service of certain process in actions at law and the effect thereof and providing who shall be made parties to certain writs" as amended by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership possession occupancy control maintenance and use of real estate and the footways and curbs adjacent thereto in counties other than that wherein the real estate footways and curbs are located and the writ issues.

Mr. McARDLE, from the Committee on Insurance, reported as committed, House Bill No. 2488, (Senate Bill No. 1159), entitled:

An Act to amend subsection (e) of section 206 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing laws" by providing minimum capital companies.

Mr. OSTROFF, from the Committee on Judiciary General, reported as committed, House Bill No. 2278, (Senate Bill No. 436), entitled:

An Act to further amend section one of the act approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 479) entitled, as amended, "An act to regulate procedure where a defendant desires

to have joined as additional defendants, persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants," by providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants.

Mr. JIROLANIO, from the Committee on State Government, reported as committed, House Bill No. 1251 (Senate Bill No. 308), entitled:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania State Police and the Pennsylvania State Highway Patrol.

Mr. JIROLANIO, from the Committee on State Government, reported as committed, House Bill No. 2303, (Senate Bill No. 1130), entitled:

An Act to further amend the act, approved the fifteenth day of May, one thousand nine hundred and fifteen (P. L. 534), entitled "An act relating to motion picture films, reels, or stereopticon views or slides; providing a system of examination, approval, and regulation thereof, and of the banners, posters, and other like advertising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of the act," by prohibiting the possession of motion picture films, reels or views not approved, requiring permits in certain cases; and increasing penalties.

Mr. MIHM, from the Committee on Judiciary General, reported as committed, House Bill No. 2472, (Senate Bill No. 1217), entitled:

An Act to enable the Courts of Quarter Sessions to restore to the possession and ownership of former owners thereof certain intoxicating liquors seized for violation of law nothwithstanding the conviction of the owner of said liquor of an offense in respect thereof.

Mr. HESS, from the Committee on Judiciary General, reported as committed, House Bill No. 2183, (Senate Bill No. 438), entitled:

An Act to amend section fifty-three of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 568) entitled "An act relating to the commencement of actions" as amended fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings.

Mr. HESS, from the Committee on Judiciary General, reported as committed, House Bill No. 2391, (Senate Bill No. 959), entitled:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states and imposing certain duties in magistrates aldermen justices of the peace and the Secretary of the Commonwealth.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 2491, (Senate Bill No. 1266), entitled:

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto.

Mr. READINGER, from the Committee on Judiciary General reported as committed, House Bill No. 2422, (Senate Bill No. 1234), entitled:

An Act prohibiting during a declared emergency foreclosure entry of judgment and issuance of execution on agreements bonds and mortgages affecting real property because of failure to fully discharge municipal liens against such property where such liens pursuant to ordinance or resolution are being paid in installments.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 2490, (Senate Bill No. 1265), entitled:

An Act to amend clause (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the Court of Common Pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents," as amended; permitting the assignment, transfer, payment and delivery to a foreign appointed executor, administrator, trustee, guardian, committee or other fiduciary, of any money and moneys and property within this Commonwealth by any debtor, bailee, custodian, agent, attorney, pledges, trustees, fiduciary or other individual, association, partnership or corporation a resident thereof, owing the same to or holding the same in the name or for the account of, a decedent, minor, legal incompetent, or cestui que trust, a non-resident of Pennsylvania.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 2184, (Senate Bill No. 439), entitled:

An Act to amend section four of the act approved the seventeenth day of March, one thousand eight hundred and sixty-nine (P. L. 8), entitled "An act relative to fraudulent debtors," fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service, residence or appearance.

Mr. GERARD, from the Committee on Insurance, reported as committed, House Bill No. 2469, (Senate Bill No. 1161), entitled:

An Act to amend section 101 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal

and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by including title insurance companies within the definition of the word "company" as used in the act.

Mr. SCHOR, from the Committee on Judiciary General, reported as committed, House Bill No. 2395, (Senate Bill No. 1152), entitled:

An Act to amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction and procedure of the Orphans' Courts; the powers and duties of judges thereof; and appeals therefrom," by authorizing the Orphans' Court to conduct jury trial to determine issues awarded by it; and regulating the procedure and appeals in such cases.

Mr. BURROWS, from the Committee on Forestry, reported as committed, House Bill No. 2386, (Senate Bill No. 641), entitled:

An Act declaring certain rights grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void vesting power in the Department of Forests and Waters the Water and Powers Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights grants and privileges and providing the procedure in such cases.

Mr. GORSKI, from the Committee on Judiciary General, reported as committed, House Bill No. 2301, (Senate Bill No. 1055), entitled:

An Act authorizing the compounding, compromising and settlement by the Department of Public Instruction, with the approval of the Department of the Auditor General and the Department of Justice, of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions, trades and occupations in the Department of Public Instruction.

Mr. DUBBS, from the Committee on Judiciary General, reported as committed, House Bill No. 2228, (Senate Bill No. 904), entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

Mr. SPROUL, from the Committee on Insurance, reported as committed, House Bill No. 2448, (Senate Bill No. 1314), entitled:

An Act to amend sections two hundred fifteen and two hundred seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchange providing penalties and repealing existing laws" by providing for supervision over fire rating bureaus and prescribing penalties.

Mr. McDEVITT, from the Committee on Insurance, reported as committed, House Bill No. 2486, (Senate Bill No. 778), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by amending subsection (e) of section 206 by reducing the maximum single risk permitted and increasing the cash premium to be held in cash or securities.

Mr. WOODSIDE, from the Committee on Judiciary General, reported as committed, House Bill No. 2193, (Senate Bill No. 817), entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decendents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees therein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents."

Mr. McKINNEY, from the Committee on Judiciary General, reported as committed, House Bill No. 2477, (Senate Bill No. 1302), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer or magistrate and making such records proceedings and evidence available for inspection by the petitioner or his counsel.

Mr. PERRY, from the Committee on Judiciary General, reported as committed, House Bill No. 2260, (Senate Bill No. 953), entitled:

An Act providing for the commencement of civil actions for damages arising from any accident or injury occurring upon real estate the footways sidewalks and curbs adjacent thereto and providing for the service of process in such cases.

Mr. KANE, from the Committee on Judiciary General, reported as committed, House Bill No. 2424, (Senate Bill No. 1252), entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

Mr. WILSON, from the Committee on Judiciary General, reported as committed, House Bill No. 2347, (Senate Bill No. 1051), entitled:

An Act declaring forfeitures of Commonwealth grants of public works canals rights and privileges where the conditions covenants or terms of such grants have been or shall hereafter be breached by disuse or otherwise by the owners or holders thereof authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act and ratifying any and all such pending proceedings

Mr. KANE, from the Committee on Judiciary General, reported as amended, House Bill No. 2425, (Senate Bill No. 1270), entitled:

An Act to amend sections one and three of the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 32), entitled "An Act requiring recorders of deeds to prepare and keep, in their respective offices, general direct and ad sectum indexes of deeds and mortgages recorded therein; prescribing the duty of said recorders; and declaring that the entries in said general indexes shall be notice to all persons," by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds; and prescribing the effect thereof.

Mr. ROBINSON, from the Committee on Municipal Corporations, reported as amended, House Bill No. 2194, (Senate Bill No. 830), entitled:

An Act authorizing political subdivisions to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and useable for the payment of taxes due for said year.

BILLS ON FIRST READING

The SPEAKER. If there are no objections all bills reported as committed will be read for the first time. The Chair hears none and the bills will be read.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2451, (Senate Bill No. 1269), entitled:

An Act to further amend article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto a new sub-division (h) consisting of Sections 685 (six hundred eighty-five) to 696 (six hundred ninety-six) inclusive defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2234, (Senate Bill No. 907), entitled:

An Act to repeal certain parts of acts relating to struck juries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2237, (Senate Bill No. 951), entitled:

An Act providing for the service of process in civil actions on non-resident owners, tenants or users of real estate located within the Commonwealth of Pennsylvania, and the footways and curbs adjacent thereto, or any such resident of this Commonwealth who shall subsequently become a non-resident; and making the ownership, possession, occupancy, control, maintenance and use of such real estate, footways and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said non-resident, upon whom civil service may be served; and providing for further notice to the defendants in any such action.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2447, (Senate Bill No. 1313), entitled:

An Act to add section five hundred and fifty-three to the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing and repealing existing laws" providing additional penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2390, (Senate Bill No. 958), entitled:

An Act to amend sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto by further regulating the attendance of such witnesses and limiting the powers with respect thereto to judges learned in the law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2236, (Senate Bill No. 942), entitled:

An Act to amend subsection three of section one of the act approved the ninth day of July, one thousand nine hundred and one (P. L. 614), entitled "An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs," as amended, by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, and the footways and curbs adjacent thereto, in counties other than that wherein the real estate, footways and curbs are located and the writ issues.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2488, (Senate Bill No. 1159), entitled:

An Act to amend subsection (e) of section 206 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by providing minimum capital and financial requirements to do business for title insurance companies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2278, (Senate Bill No. 436), entitled:

An Act to further amend section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws four hundred seventy-nine) entitled as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants by providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1351, (Senate Bill No. 308), entitled:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania State Police and the Pennsylvania State Highway Patrol.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2303, (Senate Bill No. 1130), entitled:

An Act to further amend the act approved the fifteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred thirty-four) entitled "An act relating to motion-pictures films reels or stereopticon views or slides providing a system of examination approval and regulation thereof and of the banners posters and other like advertising matter used in connection therewith creating the Board of Censors and providing penalties for the violation of the act" by prohibiting the possession of motion picture films reels or views not approved requiring permits in certain cases and increasing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2472, (Senate Bill No. 1217), entitled:

An Act to enable the Courts of Quarter Sessions to restore to the possession and ownership of former owners thereof certain intoxicating liquors seized for violation of law notwithstanding the conviction of the owner of said liquor of an offense in respect thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2183, (Senate Bill No. 438), entitled:

An Act to amend section fifty-three of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 568) entitled "An act relating to the commencement of actions" as amended fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2391, (Senate Bill No. 959), entitled:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states and imposing certain duties in magistrates aldermen and justices of the peace and the Secretary of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2491, (Senate Bill No. 1266), entitled:

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2422, (Senate Bill No. 1234), entitled:

An Act prohibiting during a declared emergency foreclosure entry of judgment and issuance of execution on agreements bonds and mortgages affecting real property because of failure to fully discharge municipal liens against such property where such liens pursuant to ordinance or resolution are being paid in installments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2490, (Senate Bill No. 1265), entitled:

An Act to amend clause (c) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate for the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the Orphan's Court in all matters relating to fiduciaries concerned with the estates of decedents" as amended permitting the assignment transfer payment and delivery to a foreign appointed executor administrator trustee guardian committee or other fiduciary of any moneys and property within this Commonwealth by any debtor bailee custodian agent attorney pledgee trustee fiduciary or other individual association partnership or corporation a resident thereof owing the same to or holding the same in the name or for the account of a decedent minor legal incompetent or cestui que trust a non-resident of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2184, (Senate Bill No. 439), entitled:

An Act to amend section four of the act, approved the seventeenth day of March, one thousand eight hundred and sixty-nine, (P. L. 8), entitled "An act relative to fraudulent debtors," fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service, residence or appearance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2469, (Senate Bill No. 1161), entitled:

An Act to amend section 101 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by including title insurance companies within the definition of the word "company" as used in the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2395, (Senate Bill No. 1152), entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty-three) entitled, "An act relating to the organization, jurisdiction and procedure of the Orphan's Courts; the powers and duties of the judges thereof; and appeals therefrom," by authorizing the Orphans' Court to conduct jury trials to determine issues awarded by it; and regulating the procedure and appeals in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2386, (Senate Bill No. 641), entitled:

An Act declaring certain rights grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void vesting power in the Department of Forests and Waters the Water and Powers Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights grants and privileges and providing the procedure in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2301, (Senate Bill No. 1055), entitled:

An Act authorizing the compounding compromising and settlement by the Department of Public Instruction with the approval of the Department of the Auditor General and the Department of Justice of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions trades and occupations in the Department of Public Instruction.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2228, (Senate Bill No. 904), entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2448, (Senate Bill No. 1314), entitled:

An Act to amend sections two hundred fifteen and two hundred seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing for supervision over fire rating bureaus and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2486, (Senate Bill No. 778), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by amending subsection (e) of section 206 by reducing the maximum single risk permitted and increasing the cash premium to be held in cash or securities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2193, (Senate Bill No. 817), entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the Courts of Common Pleas of balances due by fiduciaries, the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction powers, and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2477, (Senate Bill No. 1302), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer or magistrate and making such records proceedings and evidence available for inspection by the petitioner or his counsel.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2260, (Senate Bill No. 953), entitled:

An Act providing for the commencement of civil actions for damages arising from any accident or injury occuring upon real estate the footways sidewalks and curbs adjacent thereto and providing for the service of process in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2424, (Senate Bill No. 1252), entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2347, (Senate Bill No. 1051), entitled:

An Act declaring forfeitures of Commonwealth grants of public works canals rights and privileges where the conditions covenants or terms of such grants have been or shall hereafter be breached by disuse or otherwise by the owners or holders thereof authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act and ratifying any and all such pending proceedings.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ANNOUNCEMENT

The Committee on Education will meet this evening at 8:45 p. m. in Room 325.

The Committee on State Boards will meet this evening at 8:30 p. m. in Room 101.

The Committee on Highways will meet immediately after recess in Room 323.

There will be a Republican Caucus in the House Caucus Room immediately.

RECESS

The SPEAKER. If there are no objections, the Chair is about to declare a recess until 9:00 p. m. Are there objections? The Chair hears none and declares a recess until 9:00 p. m.

AFTER RECESS

The House reconvened at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 557.

An Act making an appropriation to the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes

HOUSE BILL No. 916.

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax'" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers

HOUSE BILL No. 1769.

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election board elections officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers renal agents and boards of school directors and imposing penalties

HOUSE BILL No. 1524.

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 589) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" by modifying the provisions relating to barber schools the licensing of persons as barbers and the issuing of renewal student or apprentice permits providing additional grounds for suspension and revocation of permits and registrations discontinuing the use of the term "barber college" and prescribing penalties

HOUSE BILL No. 1764.

An Act relating to certain existing beneficial societies conferring certain rights powers and duties upon them their officers and members authorizing the payment of benefits by them in the event of sickness accident disability or death regulating such societies and corporations and limiting the amount for which they may issue membership certificates or policies providing for reserves imposing penalties and repealing certain existing laws and parts of law

HOUSE BILL No. 1780.

An Act to amend section five and sections sixteen seventeen and twenty-one as amended of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred and ten) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" by providing for promoters partnerships and co-promoters a bond to protect contestants managers and officials changing license fees for promoters boxers seconds managers and wrestlers fixing minimum purse and requiring payments to the Commonwealth for complimentary tickets

HOUSE BILL No. 1792.

An Act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections

HOUSE BILL No. 1981.

An Act to amend the act approved to thirty-first day of May one thousand nine hundred and thirty-three (Pamphle Laws 1116) entitled "An act for the protection of the public health and to prevent fraud and deception

in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" further regulating the manufacture importation and sale of such products providing for injunctions and changing the penalties prescribed

SENATE BILL No. 177.

An Act prohibiting persons and officers from hiring requesting and inducing minors to purchase spirituous vinous or brewed and malt liquors

SENATE BILL No. 746.

An Act to amend subsection (c) paragraphs (3) (6) and (8) of section two hundred and two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by extending the purposes for which certain companies may be incorporated to include indemnifying banks bankers brokers or financial or moneyed associations or corporations against the loss of property as specified herein and also against loss resulting from damage to the insured's premises and other property from certain causes and against loss of property as specified herein during transportation by an armored motor vehicle under certain conditions insuring against loss or damage resulting from the breakage of glass insuring against loss or damage by robbery fraud vandalism or malicious mischief insuring against any and all kinds of loss or destruction of or damage to moneys securities currencies scrip coins bullion bonds notes drafts acceptance drafts bills of exchange and other valuable papers or documents insuring against loss or damage to automobiles and aircraft by burglary larceny or theft vandalism or malicious mischief confiscation or wrongful conversion and disposal or concealment and insuring against loss or damage to any goods or premises by water or other fluid

SENATE BILL No. 755.

An Act to amend section two hundred fifteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company

SENATE BILL No. 756.

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties and repealing existing laws" by adding thereto Section 209A authorizing the Insurance Commissioner to impose penalties upon any insurance company association or exchange which exceeds the powers granted under a certificate of authority

SENATE BILL No. 358.

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs requiring auditors to file an annual report with such Department conferring jurisdiction of certain cases upon aldermen magistrates and justices of the peace and providing penalties.

SENATE BILL No. 371.

An Act to amend sections twenty-one and forty-seven of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by providing for the filing of bond with the Department of Revenue and by limiting the amount to be retained by registers of wills for their own use for collection of inheritance taxes as agents of the Commonwealth

SENATE BILL No. 749.

An Act to amend sections four hundred ten as amended and four hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance prohibiting any provision by which a policy of life in-

surance would take effect before the original application was made

SENATE BILL No. 894.

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes

SENATE BILL No. 357.

An Act to amend sections one thousand six and one thousand thirty-five as amended and section one thousand sixty two of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the method of making appropriations expenditures employments contracts and purchases by boroughs relating to the preparation of the annnual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs regulating the preparation of the auditor's statement requiring the controller or secretary to file an annual report with such department conferring jurisdiction of certain cases upon aldermen magistrates and justices of the peace and providing penalties

SENATE BILL No. 773.

An Act relating to the dissemination of information pertaining to affairs of the Commonwealth including information pertaining to civil rights and constitutional guarantees and conferring powers and duties with respect thereto upon the Department of State

SENATE BILL No. 1023.

An Act to amend section six hundred and nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring certain existing corporations to comply with the provisions of the aforementioned act.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 645.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 645, Printer's No. 875, entitled "An Act to authorize cities boroughs towns townships counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, boroughs, towns, townships, and counties to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects and the occupants thereof; to authorize certain cities, and counties to make an appropriation for the first year's administrative expenses of housing authorities; and to authorize certain cities, boroughs, towns and counties to pay moneys to housing authorities."

GEORGE H. EARLE.

APPROVAL OF HOUSE BILLS Nos. 1075, 1355, 1475 and 1303.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1075, Printer's No. 1064, entitled "An Act to amend the act approved the seond day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by authorizing the district attorney in counties of the third class to purchase and maintain police radio equipment."

House Bill No. 1355, Printer's No. 747, entitled "An Act to amend paragraphs one three and five of section one of the act approved the twelfth day of June one thousand eight hundred and ninety-three (P. L. 457) entitled 'An act to provide for the erection maintenance and regulation of public morgues in the several counties of this Commonwealth for the care and disposal of bodies removal thereto and providing for the payment of certain expenses of the same by the proper county or district or by the estate of the deceased person and providing for the disposal of the personal effects of unclaimed dead' as amended by transferring certain powers from the county commissioners to the coroner in counties of the first class."

House Bill No. 1475, Printer's No. 681, entitled "An Act to amend section eleven of the act approved the fourteenth day of May one thousand nine hundred and fifteen (P. L. 483) entitled 'An act relating to practice in the Courts of Common Pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions' providing that the defendant in a counter-claim may ask for an account in certain cases."

House Bill No. 1303, Printer's No. 1038, entitled "An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class."

GEORGE H. EARLE.

APPROVAL OF HOUSE BILL No. 185.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 185, Printer's No. 956, entitled "An Act to provide for an additional law judge of the Court of Common Pleas in the twenty-first judicial district."

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 150.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 150, Printer's No. 89, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL AND MESSAGE LAID ON TABLE.

Mr. YOURISHIN. Mr. Speaker, I move that House Bill No. 150, Printer's No. 89, together with the communication from the Governor, be laid upon the table.

The motion was agreed to.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. SHEPARD asked and obtained permission for the Committee on Legislative Apportionment to meet during the session of the House.

Mr. SIEGEL asked and obtained permission for the Committee on Fisheries to meet during the session of the House.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker, I don't want to stop the orderly processes and the endeavor to speed the work, but it seems to me in calling meetings of this kind in the Conference Room that every opportunity ought to be given to members of the committee to attend the meeting, and that the same opportunity ought to be given to consider the legislation. If that is done, I shall object to any further meetings during the session.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

TAXES

A communication from the Berks County Firemen's Association urging passage of House Bills No. 117 and 118.

Referred to the Committee on Boroughs.

COOPERATIVES

A communication from the Pennsylvania Farm Bureau Cooperative Association Incorporated, Harrisburg, urging passage of Senate Bill No. 485.

Referred to the Committee on Corporations.

FUEL OIL TAX

A communication from the Superior Zinc Corporation, Philadelphia, protesting passage of legislation imposing tax on fuel oil.

Referred to the Committee on Ways and Means.

OLEOMARGARINE

A resolution from the Pennsylvania Grocers Association favoring passage of House Bill No. 100.

Referred to the Committee on Ways and Means.

FUNERAL DIRECTORS

A communication from the Funeral Directors Association of Pennsylvania urging support of House Bill No. 1869 and opposing passage of House Bill No. 1952.

Referred to the Committee on State Boards.

RELIEF

A communication from the American Association of Social Workers urging passage of legislation creating a strong Department of Public Assistance.

Referred to the Committee on Welfare.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 30.

An Act to amend clause (b) of section one thousand five hundred and forty of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended providing for compensation for members of joint sewer boards

HOUSE BILL No. 31.

An Act to amend clause (b) of section two thousand four hundred and forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended providing for compensation for members of joint sewer boards

HOUSE BILL No. 697.

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act

HOUSE BILL No. 853.

An Act validating ratifying approving and confirming bonds and other instruments or obligations heretofore issued by counties cities boroughs towns townships school districts poor districts and other incorporated districts of this Commonwealth for public work projects

HOUSE BILL No. 854.

An Act simplifying the procedure for the construction and financing of public works projects by municipalities enabling municipalities to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon municipalities

HOUSE BILL No. 1007.

An Act to amend the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (P. L. 903) entitled "A supplement to an act ap-

proved the fourteenth day of May one thousand nine hundred and fifteen (P. L. 312) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of liens for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate

HOUSE BILL No. 1095.

An Act empowering municipalities to refund improvement bonds based solely on assessments for grading streets and sewer improvement and imposing no municipal liability by a new issue of bonds

With the information that the Senate has passed the same without amendment.

REPORT OF THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

The Chair laid before the House the report of the Delaware River Joint Toll Bridge Commission of Pennsylvania and New Jersey which was read by the Clerk.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate.

In the Senate.

The President of the Senate has this day, May 20, 1937, appointed Messrs. Frey and McGinnis to the Joint Legislative Committee pursuant to House Resolution No. 17, Serial No. 41, Printer's No. 116, adopted by the Senate April 27, 1937.

RESOLUTION INTRODUCED AND REFERRED

By Mr. MURRIN. RESOLUTION No. 93.

In the House of Representatives, May 25, 1937.

Whereas, Many complaints have been heard and charges made concerning the conduct of Captain A. J. Oldham, Commanding Officer of Troop "F" of the State Highway Patrol, located at Franklin, Pa., and Lieutenant A. L. Flick of the same troop, such charges dealing particularly with respect to the treatment of men serving under him; therefore be it

Resolved, That the Speaker of the House of Representatives shall appoint a committee of five members of this House, whose duty it shall be to make a careful, searching and impartial investigation into the conduct of Captain A. J. Oldham and Lieutenant A. L. Flick in respect to the matters referred to in the preamble hereof, and make report thereof to the Department of Revenue.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 191. (HOUSE BILL No. 2503).

An Act to further amend section four hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts to establish nursery schools.

Referred to the Committee on Education.

SENATE BILL No. 341. (HOUSE BILL No. 2504).

An Act to re-enact and further amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing additional filing fees and increasing fees for certain permits and providing for the disposition thereof further regulating the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the jurisdiction of courts and local option procedure prohibiting certain interlocking business and providing penalties.

Referred to the Committee on State Boards.

SENATE BILL No. 342. (HOUSE BILL No. 2505).

An Act to re-enact and amend the act approved the nineteenth day of February one thousand nine hundred twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control

Board the manufacture production distillation development use in manufacture denaturization rectification blending recovery re-use holding in bond holding in storage by bailee for hire and transportation for hire of any alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further regulating the manufacture sale use and traffic in alcohol and alcoholic liquids conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing filing fees changing the method of calculating certain license fees providing for the use of the word "license" instead of "permit" regulating and providing the procedure for the granting suspension and revocation of licenses and for compromises in certain cases providing for the disposition of fees compromise penalties and forfeitures regulating the jurisdiction of courts and providing penalties.

Referred to the Committee on State Boards.

SENATE BILL No. 343. (HOUSE BILL No. 2506).

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board Quarter Sessions Court district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licensees application for licenses and sales by licensees and fixing fees for amusement permits regulating the granting suspension revocation and transfer of licenses and the procedure therefor and conferring jurisdiction on certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the disposition of application license permit fees forfeitures and penalties and providing penalties.

Referred to the Committee on State Boards.

RESOLUTION INTRODUCED AND REFERRED

By Mr. OSTROFF. RESOLUTION No. 94.

In the House of Representatives, May 26, 1937.

Whereas the operation of motor vehicles in Pennsylvania injures and kills many thousands of persons annually and

Whereas many so injured and the families of many so killed receive no compensation for their loss solely because the motorists involved are financially irresponsible and

Whereas this casts a heavy burden on innocent people, on hospitals and physicians and on public and private relief agencies Now Therefore be it

Resolved by the House of Representatives of the Commonwealth of Pennsylvania that the Governor is directed to appoint a commission of five citizens of the Commonwealth of whom two shall be members of the General Assembly to study the facts as to compensation for motor vehicle accidents in the Commonwealth and to report to the General Assembly at its next session their findings and their recommendations as to appropriate legislation.

Referred to the Committee on Rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

BILLS ON SECOND READING MADE SPECIAL ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I move that all bills on second reading be made a special order of business in their order immediately upon the adoption of this motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 993, (Senate Bill No. 85), entitled:

An Act to amend sections four thousand four hundred and one and four thousand four hundred and two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" placing under civil service salaried positions in connection with the operation and maintenance of a water supply system

And said bill having been read at length the second time and agreed to.

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2202, (Senate Bill No. 654), entitled:

An Act fixing the salary of the stenographer to the President of the Senate and the clerk to the President Pro Tempore of the Senate

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2325, (Senate Bill No. 1154), entitled:

An Act to amend article four of the act approved the seventh day of March one thousand nine hundred one P. L. 20) entitled "An act for the government of cities of the second class" transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That article four of the act approved the seventh day of March one thousand nine hundred one (P. L. 20) entitled "An act for the government of cities of the second class" is hereby amended to read as follows

ARTICLE IV

Department of Public Works

Section 1 The Department of Public Works shall be under the charge of one director who shall be the head thereof

Water-works gas works and electric light plants owned and controlled by the city the supply and distribution of water and gas the grading paving repairing cleaning and lighting of streets alleys and highways the construction protection and repair of public buildings bridges and structures of every kind for public use public squares real estate (except such as now or hereafter may be used for educational or police purposes fire engine houses almshouses hospitals pest houses and grounds) surveys engineering sewerage drainage and dredging and all matters and things in any way relating to or affecting the highways footways wharves and docks of the city shall be under the direction control and administration of the Department of Public Works All laws relating to parks and condemnation of land for park purposes are to remain in full force

Section 2 All the powers and authority set forth in section twenty of the act approved the twenty-sixth day of June one thousand eight hundred ninety-five (P. L. 350) conferred upon the Director of the Department of Public Safety relative to entering into contracts for the removal and disposal of all offal garbage and swill and all the duties imposed by said section upon the Bureau of Health and which were later transferred to the Department of Public Health by section four of the act approved the first day of April one thousand nine hundred nine P. L. 83) are hereby transferred and re-transferred to and shall hereafter be exercised by the Department of Public Works

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-eight

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2327, (Senate Bill No. 1157), entitled:

An Act authorizing and empowering cities of the second Class to erect and construct water-works as herein defined within and without their corporate limits to acquire property as herein defined within and without their corporate limits by purchase lease gift and the power of eminent domain and to use purchase sell dispose and supply water within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That the word "property" as used in this act shall be construed to mean and include lands buildings earth sand clay gravel rock stone wood materials springs streams rivers lakes easements and rights of way together with any facilities constructed thereon

The term "water-works" as used in this act shall be construed to mean reservoirs dams storing lakes power plants viaducts aquaducts canals tanks cisterns water mains and pipes pumping stations filtration plants buildings machinery and any other works connected with a public water supply system and necessary for the collection reception storage purification conveyance and distribution of water for domestic and industrial consumption

The word "city" means a city of the second class

Section 2 Any city shall have power and authority to acquire by purchase lease gift or the exercise of the power of eminent domain any property whether situate within or without the corporate limits of such city and to erect or construct thereon water-works for the purpose of using purchasing selling disposing and supplying water both within and without its corporate limits Any such city shall have power to lay its water mains and pipes over or under any creek stream river bridge highway railroad or railway

Section 3 Whenever any city shall exercise the power of eminent domain for any of the purposes of this act it shall not be necessary for such city to give or tender security for the taking injury or destruction of property but the funds raised or proper and lawful to be raised by the power of taxation in such city shall be pledged and are hereby made security to the owner or owners of property so taken injured or destroyed for all damages which they may sustain on account of such taking injury or destruction and such city shall not be required to give or tender any further security or to give or tender any bond or bonds whatsoever

Section 4 Whenever any city has condemned property for water-works purposes under the provisions of this act in any county of this Commonwealth other than the one in which such city is located it shall record a copy of the ordinance making such condemnation in the office of the recorder of deeds of each county where any of such property is located together with any subsequent amendments or supplements to such ordinance

Section 5 Upon the recording of the ordinance of condemnation in the county where any property is located it shall be lawful for the city by its officers agents or contractors to enter upon and take possession of any property so condemned and to erect and construct thereon water-works and to do all things necessary for the purpose of fully carrying out the purposes of this act

Section 6 If the owner lessee or occupier shall refuse to remove his personal property or give up possession of any property taken by the city in the exercise of its power of eminent domain the city may serve written notice upon such owner lessee or his agent or the occupier to remove his personal property and give up possession of such property within sixty days from the date of the service of such notice

If the owner lessee or occupier shall refuse to remove his personal property and give possession upon proof of the service of the notice a writ of habere facias possessionem shall forthwith issue directing the sheriff to give to the city possession

Section 7 If any city in erecting and constructing water-works shall find it necessary in storing water to occupy and overflow with water any portion of any public road the city shall cause such road to be reconstructed at its own expense on a favorable location and in as perfect a manner as the original road and for such purposes is authorized to condemn lands Whenever an agreement as to the price cannot be had with the owners the damages for land so taken shall be assessed as here-

in provided in the case of property taken for water-works purposes

Section 8 The city shall attempt to agree with the owner of any property taken or to be taken injured or destroyed as to the amount of damage done or likely to be done to him in the taking of such property and in the erection and construction of such water-works and if no agreement can be reached or if the owner cannot be found or is not sui juris the city or the owner or any person interested may apply by petition to the Court of Common Pleas of the county where the property is located or to any law judge thereof in vacation whereupon the court or judge shall appoint three viewers from the county board of viewers to view and ascertain the damages done by reason of said taking use occupancy injury or destruction and appoint a time not less than twenty nor more than thirty days thereafter when the viewers shall meet at or upon the premises affected Thereupon the same proceedings shall be had for the assessment of damages and the costs and expenses in connection therewith with the same right of appeal and trial by jury as is provided by the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefitted and the construciton of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" and the amendments and supplements thereto

Section 9 Any such city shall have power with the consent of the owner thereof to connect its water-works with any other water-works within and without its corporate limits and to use purchase sell dispose and supply of water

Section 10 All acts and parts of acts general local or special inconsistent with this act are hereby repealed but this act shall not be construed to repeal or modify the act approved the eighth day of April one thousand nine hundred thirty-seven Act Number 64 entitled "An act providing for the corporation of certain waters of the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board" and it is the legislative intent that the power herein given so far as it relates to condemnation of streams rivers and lakes shall be exercised in subordination thereto

Section 11 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 12 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2324, (Senate Bill No. 1153), entitled:

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of the cities of the second class" establishing a Department of Lands and Buildings in said cities providing for its officers and employes defining the powers duties and jurisdiction of said department and in certain cases transferring the same from existing departments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That an additional executive department in the government of cities of the second class is hereby created to be known as the Department of Lands and Buildings

Section 2 The Department of Lands and Buildings shall be under the charge of a director who shall be the head thereof The care maintenance repair and alteration management and supervision of all city buildings the supervision of contract work in connection with the construction of all city buildings the supervision of janitors watchman and elevator service and the operating maintenance of all city buildings and the lease purchase and sale of real estate of the city shall be under the jurisdiction of this department

Section 3 All the powers and duties as set forth in section two hereof which are now under the jurisdiction of any other department of said city are hereby transferred to the Department of Lands and Buildings created by this act

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective on the first day of January one thousand nine hundred and thirty-eight

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 2315, (Senate Bill No. 1020), entitled

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the employment by school auditors and for the compensation of an attorney

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together

with the provisions by which it shall be administeerd and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 2616 [The provisions of this act relating to the auditing of school finances shall begin with the beginning of the first fiscal year following the approval of this act] In all school districts where the accounts are auditer by borough or township auditors the auditors may employ an attorney whenever the same is deemed advisable The compensation of such attorney shall be xed by the auditors and shall not exceed the sum payable to one auditor for the making of the annual audit unless additional compensation shall be specially allowed by a court of record in connection with any proceeding before such court and shall be payable by the school district out of the general fund of the district

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 2, by inserting after line 22, the following:

"Section 2. This act shall become effective immediately upon its final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" providing for the employment by school auditors and for the compensation of an attorney.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2345, (Senate Bill No. 1041), entitled

An Act to amend section one thousand two hundred and two of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to stablish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," requiring teachers to be citizens, except in certain cases.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2283, (Senate Bill No. 785), entitled

An Act authorizing political subdivisions other than cities of the first class to set-off delinquent taxes and municipal claims and penalties interest and cost due thereon against claims and accounts due by such political subdivisions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2182, (Senate Bill No. 435), entitled

An Act to amend section five of the act, approved the nineteenth day of April, one thousand nine hundred and one (P. L. 88), entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," as amended; fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2351, (Senate Bill No. 1110), entitled

An Act to add subdivision (h) to Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing for a revolving fund for permanent street, sidewalk and sewer improvements.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2357, (Senate Bill No. 1137), entitled

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding sectin eighteen.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2350, (Senate Bill No. 1109), entitled

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising consolidating, and changing the law relating thereto," providing for the beginning of a revolving fund for street, sidewalk and sewer improvements by funds raised from bond issues.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2417, (Senate Bill No. 1168), entitled

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 662) entitled "An act relating to retirement from the Pennsylvania National Guard" as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 681) by providing that service in excess of thirty-nine years and five months may be counted as more than forty years of service.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2445, (Senate Bill No. 1301), entitled

An Act providing for the erection construction and equipment of armories for the use of the Pennsylvania National Guard designating the manner of acquiring or setting aside of land for the erection and construction of armories thereon by The General State Authority authorizing the Commonwealth to lease such armories and their grounds from The General State Authority upon their completion and the Armory Board of the State of Pennsylvania to manage and operate the same and conferring powers and imposing duties upon certain State departments and boards.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2430, Senate Bill No. 776, Printer's No. 691 was passed over at the request of Mr. TURNER.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2343, (Senate Bill No. 911), as follows

An Act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits certain debts and interest on certain debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint-stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue providing for refunds of such moneys and property and prescribing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Legislative Determination and Declaration of Policy It is hereby declared as a matter of legislative determination that the moneys and property hereinafter enumerated in this act are now and have heretofore been subject to escheat both under the common law and under the provisions and requirements of existing acts of Assembly

That it is both necessary and desirable to provide specific appropriate methods for the recovery of such money and property by the Commonwealth and the payment thereof into the State Treasury subject to being refunded to the persons legally entitled thereto without the necessity of instituting and prosecuting the proceedings for a formal decree of escheat thereof by the court having jurisdiction of said moneys and property

Therefore it is hereby declared to be the policy of the Legislature to provide and it is the purpose and intent of this act so to provide for the payment of such moneys and property hereinafter described into the State Treasury without escheat according to the provisions of this act and subject to being refunded to the persons legally entitled to the same

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Company" The word company shall include limited partnerships and unincorporated associations joint-stock associations public utility corporations insurance exchanges associations or corporations and any company or corporation incorporated and doing business under the laws of this Commonwealth except mutual savings fund societies and building and loan associations and except banks national banks bank and trust companies trust companies and other corporations associations partnerships limited partnerships and partnership associations engaged in the business of receiving money on deposit or securities or other property for safe-keeping

"Creditor" The word creditor shall include any person who has made deposits or advances of money or to whom dividends or profits have been declared or to whom debts and interest on debts have been owed or to whom the proceeds of any policy of insurance are due and payable

"Debt" The word debt shall include only such debts as are formally created and of the type ownership to which is evidenced by written or printed securities having definite maturities interest rates places and times of payment such as mortgages bonds notes equipment-trust certificates and debentures

"Department" The Department of Revenue of this Commonwealth

"Person" Any natural person association or corporation

"Property" The word property shall include property and the profits accretions and any interest or rights accrued or declared thereon

The singular shall include the plural and the masculine shall include the feminine and neuter Section headings shall not be deemed or construed to limit the text of the sections of this act

Section 3 Reports

(a) In the month of January of each year reports shall be made to the department as follows

(1) Every company shall make a report of all dividends or profits declared by it to any stockholder or member and unclaimed for six or more successive years next preceding the first day of said month where funds have been provided by the company for the payment of said dividends or profits and of all debts and interest on debts due by it to any creditor for the payment of which debts or interest thereon funds have been provided by the company where said payments have been unclaimed for six or more successive years next preceding the first day of said month

(2) Every company shall make a report of any and all customers advances tolls or deposits held by it and under the terms of the deposit agreement due and owing to the person or company depositing the same and unclaimed by said person or company for six (6) or more successive years next preceding the first day of said month

(3) Every company shall make a report of the proceeds of any policy of life casualty indemnity or fire insurance awaiting due proof for payment or the surrender values of policies which have been surrendered by the policy holder or insured or have been surrendered or are surrenderable at the option of the insurer under the contractural agreement between the insurer and the insured or the portions of premiums held to the credit of any policyholder and any profits dividends or accretions thereon which have been held and are owing by any company as hereinabove defined and have been unclaimed by and unpaid to the lawful owner thereof or to the person or persons legally entitled thereto for seven or more successive years next preceding the first day of said month

(4) (a) Every company shall make a report of any and all stock or certificates of beneficial interest of whatsoever nature issued by or authorized to be issued by such company which have been demandable and have been and remain unclaimed by the person legally entitled thereto for six or more successive years next preceding the first day of said month

(b) The said period of six or seven years as the case may be shall be computed from the date when the moneys or property required to be reported under the provisions of this act first became due and payable to or became demandable by the person legally entitled thereto and said period shall not be affected terminated renewed or extended in any way by a transfer or delivery of possession of such moneys or property or an assignment of title or interest to such moneys or property by any company to any other company whatsoever

(c) Every report required by this section shall show the names and addresses of said stockholders members or creditors and the names and addresses of the depositors of said moneys or property or the names and addresses of the persons entitled to demand the said stock or the proceeds surrender values or premiums of said policies of insurance so far as known and if any such facts be not known it shall be so stated and such facts or particulars as are known shall be stated Such reports shall contain such other information as is required by the department and shall be verified by affidavit of the persons making the same and in the case of a corporation or other person not a natural person shall be made and verified by affidavit of the treasurer or chief fiscal officer thereof said affidavit to declare that the report is true and contains all facts required by law to be reported

Section 4 Inquisitorial Powers of the Department

(a) Every company liable to make such report shall permit the department acting through any deputy clerk accountant or attorney designated by it for that purpose to inspect the records books and papers of such company relating to the subject matter of such report and when required by the department by subpoena signed by the Secretary thereof designating a certain time and place any company or officer or employe thereof whether liable to make such report or not shall attend as a witness before any deputy clerk accountant or attorney designated by the department for that purpose with such records books and papers as the department may require and shall answer fully such questions as may then be put to him concerning the subject matter of this section and permit full inspection of such records books and papers

(b) No company or any officer or employe shall be excused from answering or from attending and testifying or from producing books papers and records in any proceeding criminal or otherwise relating to the subject matter thereof for the reason that the answer or testimoney or evidence documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture but no company shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may answer or testify or produce evidence documentary or otherwise in any such proceedings Provided That no officer or employe of such company shall be exempt from prosecution and punishment for perjury committed in so testifying

(c) If any company or any officer or employe thereof shall fail to comply with any summons of the department for the attendance of persons or for the production of books accounts documents or papers or shall refuse to be sworn as a witness or refuse to testify fully as such or if any person or corporation shall refuse to permit any person designated by the department to inspect books accounts documents or papers as required by this section the Attorney General acting for the department may apply by petition in the name of the Commonwealth to the Court of Common Pleas having jurisdiction and the court shall make such order on reasonable notice to such company or the officers thereof as shall compel compliance with the law and the violation of such order shall be a contempt of such court and punishable as such The remedy herein provided shall be in addition to other remedies and penalties provided by law

Section 5 Notice to Owners of Dividents Etc

(a) When any particular dividend profit debt or interest on debt customers deposits stock or proceeds of any policy of insurance shall be first reported to the department the department shall notify the persons entitled thereto of such fact by mail so far as possible and shall publish once a week for two weeks during the month of July in each year in one or more general newspapers having the largest circulation published in the city or county in which such company may be located a true and accurate statement containing the names addresses and amounts of money or character of property belonging or owing to such person or for whose benefit the same is held

(b) The department if it deems it to the best interests of the Commonwealth may make such publication in a legal periodical designated by rules of court for the publication of legal notices in addition to publication in a general newspaper

(c) It shall not be obligatory upon the department to publish any item of the above described moneys or property where the amount involved is less than ten dollars ($10) but publication of any such item may be made if the department thinks such publication is to the best interests of the Commonwealth

(d) The publications required by this section shall not be considered a condition precedent to the bringing of any action in the courts of the Commonwealth for the recovery or payment of such moneys or property into the State Treasury without escheat

Section 6 Index The department shall prepare and keep an alphabetical index for the names of all persons which shall appear upon the reports made to it under the

provisions of this act which index shall contain a reference to the reports from which said names are derived and the department shall open said index and reports to public inspection and shall furnish a search of said index when requested upon payment of a fee of twenty-five cents (25c) and ten cents (10c) additional for each item shown by the search for the use of the Commonwealth

Section 7 Jurisdiction Whenever any moneys or property are required to be reported by any company under the provisions of this act the Court of Common Pleas of the county in which the principal office of such company is located shall have jurisdiction of any and all proceedings or actions instituted by the Commonwealth for the recovery of such moneys or property or the payment thereof into the State Treasury without escheat

Section 8 Procedure for the Escheat of Moneys or Property Subject to Escheat The escheat of any moneys or property heretofore subject to escheat and required to be reported to the department under the provisions of this act may at the suggestion of the department be determined and enforced by an action in the nature of a bill in equity filed by and in the name of the Attorney General against the company and all of its stockholders creditors depositors policyholders or other persons for whom the company holds moneys or property required to be reported under the provisions of this act in the said Court of Common Pleas Any such escheat proceedings may be so prosecuted whether such moneys or property shall have been reported to the department as required by the provisions of this act or have not been so reported Any number of items of such moneys or property may be joined in one action against one company though due and owing to or held and possessed for different persons

If service of the bill cannot be had on any persons legally entitled to the moneys or property required to be reported to the department service shall be made by publication for two successive weeks in a newspaper of general circulation published in the county in which such person resides or in the case of a corporation in which it has its principal office and also when practicable for the same period in such a newspaper published in the county within or without the Commonwealth where when last heard from by the company the person or corporation legally entitled to such property had its residence or place of business Publication may be made in such form as the court shall direct and need not contain any order or other paper in full If the person legally entitled to such property or his legal representatives shall appear within the time limited by the court and establish his right to recover said moneys or property from the company but for the provisions of this act and if this right shall not be barred by the statute of limitations or presumption of payment a decree shall be made for the payment of said moneys or other property to said person after paying his proportionate part of the costs of the cause and of said advertising Provided That such person legally entitled to such moneys or property may have any issue of fact determined by a jury and if he shall not so appear and establish such right a decree shall be made that said moneys or property has escheated and shall be paid by the company into the State Treasury through the department for the use of the Commonwealth The amount of such decree shall bear interest at the rate of twelve per centum per annum sixty days after the same is made and such decree shall be effectual to bar persons or companies legally entitled to said moneys or property from claiming the same from the company An appeal may be taken by either or any party to such action to the Supreme Court at any time within thirty days after the date of the decree issued therein A receipt of the department for any moneys or property paid over to the State Treasury in accordance with the provisions of such decree shall be a full and sufficient discharge to the said company from any further liability with respect to such moneys or property to any person or company legally entitled thereto

Section 9 Alternative Procedure for Payment into State Treasury without Escheat Whenever any company shall hold or be possessed of any items of money or property required to be reported under the provisions of this act the department may after such items have been reported to or otherwise ascertained by it and after notice and advertisement of such items shall have been given and made as required by this act if the number and nature of the items so held or possessed are in the opinion of the department such as to make such action desirable suggest to the Attorney General that instead of proceeding to secure a decree for the escheat of such items in the manner hereinabove prescribed the Attorney General apply by petition to said court for an order upon said company holding or possessed of such items of money or property directing the payment of the same without escheat into the State Treasury through the department to the credit of the Commonwealth together with interest thereon actually accrued if any to the date of the issue of said order or if the property consists of shares of stock or other securities that the same be sold in such manner as the court shall direct and the proceeds thereof be similarly paid into the State Treasury all amounts and proceeds so paid to be subject to being refunded by petition to the Board of Finance and Revenue as hereinafter provided

A receipt of the department for any moneys or property paid over to the State Treasury in accordance with the provisions of such order of court shall be a full and sufficient discharge to the said company from any further liability with respect to such moneys or property to any person or company legally entitled thereto

Section 10 Refunds

(a) Any person legally entitled to any moneys which shall have been paid into the State Treasury under the provisions of an order of court entered upon petition of the Attorney General asking for the payment of such moneys into the State Treasury without escheat (or the legal representatives thereof) may at any time apply to the Board of Finance and Revenue for a refund of the same and upon his making proof of his ownership or right of possession to the satisfaction of the board such moneys shall be paid to such person on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith out of any moneys in the State Treasury appropriated for the purpose with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof Any moneys which shall have been voluntarily paid into the State Treasury or which shall have been paid in under the provisions of an order of court entered upon the petition of the Attorney General asking for the payment of such moneys into the State Treasury without escheat shall be refunded inthe same manner and under the conditions herein above prescribed

(b) Any person legally entitled to any shares of certificates of stock or other securities which shall have been transmitted or delivered to the State Treasury through the Department under the provisions of an order of court entered upon petition of the Attorney General directing the transfer of such property to the State Treasury without escheat (of the legal representatives thereof) may at any time apply to the Board of Finance and Revenue for a return of said property and upon his making proof of his ownership or right of possession the Board of Finance and Revenue shall order the return of such property to the person legally entitled thereto In such event if the State Treasurer shall have converted such property into money authority to do so being hereby conferred the board shall order the refund of the proceeds thereof to the person legally entitled thereto together with interest at the rate of two per centum per annum from the date such property was so converted to the date of refund thereof

(c) Any claimant for any such refund of money or for the return of property may appeal by petition to the Court of Common Pleas of Dauphin County from an adverse decision of the Board of Finance and Revenue which court shall thereupon hear such testimony as may be offered in support of the claim and determine whether or not the claimant is entitled to any refund of money or return of property and if so the amount thereof or the nature or character thereof If the court finds that he is so entitled it shall report its findings to the board and order

the making of a refund of the proper amount of money or the return of the said property Thereupon the refund shall be made or the return of the property shall be made in the manner hereinbefore provided No such appeal shall be entertained however unless the claimant shall file with his petition an affidavit that all proof which he proposes to offer in support of the claim had been presented to the Board of Finance and Revenue before that board acted adversely upon his claim

Section 11 Penalties Failure to Make Reports False Oath in Report Refusal to Testify

(a) If it shall appear that any company failed at any time to make any report required under the provisions of this act such company shall be liable to pay to the Commonwealth interest at the rate of twelve per centum per annum from the time such report should first have beeen made to be computed upon the value of said reportable items as finally established in any proceedings under the provisions of this act and to be recovered in such proceedings

(b) The making of a wilful false oath in any report required under the provisions of this act shall be perjury and punishable as such according to law If any officer or employe of any company required to make a report under the provisions of this act shall fail to make such report when and as required by this act he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment not exceeding three months either or both in the discretion of the court

(c) Any officer or employe of any company required to make a report under this act who shall neglect or refuse to attend or testify or to answer any lawful question or to produce or permit inspection of any books papers and records if in his power to do so in obedience to a subpoena issued under any section of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment not exceeding three months either or both in the discretion of the court

Section 12 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part or section thereof the remaining provisions of the act shall be given full force or effect as completely as if the part held unconstitutional had not been included therein

Section 13 Bar of Statutes of Limitations The bar of statutes of limitation and presumptions of payment shall not affect the duty of making reports and payments to the Commonwealth under the provisions of this act

Section 14 Information Fees No fee or reward shall be paid to any person for information which shall result in the report payment or escheat to the Commonwealth of any property which is the subject matter of this act

Section 15 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered. To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 588, entitled:

An Act relating to the licensing of detectives and operatives employed by detectives defining detectives and making it unlawful to act or solicit business as a private detective or as an operative or employe of a detective without having filed a bond and obtained a license

The first to the fifth sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person who shall engage in the business of detective for hire or reward or who shall manage or conduct any agency engaged in such business or who shall act advertise or hold himself out as engaged in such business or who shall solicit business or perform any service or receive any fee or compensation for acting as a detective or who shall act as an operative or employe of any such person without first having obtained a license so to do from the Court of Quarter Sessions of the county wherein any office of such detective is to be located shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars and not exceeding five hundred dollars and to suffer imprisonment not exceeding one year

Section 2 The term "detective" as used in this act shall include not only the proprietor or manager of an agency engaged in such business but also all employes or operatives of such agency or of any individual engaged in such business who performs services as detectives investigators or reporters including inside shop operatives that is those persons who are employed by such agency or individual to operate or work in places of employment and to render reports of activities in such places of employment to such agency or individual or to the owners of the place of employment under the direction of such agency or individual

Section 3 The Court of Quarter Sessions of the county within which any office of any person or persons or agency intending to conduct the business of a detective shall be located may issue a license to such person or persons applying therefor for the purposes specified in section one of this act upon the payment of a fee of twenty-five dollars in the case of a proprietor or manager of an agency engaged in such business or ten dollars in the case of an employe or operative of an individual or agency engaged in such business for the use of such county which license shall extend for a period of three years and shall be revocable at all times by the Court of Quarter Sessions or any judge thereof upon cause shown but no such license shall be granted until satisfactory proof of the competency and integrity of such person or persons and the real necessity for the granting thereof shall have been made to the court at a public hearing and until a bond shall have been entered with approved security in the sum of two thousand dollars in the case of the proprietor or manager of any agency engaged in such business and of five hundred dollars in the case of an employe or operative of such agency or individual by such person or persons conditioned for the faithful and legal performance of his or their duty Such bond shall be taken in the name of the Commonwealth and any person or persons injured or aggrieved by the wilful malicious or wrongful act of such person or persons may bring suit on said bond in the name of the Commonwealth to his or their own use leave of said court being first had or obtained for the bringing of such suit or suits

Section 4 The person or persons and all the members of any agency making the application shall be reputable citizens of the United States and shall be not less than twenty-one years of age and in the case of a proprietor or manager of an agency shall have had at least three years experience as an employe or operative in such business Every application for a license shall be in writing verified by the oath or affirmation of the applicant and shall be filed in the office of the clerk of such court for the period of two weeks before the granting of such license and public notice thereof shall be given by advertisement once a week for two weeks in a newspaper of general circulation in the county

Section 5 The clerk of the courts of each county of this Commonwealth shall keep a separate indexed docket showing all applications for licenses under this act the name and residence of the applicant the dates of the application and hearing and the action of the court thereon

The sixth section was read as follows:

Section 6 Any person or persons licensed as aforesaid

shall have the power to serve warrants in criminal cases within this Commonwealth Provided That this act shall not apply to county detectives or detectives appointed by the Governor of this Commonwealth

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 6, page 4, line 17, by inserting after the word "Commonwealth" the following: "or to any adjuster, investigator or other employe of an insurance or a surety company engaged in no other business and so registered with the Secretary of the Commonwealth.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh section and title were separately read and agreed to as follows:

Section 7 The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (Pamphlet Laws 173) entitled "An act to make the carrying on of the business of detectives without license a misdemeanor and to regulate the licensing and power of detectives" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

An Act relating to the licensing of detectives and operatives employed by detectives defining detectives and making it unlawful to act or solicit business as a private detective or as an operative or employe of a detective without having filed a bond and obtained a license

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2452, as follows:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by making a further provision for the payment of the tax

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surey bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as last amended by act number fifty-seven approved the eighth day of April one thousand nine hundred thirty-seven is hereby further amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States Government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax an additional emergency State tax of one cent a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period beginning on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred and thirty-nine

Distributors shall be liable to the Commonwealth for the collection and payment of the tax imposed by this act The tax imposed by this act [though payable] shall be collected by the distributor at the time the liquid fuels are used or sold and delivered by the distributor and shall be borne by the consumer [and when paid by the distributor shall be deemed to have been so paid for the account of the consumer]

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

The department shall allow such handling and storage losses of liquid fuels as are substantiated to its satisfaction

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2389, (Senate Bill No. 917), entitled:

An Act to establish as a State highway a certain section of public road in the counties of Franklin and Adams and providing for its construction and maintenance at the expense of the Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2427, (Senate Bill No. 1308), entitled:

An Act to amend section four hundred and one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by further regulating depositories of funds of counties of the second class

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2500, (Senate Bill No. 1404), entitled:

An Act to further amend subparagraph three of subsection (a) of section five hundred five of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision relative to interest upon State deposits

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2238, (Senate Bill No. 957), entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphi County providing for trial without jury and for the filing of agreements therefor providing for the payment of jury fees

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rules requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2318, (Senate Bill No. 1050), entitled:

An Act to amend the act approved the twenty-ninth day of May, one thousand nine hundred thirty-five (P. L. 261), entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor, to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives, and to acquire in exchange a certain tract therefor," by substituting Owen J. Zimmerman, or his successor in title, for Samuel Zimmerman.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2449, (Senate Bill No. 1315), entitled:

An Act requiring collectors of city county borough town township school and poor district taxes to file certain reports with the Quarter Sessions Court and the Department of Internal Affairs directing such Department to prepare and furnish forms for such reports making such reports available for public inspection requiring all payments to such collectors for compensation and expenses to be by warrant or order prohibiting such collectors from deducting their compensation and expenses from public funds in their possession and making violation of the act a misdemeanor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2273, (Senate Bill No. 232), entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2420, (Senate Bill No. 1223), entitled:

An Act to amend section one of the act approved the tenth day of May one thousand nine hundred twenty-

seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods wares or merchandise of any kind fixtures machinery equipment or real estate by every corporation joint-stock association limited partnership or company providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties" providing for the payment of unemployment compensation contributions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2214, (Senate Bill No. 1004), entitled:

An Act declaring bonds issued by The General State Authority legal investments for the investment of certain funds and moneys

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2363, (Senate Bill No. 1251), entitled:

An Act to amend section one of the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Act No. 108) entitled "An act providing for he appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class," by making further provisions relative to the appointment of members of the said board

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2392, (Senate Bill No. 960), entitled:

An Act providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in relation to persons on probation or parole and imposing certain powers and duties on the Governor and the Board of Pardons

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2499, (Senate Bill No. 1358), entitled:

An Act to amend section six of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (P. L. 13) entitled "An act to carry into effect section five of Article fourteenth of the Constitution relative to the salaries of county officers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" by providing that in counties of the first class salaries of respective county officers shall not exceed the amount fixed by the tax levying body of such county for such offices

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2478, (Senate Bill No. 1317), entitled:

An Act to amend section two of the act approved the seventh day of July one thousand nine hundred and thirty-six (P. L. 37) entitled "An act to provide for the public sale by cities of the first class of tax anticipation certificates representing registered delinquent taxes and authorizing the appropriation for current or other purposes funds realized or estimated to be collectible from the sale thereof" by limiting appropriations to amounts realized by the sale of such certificates

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2489, (Senate Bill No. 1235), entitled:

An Act providing for the creation division and consolidation of wards in cities of the first class and defining procedure therefor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2498, (Senate Bill No. 1355), entitled:

An Act to amend section twenty-seven of the act approved the twentieth day of July one thousand nine hundred seventeen (P. L. 1143) entitled "An act relating to free public non-sectarian libraries and branch libraries within this Commonwealth providing for their establishment maintenance and regulation and for the maintenance and regulation of such free public non-sectarian libraries as may have been already established by the several counties cities boroughs towns and townships and providing that all library property and all gifts devises grants or endowments for library purposes shall be exempt from taxation and providing that the several counties cities boroughs towns and townships may levy taxes condemn private property and borrow money for library purposes and imposing penalties for injuring library property and for violations of library regulations and repealing existing laws in relation to the above subjects" by exempting from collateral inheritance tax all gifts devises grants or endowments made to national libraries

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2442, (Senate Bill No. 1228), entitled:

An Act authorizing county commissioners of any county to hold in trust for the inhabitants and citizens of the county any real estate and property appropriate for agriculture fairs or exhibits and to lease the same without expense or liability to the county to any incorporated agriculture association to operate and conduct an annual fair within the county

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2443, (Senate Bill No. 1258), entitled:

An Act to further amend sections five and eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" by providing for annual renewals of the registration of pharmacists and assistant pharmacists

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2479, (Senate Bill No. 309), entitled:

An Act to amend section three as amended of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" changing the personnel

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2462, (Senate Bill No. 744), entitled:

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof

The first to the seventh sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Workmen's Compensation Security Fund Act"

Section 2 As hereafter used in this act unless the context or subject matter otherwise require

"Stock Fund" means the stock workmen's compensation security fund

"Mutual Fund" means the mutual carrier and reciprocal exchange workmen's compensation security fund created by this act

"Funds" means the stock workmen's compensation security fund and the mutual carrier and reciprocal exchange workmen's compensation security fund

"Fund" means either the stock fund or the mutual carrier and reciprocal exchange fund as the context may require

"Fund year" means the calendar year

"Stock Company" means any stock corporation authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent stock company

"Mutual carrier" means any corporation or association organized and operating on the mutual plan including the State Workmen's Insurance Fund authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent mutual carrier

"Reciprocal exchange" means any association or group of persons exchanging contracts of insurance or indemnity on the reciprocal or interinsurance plan authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent reciprocal exchange

"Carrier" means either a stock company a mutual company a reciprocal exchange or the State Workmen's Insurance Fund as the context may require

"Insolvent stock company" insolvent mutual carrier" or "insolvent reciprocal exchange" means a stock company a mutual company a reciprocal exchange or the State Workmen's Insurance Fund as the case may be which has been determined to be insolvent or for which or for the assets of which a receiver or liquidator howsoever entitled has been appointed by a court or public officer of competent jurisdiction and authority after the effective date of this act

"Commissioner" means the Insurance Commissioner of this Commonwealth

"Workmen's Compensation Law" means the Workmen's Compensation Act of 1915 or any supplement and amendment thereto or revision thereof

Section 3 There is hereby created a fund to be known as "The Stock Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the workmen's compensation law for employments insured in insolvent stock companies Such fund shall be applicable to the payment of valid claims for compensation heretofore or hereafter

made pursuant to the workmen's compensation act and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent stock company Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by stock companies as herein defined all property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 4 Every stock company shall on or before the first day of September one thousand nine hundred and thirty-eight file with the Teasurer of the Commonwealth and with the Commissioner identical returns under oath on a form to be prescribed and furnished by the Commissioner stating the amount of net written premiums for the year's period ending June thirtieth one thousand nine hundred and thirty-eight on policies issued renewed or extended by such company to insure payment of compensation pursuant to the Workmen's Compensation Law For the purposes of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken and on policies cancelled Thereafter on or before the first day of September of each year each such company shall file similar identical returns stating the amount of such net written premiums for the year's period ending on the preceding June thirtieth on policies issued renewed or extended by such company

Section 5 For the privilege of carrying on the business of workmen's compensation insurance in this Commonwealth every stock company shall pay into the stock fund on the first day of September one thousand nine hundred and thirty-eight a sum equal to one per centum of its net written premiums as shown by the return hereinbefore prescribed for the period ending June thirtieth one thousand nine hundred and thirty-eight and thereafter each such stock company upon filing each annual return shall pay a sum equal to one per centum of its net written premiums for the period covered by such return When the aggregate amount of all such payments into the stock fund together with accumulated interest thereon less all its expenditures and known liabilities becomes equal for five per centum of the loss reserves of all stock companies for the payment of benefits under the Workmen's Compensation Act as of June thirtieth next preceding no further contributions to said fund shall be required to be made provided however that whenever thereafter the amount of said fund shall be reduced below five per centum of such loss reserves as of said date by reason of payments from and known liabilities of said stock fund or by reasons of an increase of the loss reserves of all stock companies then such contribution to said fund shall be resumed from such date as the Commissioner shall prescribe and shall continue until such fund over and above its known liabilities shall be equal to five per centum of such reserves

Section 6 There is hereby created a fund to be known as "The Mutual Carrier and Reciprocal Exchange Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the Workmen's Compensation Law for employments insured in insolvent mutual carriers or insolvent reciprocal exchanges Such fund shall be applicable to the payment of valid claims for compensation heretofore or hereafter made pursuant to law and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent mutual carrier or of an insolvent reciprocal exchange Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by mutual carriers and reciprocal exchanges as herein defined all property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 7 Every mutual carrier and reciprocal exchange shall on or before the first day of September one thousand nine hundred and thirty-eight file with the Treasurer of the Commonwealth and with the Commissioner identical returns under oath on a form to be prescribed and furnished by the Commissioner stating the amount of net written premiums for the year's period ending June thirtieth one thousand nine hundred and thirty-eight on policies issued renewed or extended by such carrier and such reciprocal exchange to insure payment of compensation pursuant to the Workmen's Compensation Law during said period For the purposes of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken and on policies cancelled Thereafter on or before the first day of September of each year each such carrier and each such reciprocal exchange shall file similar identical returns stating the amount of such net written premiums for the year's period ending on the preceding June thirtieth on such policies issued renewed or extended by such carrier and by such reciprocal exchange

The eighth section was read as follows:

Section 8 For the privilege of carrying on the business of workmen's compensation insurance in this Commonwealth every mutual carrier and reciprocal exchange shall pay into the mutual fund on the first day of September one thousand nine hundred and thirty-eight a sum equal to one per centum of its net written premiums as shown by the return hereinbefore prescribed for the period ending June thirtieth one thousand nine hundred and thirty-seven and thereafter each such mutual carrier and each such reciprocal exchange upon filing each annual return shall pay a sum equal to one per centum of its net written premiums as shown for the period covered by such return When the aggregate amount of all such payments into the mutual fund together witih accumulated interest thereon less all its expenditures and known liabilities becomes equal to five per centum of the loss reserves of all mutual carriers and reciprocal exchanges for the payment of benefits under the Workmen's Compensation Act as of June thirtieth next preceding no further contributions to said fund shall be required to be made provided however that whenever thereafter the amount of said fund shall be reduced below five per centum of such loss reserves as of said date by reason of payments from and known liabilities of said mutual fund or by reason of an increase of the loss reserves of all mutual carriers and reciprocal exchanges then such contributions to said fund shall be resumed from such date as the Commissioner shall prescribe and shall continue until such fund over and above its known liabilities shall be equal to five per centum of such reserves

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 8, page 7, line 14 by striking out the words "thirty-seven" and inserting in lieu thereof "thirty-eight."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth to the seventeenth sections and title were separately read and agreed to as follows:

Section 9 The Commissioner may adopt amend and enforce rules and regulations necessary for the proper administration of such funds In the event any carrier shall fail to file any return or make any payment required by this act or in case the Commissioner shall have cause

to believe that any return or other statement filed is false or inaccurate in any particular or that any payment made is incorrect he shall have full authority to examine all the books and records of the carrier for the purpose of ascertaining the facts and shall determine the correct amount to be paid and may proceed in any court of competent jurisdiction to recover for the benefit of the fund any sums shown to be due upon such examination and determination Any carrier which fails to make any statement as required by this act or to pay any contribution when due shall thereby forfeit to the fund entitled to its contribution a penalty of five per centum of the amount of unpaid contribution determined to be due as provided by this act plus one per centum of such amount for each month of delay or fraction thereof after the expiration of the first month of such delay The Commissioner shall revoke the certificate of authority to do business in this Commonwealth of any carrier which shall fail to comply with the provisions of this act or to pay any penalty imposed in accordance with this act

Section 10 Each fund created by this act shall be separate and apart from any other fund so created and from all other Commonwealth moneys The State Treasurer shall be the custodian of said funds and all disbursements from said funds shall be made by the State Treasurer upon vouchers signed by the Commissioner as hereinafter provided The moneys of said funds may be invested by the State Treasurer and Commissioner only in bonds and securities which are the direct obligations of or which are guaranteed as to principal and interest by the United States or of this Commonwealth The State Treasurer and Commissioner may sell any of the securities in which said funds are invested if advisable for their proper administration or in the best interest of such funds and all earnings from the investment of such funds shall be credited to such funds If a tany time any contributing stock or mutual carrier as herein defined shall upon due notice to the Insurance Commissioner cease to transact the business of workmen's compensation insurance the contributions of such carrier at the time such carrier ceases to transact the business of workmen's compensation insurance shall be refunded provided that all its outstanding liability on workmen's compensation insurance shall have terminated

Section 11 A valid claim for compensation or installments thereof heretofore or hereafter made pursuant to the Workmen's Compensation Law which has remained or shall remain due and unpaid for sixty days by reason of default after the effective date of this act by an insolvent carrier shall be paid from the proper fund in the manner provided in this act Any person in interest may file with the Commissioner an application for payment of compensation from the proper fund on a form to be prescribed and furnished by the Commissioner A certified copy of the award must accompany the application The Commissioner shall thereupon certify to the State Treasurer such award for payment according to the terms of the same whereupon payment shall be made by the State Treasurer on warrant of the Auditor General and on requisition of the Commissioner

The Commissioner shall be entitled to recover the sum of all liabilities of such insolvent carrier assumed by such stock or mutual fund from such carrier its receiver liquidator rehabilitator conservator or trustee in bankruptcy employer and all others liable under any of the terms of the Workmen's Compensation Law and may prosecute an action or other proceedings therefor All moneys recovered in any such action or proceedings shall forthwith be placed to the credit of the stock or mutual fund which has assumed such liability by the State Treasurer to reimburse the stock or mutual fund which has assumed such liability to the extent of the moneys so recovered and paid If and when all liabilities of all stock or of all mutual carriers for workmen's compensation losses in this Commonwealth shall have been full liquidated distribution shall be made to all contributing stock companies or to all contributing mutual carriers of the remaining balance of such funds in the proportion in which each carrier made contributions to its respective fund provided however that an insolvent carrier shall be entitled to share in the said distribution of its respective fund only to the extent that its distributive share of said fund is in excess of any losses paid out of said fund for its account by the Treasurer in accordance with the terms of this act

Section 12 After the effective date of this act upon any carrier becoming an insolvent stock company an insolvent mutual carrier or an insolvent reciprocal exchange as the case may be the Commissioner shall so notify the Workmen's Compensation Board which shall immediately advise the Commissioner (a) of all claims for compensation pending or thereafter made against every employer insured by such insolvent carrier or against such insolvent carrier (b) of all unpaid or continuing awards made upon claims for compensation prior to or after the date of such notice from the Commissioner and (c) of all appeals from or applications for modification recision or review of such awards

Section 13 The Commissioner or a representative committee of interested carriers which the Commissioner may from time to time appoint or both may investigate and defend before the Workmen's Compensation Board or any court any and all claims for compensation against an employer insured by an insolvent carrier or against an insolvent carrier and may prosecute any pending appeal from or may appeal from or make application for modification revision or review of any agreement award or decision against any such employer or carrier Until all such claims for compensation are closed and all awards are paid the Commissioner as administrator of the funds shall be a party in interest in respect to all such claims agreements and awards For the purposes of this section the Commissioner shall have exclusive power to select and employ such clerks and assistants as may be deemed necessary and to fix and determine their powers and duties

Section 14 The expenses of administering each fund shall be paid out of such fund The Commissioner shall serve as administrator of each fund without additional remuneration but may be allowed and paid from either of the funds expenses incurred in the performance of his duties in connection with each fund The compensation of persons employed by the Commissioner for the purposes of this act in connection with either of the funds shall be deemed administration expenses payable out of each such fund in the manner provided in section ten of this act The Commissioner shall include in his regular report to the Governor a statement of the expenses of administering each of such funds during the period covered by such report

Section 15 Other than the obligation to contribute to a fund as provided in this act no deposit bond or other security shall be required of any carrier as a condition to authorization to transact the business of workmen's compensation insurance in this Commonwealth

Contributions to the funds created by this act at the rates fixed by this act shall be allowed in full as expenses of the business of workmen's compensation insurance by the Commissioner in fixing and approving rates for such insurance

Section 16 If any part of this act be adjudged unconstitutional it shall not invalidate the remainder of the act All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 17 This act shall take effect on the first day of June one thousand nine hundred and thirty-seven

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2432, (Senate Bill No. 915), entitled:

An Act to amend the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (P. L. 1195) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" as amended providing for aid to counties holding agricultural exhibitions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2433, (Senate Bill No. 952), entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) as amended entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims of municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by and increasing the term for which sequestrators may lease sequestrated property

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2419, (Senate Bill No. 1220), entitled:

An Act to validate conveyances purporting to be the act and deed of a corporation heretofore erroneously executed and acknowledged or executed and acknowledged by persons purporting to be agents of or trustees for a corporation which has since been dissolved

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2463, (Senate Bill No. 815), entitled:

An Act relating to motor vehicles new and used creating a Motor Vehicle Dealers' Commission establishing its jurisdiction power and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties Regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the Commission to establish periodical prices for used motor vehicles either sold or traded in etsablishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicle dealers and salemen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission or its agents and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the Commission providing for appeals to the courts from decisions of the Commission imposing penalties and making appropriation

PREAMBLE

Whereas Unsafe unfair unjust destructive demoralizing and uneconomic trade practices have been and are now carried on in the sale and resale of motor vehicles new and used in this Commonwealth whereby the motor vehicle industry in the Commonwealth and the safety of motor vehicles on the highways and the safety of the inhabitants of the Commonwealth using the various highways are imperiled and

Whereas Such conditions constitute a danger to the health industry safety and welfare of the inhabitants of the Commonwealth and

Whereas It is necessary to protect the well being of the inhabitants of the Commonwealth to promote the public welfare and

Whereas The motor vehicle industry is one of the paramount industries upon which the prosperity of the Commonwealth to a large extent depends and is an industry affected by a public interest and

Whereas the present acute economic conditions being in part the consequence of a severe and increased disparity between the prices allowed and paid for used motor vehicles by different dealers has broken down the orderly sale trade-in and market of used motor vehicles has tended to lower wages lengthen working hours and encourages misrepresentation and has seriously impaired the assets supporting the motor vehicle industry and places the inhabitants particularly those in the small income brackets in the Commonwealth in jeopardy both as to safety of the vehicle and as to the value of the vehicle and

Whereas Legislation is necessary to remove unsafe motor vehicles from the highways prevent fraud and prevent padding of finance charge and insurance charges

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2446 (Senate Bill No. 1311), entitled:

An Act providing for the erection construction and equipment of buildings for a new State sanatorium or new buildings at existing sanatoria designating the manner of acquiring or setting aside of land for the erection and construction of such buildings by The General State Authority authorizing the Commonwealth to lease such new sanatorium or building or buildings and the

grounds connected therewith from The General State Authority upon their completion and the Department of Health to manage and operate the same and conferring powers and imposing duties upon certain State departments

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Health with the approval of the Governor may select for acquisition either by the Department of Property and Supplies in the name of the Commonwealth or by The General State Authority with funds of the authority a tract of land well supplied with water and capable of being sewered and drained for the erection and construction thereon by The General State Authority of an additional sanatorium for the treatment of persons afflicted with tuberculosis The title to the lands so acquired shall be approved by the Attorney General If it shall be found that the Commonwealth owns State forest lands or other lands suitable in whole or in part for such use such lands may be designated by the Department of Health with the approval of the Governor and the department board or commission of the Commonwealth having possession and control of the same and any additional lands necessary may be selected and acquired as aforesaid

On the question,

Will the House agree to the section,

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec 1, page 2, line 8, by inserting after the word "supplied" the following: "or capable of being supplied"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the fifth sections inclusive and preamble and title were separately read and agreed to as follows:

Section 2 The Department of Property and Supplies shall have authority to convey any land so acquired or selected or any lands now owned in connection with any State sanatorium to The General State Authority for the purpose of having such authority erect and construct thereon and equip buildings for a new sanatorium or a new building or buildings to any existing sanatorium The plans and specifications of any such sanatorium building or buildings whether erected on land acquired directly by The General State Authority or by conveyance to it from the Commonwealth shall be subject to the approval of the Department of Health and shall provide for suitable buildings and an adequate water supply system sewage treatment works heat and electric power plant or plants service lines and other necessary equipment structures and improvements The buildings shall be of modern design plain and substantial and capable of extension as the needs of the sanatorium may require

Section 3 The Department of Property and Supplies with the approval of the Governor is hereby authorized on behalf of the Commonwealth to enter into a lease for a term of not more than thirty (30) years with The General State Authority to acquire the use of the new sanatorium building or buildings so erected constructed and equipped and any lands or farms connected therewith for the purpose of operation and management In such case the management and operation of the sanatorium building or buildings and the care treatment and maintenance of patients therein shall be the function of the Department of Health subject to and in the manner provided in the Administrative Code of 1929 and its amendments the Department of Health shall have power to employ and fix the compensation of a director physicians mechanics nurses clerks stenographers and other employes as may be deemed necessary for the proper maintenance and management of the sanatorium and patients therein and the land connected therewith The compensation of all persons so appointed and all other expenses in connection with such care and maintenance of patients therein shall be paid from the appropriation made to the Department of Health for such purposes

Section 4 In the management and operation of the new sanatorium building or buildings the Department of Health shall have all the powers conferred and perform all the duties imposed by the laws of this Commonwealth on it in respect to the existing sanatoria for tubercular patients

Section 5 This act shall become effective immediately upon its final enactment

Whereas It is the desire of the Commonwealth of Pennsylvania that The General State Authority construct a new sanatorium or erect additional buildings to existing sanatoria and lease the same to the Commonwealth therefore

An Act providing for the erection construction and equipment of buildings for a new State sanatorium or new buildings at existing sanatoria designating the manner of acquiring or setting aside of land for the erection and construction of such buildings by The General State Authority authorizing the Commonwealth to lease such new sanatorium or building or buildings and the grounds connected therewith from The General State Authority upon their completion and the Department of Health to manage and operate the same and conferring powers and imposing duties upon certain State departments

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2440, (Senate Bill No. 1224), entitled:

An Act to amend article nine of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State department boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing that a domestic business corporation formed by merger of one or more domesic business corporations and one or more foreign business corporations shall be entitled to a credit on the bonus due the Commonwealth equal to the amount of the bonus paid under existing laws by the corporations so merging

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2298, (Senate Bill No. 1042), entitled:

An Act to amend section one thousand five hundred four of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provisions relating to advances out of appropriations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2195, (Senate Bill No. 853), entitled:

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2441, (Senate Bill No. 1226), entitled:

An Act authorizing the Joint Commission having jurisdiction over bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New York to sell and dispose of certain real and personal property to lease real estate and to license Public Utility Companies to occupy with their facilities parts of such bridges as are within the jurisdiction of the Commission and providing for the disposal of the proceeds thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2404, (Senate Bill No. 376), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Kutztown State Teachers College to acquire certain tracts of land for the use of said college and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2341, (Senate Bill No. 820), entitled:

An Act to further amend section one of the act, approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws, twenty-seven), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," by changing certain provisions as to transfer of structures and facilities of public service companies, providing for assertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2413, (Senate Bill No. 1113), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Edinboro State Teachers College to acquire certain tracts of land for the use of said college and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2398, (Senate Bill No. 1231), entitled:

An Act empowering the Department of Property and Supplies with the consent and approval of the Department of Military Affairs and the Governor, to lease or rent a part or parts of the Pennsylvania Military Reservation at Indiantown Gap, to the City of Harrisburg, for

the purpose of impounding water for a water supply and appropriating the moneys received therefrom to the Department of Military Affairs.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2393, (Senate Bill No. 986), entitled:

An Act to amend section one hundred fifty-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" extending the provisions to memorial tablets and works of art erected within buildings or on grounds.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 2369, (Senate Bill No. 514), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2366, (Senate Bill No. 166), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2331, (Senate Bill No. 32), entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2335, (Senate Bill No. 207), entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Engineering.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2381, (Senate Bill No. 83), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2383, (Senate Bill No. 561), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2382, (Senate Bill No. 127), entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2314, (Senate Bill No. 885), entitled:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training re-training instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 786, (Senate Bill No. 147), entitled:

An Act making an appropriation to the Department of Agriculture to compensate land owners for cedar trees destroyed to prevent damage to apple orchards by cedar apple rust.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2277, (Senate Bill No. 430), entitled:

An Act making an appropriation to the Department of Health for the prevention of blindness in infants.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2421, (Senate Bill No. 1225), entitled:

An Act making an appropriation out of The State Stores Fund to the Department of Property and Supplies for the acquisition of land (with or without buildings thereon) and for the erection construction and equipment of an office building thereon for the use of the Pennsylvania Liquor Control Board..

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2388, (Senate Bill No. 860), entitled:

An Act supplementing the act of July twenty-second one thousand nine hundred and thirty-six (P. L. 70) and authorizing the Governor directly or through such agency as he may designate to provide plan prepare supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing the Signing the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39 and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2337, (Senate Bill No. 406), entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Local Government Commission created by the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws 244) entitled "An act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation" for the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven to continue the work of said commission and for the payment of the expenses of the members of said commission for the compensation and expenses of the secretary and other appointees of the commission for printing for postage supplies telephone telegraph and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of said act

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec 1, page 1, line 5, by inserting after the figures "($5,000)" the following "together with the unexpired balance of the moneys appropriated for the two fiscal years ending May thirty-first, one thousand nine hundred and thirty-seven"

Amend sec. 1, page 1, line 6, by striking out the following: "is" and inserting in lieu thereof: "are"

Amend sec. 1, page 1, line 7, by inserting after the word "appropriated" the following: "and re-appropriated"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to the Local Government Commission to continue its work

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading .

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 2455, (Senate Bill No. 879), entitled:

An Act making an appropriation to the Department

of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thirty-seven million one hundred fifty thousand dollars ($137,150,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund in the State Treasury to the Department of Public Assistance in the amounts hereinafter specified to provide assistance and for local administration expenses in the manner provided in the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses incident thereto accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven

Dependent Children
Aged Persons
Blind Person
Other Indigent Persons

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, lines 4 and 5 by striking out the words "in the amounts hereinafter specified"

Amend sec. 1 page 2, line 12, by striking out the words "Dependent Children"

Amend sec. 1, page 2, line 13, by striking out the words "Aged Persons"

Amend sec. 1, page 2, line 14, by striking out the words "Blind Person"

Amend sec. 1, page 2, line 15, by striking out the words "Other Indigent Persons"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 From time to time the Governor may and is hereby empowered to transfer from one allocation to any other allocation specified in section one such sums as may be needed

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 2, by striking out all of lines 18, 19, 20 and 21

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended

It was agreed to.

The third section was read as follows:

Section 3 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate from time to time among the County Boards of Assistance the Boards of Trustees of the Mothers' Assistance Fund and the Boards of Trustees of Pension Fund for the Blind on the basis of need funds with which to provide assistance and administer expenses in the manner provided in the Public Assistance Law including the administration expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing said appropriation Allocations so made to a County Board of Assistance or a Board of Trustees of the Mothers' Assistance Fund or a Board of Trustees of Pensions Fund for the Blind by the Department of Public Assistance shall be available for expenditure in that county for assistance and for administrative expenses in the manner provided by law

The Governor with the approval of the Auditor General and State Treasury shall from time to time allocate to the Department of the Auditor General and the Treasury Department from the appropriations made by this act such sums as may be deemed necessary to pay the administration expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing said appropriation

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 3, page 2, line 22, by striking out the figure "3" and inserting in lieu thereof "2"

Amend sec. 3, page 2, lines 24, 25, and 27, by striking out the words "the County Boards of Assistance, the Boards of Trustees of the Mothers' Assistance Fund and the Boards of Trustees of Pension Fund for the Blind on the basis of need" and inserting in lieu thereof "such agencies in the various counties as are designated in the Public Assistance Law"

Amend sec. 3, page 3, lines 7, 8, 9 and 10 by striking out the words "a County Board of Assistance or a Board of Trustees of the Mothers Assistance Fund or a Board of Trustees of Pension Fund for the Blind" and inserting in lieu thereof "such agency in a county"

Amend sec. 3, page 3, line 20, by inserting after the word "appropriation" the following: "Provided, however, That pending the completion of arrangements by the Treasury Department for the disbursing of the appropriations made by this act, or by any other act making appropriations for like purposes, the Department of Public Assistance may make disbursements of any of said appropriations under such system of requisitioning and accounting as formerly applied to the State Emergency Relief Board and for such purposes may employ unused checks prepared for the use of the State Emergency Relief Board.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 This act shall become effective on the first day of June one thousand nine hundred thirty-seve

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 4, page 3, line 21, by striking out the figure "4" and inserting in lieu thereof "3."

Amend sec. 4, page 3, line 22, by striking out the word "June" and inserting in lieu thereof "July."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2165, (Senate Bill No. 516), entitled:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the purpose of purchasing and distributing vitamin products among children suffering from malnutrition as may be provided by law and for administration expenses in connection therewith The Department of Property and Supplies shall have power also to draw its requisition on the appropriation made by this act for the purpose of paying for all vitamin products purchased by it as purchasing agent of the Department of Health and for the payment of incidental expenses incurred in advertising for bids and letting contracts for such purchases

Any moneys appropriated by this act shall be deemed available for the purpose of securing for the Commonwealth the benefit of any funds made available by the Federal Government for any of the purposes provided by this act

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 1, line 4 by striking out the word "One hundred" and inserting in lieu thereof the following: "twenty-five."

Amend section 1, page 1, line 4 by striking out the figure "($100,000)" and inserting in lieu thereof the following: "($25,000)."

On the question,

Will the House agree to the amendments?

QUESTION OF INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of inquiry.

The SPEAKER. The gentleman will state his question of inquiry.

Mr. TURNER. Mr. Speaker, are those the only amendments offered?

The SPEAKER. Just one set of amendments has been offered.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Dr. Sarraf.

The SPEAKER. Will the gentleman from Allegheny Dr. Sarraf, permit himself to be interrogated?

Mr. SARRAF. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does the gentleman from Allegheny know the bill that we are on at the present time is Senate Bill No. 516 at the bottom of page 23?

Mr. SARRAF. Yes, I do, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask the gentleman whether this bill has been amended in accordance with the agreement with me?

Mr. SARRAF. Mr. Speaker, this is not the bill that Mr. Turner has spoken about to me. The bill that he spoke about is still in our committee. This is an appropriation bill and is not the bill that he has spoken to me about.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2336, (Senate Bill No. 387), entitled:

A Further supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That in order to carry into effect the act of Congress approved July second one thousand eight hundred and sixty-two granting public land to the several states for educational purposes and subsequent acts of Congress related thereto and the act of the Legislature of Pennsylvania approved April first one thousand eight hundred and sixty-three and subsequent acts of the Legislature of Pennsylvania accepting the provisions and conditions of said acts of Congress and pledging the faith of the State to carry the same into effect the sum of four million four hundred and fifty-eight thousand dollars ($4,458,000) is hereby specifically apropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-seven to the Trustees of the Pennsylvania State College for the following purposes

For the general maintenance of instruction research and extension in the School of Agricuture the School of Engineering the School of the Liberal Arts the School of Mineral Industries the School of Chemistry and Physics the School of Education the Graduate School the School of Physical Education and Athletics for the General maintenance of other schools departments offices and services including repairs and improvements to the grounds and buildings service of light heat power water and sewage disposal salaries and wages materials supplies equipment books and periodicals insurance and interest and such other expenditures as the trustees may deem necessary and practicable including any payments becoming due under a cooperative agreement between the Commonwealth and the trustees for the joint use of the facilities of the Pennsylvania State Forest School at Mont Alto

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 6 by striking out the word "four" and inserting in lieu thereof the following: "two"

Amend section 1, page 2, line 7 by striking out the word "fifty-eight" and inserting in lieu thereof the following: "fifty"

Amend section 1, page 2, line 7 by sttriking out the figure "($4,458,000)" and inserting in lieu thereof the following: "($4,250,000)"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

A Further supplement of the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2410, (Senate Bill No. 881), entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2476, (Senate Bill No. 1298), entitled:

An Act to amend sections one and two of the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws 126) entitled "An act making an appropriation to the Department of Property and Supplies for increasing the capacity of overcrowded State institutions eliminating fire and other hazards to safety at State institutions providing for the purchase of safety and other equipment the erection and construction of new buildings and repairs alterations and additions to and replacement of existing buildings and equipment" authorizing the use of said appropriation to remove hazards to health

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2409, (Senate Bill No. 880), entitled:

An Act appropriating to the Department of Public Assistance for public assistance all restitutions and overpayments collected by or for such department

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all restitutions and overpayments of moneys paid out for assistance under the provisions of the Public Assistance Law and collected by or for the Department of Public Assistance shall be deposited in the General Fund and be credited to the current appropriation to such department for public assistance and shall be available and are hereby appropriated to the department for the same purposes for which such current appropriation is available

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 1, line 7 by inserting after the word "shall" and before the word "be" the following: "(except any portion thereof required by law to be returned to the Federal government)"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

An Act appropriating to the Department of Public Assistance for public assistance all restitutions and overpayments collected by or for such department

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2438, (Senate Bill No. 1048), entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2492, (Senate Bill No. 1299), entitled:

An Act making an appropriation to the Department of Property and Supplies for sewer purpose in connection with the East Stroudsburg State Teachers' College

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2482, (Senate Bill No. 556), entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2467, (Senate Bill No. 1144), entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having [illegible] of the powers of companies entitled to the benefits [illegible]n act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies by providing that certain companies shall not be subject to the tax

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1393, as follows:

An Act to protect the public health and welfare by regulating the employment of persons in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Department of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof

Section 1 Definitions Establishment Person Week Day
Section 2 Inclusion of Plural and All Genders
Section 3 Hours of Labor
Section 4 Night Work Prohibition Persons under Twenty-one
Section 5 Mid-Day Meal Periods
Section 6 Intervals Between Work Periods
Section 7 Seats
Section 8 Wash and Dressing-Rooms Water-Closets
Section 9 Lunch Rooms in Certain Establishments
Section 10 Exhaust-Fans in Certain Establishments
Section 11 Drinking-Water
Section 12 Enforcement Posting Abstract of This Act and Schedule of Hours of Labor Preparation and Distribution of Abstracts and Forms of Schedule
Section 13 Enforcement Proof of Age of Certain Persons
Section 14 Enforcement Hindering or Delaying Factory Inspectors
Section 15 Enforcement By the Factory Inspectors
Section 16 Prosecution Procedure Appeals
Section 17 Penalties First and Second Offenses Continued Violations Exemptions of Persons from Punishment under Certain Circumstances
Section 18 Disposition of Fines
Section 19 Construction of the Act not to Affect Industrial Training or Other Education Unconstitutionality of a Part of the Act
Section 20 Acts Repealed
Section 21 Date of Operation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable Provided That this act shall not apply to work in private homes and farming

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation and municipality

The term "week" when used in this act shall mean any seven consecutive days and the term "day" shall mean any twenty-four consecutive hours

Section 2 Whenever in this act the singular is used the plural shall be included and whenever the masculine gender is used the feminine and neuter shall be included

Section 3 (a) Except as hereinafter provided no person shall be employed or permitted to work in or in connection with any establishment for more than five days in any one week or more than thirty-five hours in any one week or more than seven hours in any one day

Provided that during weeks in which a legal holiday occurs and is observed by an establishment any person may be employed by such establishment during three days of such week for a longer period of time than is allowed by this act but no person shall be permitted to work more than two hours overtime during any one of such three days nor more than the maximum hours per week specified in this act

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost in the same week in consequence of the alteration repairs or accidents to machinery or plant upon which he or she was employed and dependent for employment but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment nor shall such overtime employment be legal unless a written report of the same is sent to the Commissioner of Labor and Industry but no person shall be permitted to work more than two hours overtime during any one day nor more than the maximum numberof hours per week specified in this act

(b) Whenever any person shall be employed or permitted to work in or in connection with more than one establishment in any one week or in any one day the aggregate number of hours during which he or she shall be employed or permitted to work in or in connection with such establishment shall not exceed the number of hours prescribed in this section for such persons in any one week or any one day

(c) Nothing in this section or any other provision of this act shall apply to the employment of females in agricultural field occupation or in domestic service in private homes nor shall any provision of this act which relates to the regulation of hours of employment apply to the work of nurses in hospitals or to the work of females over twenty-one years of age earning at least thirty-five dollars a week in bona fide executive positions learned professions or as court stenographers

Section 4 No person under twenty-one years of age shall be employed or permitted to work in or in connection with any establishment before the hour of eight o'clock in the morning or after the hour of twelve o'clock in the evening of any day

Section 5 Not less than forty-five minutes shall be allowed to every person employed or permitted to work in or in connection with any establishment for the mid-day meal which period shall not be considered a part of the hours of labor Employes shall not be required to remain in the work-rooms during the time allowed for meals

Section 6 No person shall be employed or permitted to work for more than five hours continuously in or in connection with any establishment without an interval of at least forty-five minutes and no period of less than forty-five minutes shall be deemed to interrupt a continuous period of work

Employes shall not be required to remain in the work-roms during the rest periods required by this section

Section 7 Every person employing or permitting persons to work in any establishment shall provide suitable seats for their use in the rooms where they shall work and shall maintain and keep them there and shall permit the reasonable use thereof by such presons At least one seat shall be provided for every three persons employed or permitted to work and all seats shall during work-hours be conveniently accessible to the workers for whose use they shall be provided

Section 8 Every person employing or permitting persons to work in any establishment shall provide suitable wash and dressing-rooms and water-closets or privies for their use so located as to be accessible to all such persons In any establishment in which males and females shall be employed or permitted to work separate wash and dressing-rooms and water closets or privies shall be provided for each sex and such wash and dressing-rooms and water-closets or privies for each sex shall be entirely separate from those provided for the other sex The water-closets or privies provided for females shall be in the ratio of one for every ten females employed or permitted to work All water-closets or privies shall be properly lighted and shall be separated from the rooms in which employes shall be permitted to work by partitions extending from floor to ceiling and the compartments containing such water-closets or privies shall have sufficient direct outside ventilation by window or other means The entrances to the water-closets or privies shall be screened from the rooms in which employes work and from the entrances to the water-closets or privies provided for the other sex by screens or partitions at least six feet high All water-closets or privies shall at all times be kept clean sanitary and free from all obscene writing or marking

Section 9 Any person employing or permitting any person to work in any establishment where white lead arsenic or other poisonous substances or injurious fumes dust or gases shall be present shall provide and maintain a suitable room free from the aforesaid substances fumes dust and gases for the use of said employes and no such person shall during the time allowed for meals permit any such employe to remain in any room where the aforesaid substances fumes dust and gases shall be present

Section 10 Any person who shall employ or permit anv person to work in any establishment in which poisonous or injurious dust fumes or gases shall be created by the machinery or material in process of manufacture shall provide proper hoods and pipes connected with exhaust-fans of sufficient capacity to remove such dust fumes or gases at their point of origin and prevent them from mingling with the air in the room and such fans shall be kept running constantly while such dust fumes or gasses shall be generated

Section 11 Any person employing any person in any establishment shall make reasonable efforts to at all times provide a sufficient supply of clean and pure drinking water Such water shall be supplied through proper pipe connections with water-mains which furnish water for domestic purposes or from a spring or well or body of pure water If drinking water be placed in receptacles in the establishment such receptacles shall be properly covered to prevent contamination and shall at all times be kept thoroughly clean Provided That no employer in any establishment shall collect from any employe any money for ice furnished in his establishment for drinking purposes for the use of the employes

Section 12 (a) Every person employing or permitting any person to work in any establishment shall keep posted in a conspicuous place in the room where such person shall be employed or permitted to work a printed abstract of the provisions of this act and a schedule of the hours of labor of such person Provided That when any person shall be employed or permitted to work in more than one room in any establishment the aforesiad

abstract and schedule shall be required in only one of the said rooms If any person shall be employed or permitted to work in connection with any establishment but not in such establishment the aforesaid abstract and schedule shall be kept posted in a conspicuous place in the office of such establishment

(b) The schedule of hours of labor herein required shall contain the maximum number of hours each person shall be required or permitted to work on each day of the week with the total for the week the hours of commensing and stopping work and the hours when the time allowed for meals shall begin and end for each day of the week such person may begin work after the time for beginning and stop before the time for ending work stated in such schedule but shall not otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule Said schedule of hours shall not be changed after the beginning of work on the first day of any week without the consent of the Department of Labor and Industry The presence of any employe at the establishment at any other hours than those stated in the schedule applying to such employe shall constitute prima facie evidence of violation of this act In any establishment wherein owing to the character of the work it is difficult to fix the hours of employment weekly in advance the Department of Labor and Industry on application accompanied by evidence which satisfies said department of the necessity thereof may grant a permit dispensing with the schedule as required in this section Provided That any person to whom such permit is granted shall post such information relating to hours required of employes as the Department of Labor and Industry may require

The Department of Labor and Industry shall prepare the abstract of the provisiohs of this act and a form for the schedule of hours of labor required by this section Copies of such abstract and such form shall be printed in accordance with the laws of this Commonwealth regulating printing and publishing under the supervision of the Superintendent of Public Printing the Binding and the Department of Labor and Industry shall supply the same under application to all persons required to post the abstract and schedule aforesaid Said schedule shall remain the property of the Department of Labor and Industry

(c) Every person employing or permitting any person to work in or in connection with any establishment shall keep current records which shall state the name address and occupation of each person employed or permitted to work in or in connection with such establishment the number of hours worked by him or her on each day of the week the hours of beginning and ending such work the hours of beginning and ending meal or rest periods and the amount of wages paid each pay period to each such person Such records shall be kept on file for at least one year after entry Any duly authorized representative of the Department of Labor and Industry for the purpose of examination have access to and the right to copy from such records Any person who fails to keep such records or knowingly makes any false statement therein or refuses to make such records accessible upon request of any duly authorized representative of the Department of Labor and Industry shall be deemed to have violated this section

Section 13 Whenever any person shall be employed or permitted to work in or in connection with any establishment before the hour of eight o'clock in the morning or after the hour of twelve o'clock in the evening of any day who in the judgment of the Commissioner of Labor and Industry or his deputy is under twenty-one years of age such officer may demand from any person employing or permitting any such person to work in or in connection with his establishment that such person shall either furnish to such officer within ten days satisfactory evidence such as shall be required by law for the issuing of employment certificates to minors that such person is in fact twenty-one years of age or over or shall cease to employ or permit such person to work in or in connection with such establishment before or after the hours above named In case such employer shall fail to furnish to said officer within ten days after making such written demand the required evidence of age and shall thereafter continue to employ such person or permit him or her to work in or in connection with such establishment before or after the hours aforesaid proof of the making of such demand and of failure to produce the evidence required shall be prima facie evidence of the illegal employment of such person in any prosecution brought therefor

Section 14 No person shall hinder or delay the Department of Labor and Industry or any of his deputies in the performance of his duties in the enforcement of this act or refuse to admit or lock out any inspector from any place while persons are employed therein and which said inspector shall be authorized to inspect or refuse to give any inspectors information required for the proper enforcement of this act

Section 15 It shall be the duty of the Department of Labor and Industry and his deputies to enforce all the provisions of this act They shall visit and inspect establishments and shall have power at any reasonable time to visit and inspect any establishment in or in connection with which any person shall be employed or permitted to work They shall investigate all complaints of violations of this act received by them and shall institute prosecutions for violations of the provisions thereof

Section 16 All prosecutions for violations of this act shall be instituted by the Department of Labor and Industry before a magistrate alderman or justice of the peace who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five or more than eight days and shall be in the form of summary proceedings Upon conviction after hearing the penalties provided in this act shall be imposed and shall be final unless an appeal be taken to the court of proper jurisdiction within twenty days after the imposition of the penalties aforesaid in the manner already provided by law in appeals from penalties

Section 17 Any person who whether by himself or for another or through an agent servant or foreman shall violate any provisions of this act shall be subject to the following penalties

Upon conviction for violation of any provision of sections three four five six or seven of this act he shall be punished for a first offense by a fine of not less than ten dollars ($10) and costs or more than fifty dollars ($50) and costs and upon non-payment thereof be imprisoned in the county jail for not more than ten days for a second or subsequent offense by a fine of not less than twenty-five dollars ($25) and costs or more than two hundred dollars ($200) and costs and upon non-payment thereof by imprisonment in the county jail for not more than sixty days and whenever any person shall have been notified by the Department of Labor and Industry or by the service of a summons in a prosecution that he is violating such provision he shall be punished by like penalties in addition for each and every day that such violation shall have continued after such notification

Upon conviction for a violation of any of the provisions of sections eight nine ten eleven twelve thirteen fourteen or fifteen of this act the punishment shall be without regard to the number of persons employed for a first offense not less than twenty-five dollars ($25) and costs or more than fifty dollars ($50) and costs and upon non-payment thereof imprisonment in the county jail for not more than twenty days for a second or subsequent offense a fine of not less than fifty dollars ($50) and costs or more than two hundred dollars ($200) and costs and upon non-payment thereof imprisonment in the county jail for not more than sixty days and whenever any person shall have been notified by the Department of Labor and Industry that he is violating such provisions and shall have been given a reasonable time in which to remedy the condition which shall constitute such violation he shall be punished in addition to the penalties aforesaid by like penalties for each and every day that such violation shall have continued after the expiration of the time allowed by the

Department of Labor and Industry for remedying the aforesaid condition Provided

First That any person who shall demand evidence such as shall be required by law for the issuing of employment certificates to minors that any applicant for employment or permission to work in or in connection with his establishment is twenty-one years of age and shall receive the same before employing or permitting such applicant to work and who shall have kept the same on file and in the case of such applicant shall have complied with all the requirements of this act applying to a person of the age state in such evidence of age shall not be liable to punishment for the violation of section four of this act though it shall subsequently appear that such applicant was in fact less than twenty-one years of age Provided That this provision shall not apply to any person who shall demand and receive the evidence herein provided for if he knows at the time of receiving such evidence that the applicant is in fact less than twenty-one years of age nor shall this provision prevent the punishment of any person for violating section four of this act after knowledge of th true age of the person employed

Second That whenever a violation of any provisions of this act shall also be a violation of another provision or other provisions of this act penalties may be imposed for the violation of each and every such provision

Third That under no circumstances shall any person be sentenced to imprisonment for more than one year for any one violation of this act

Fourth That whenever a violation of any of the provisions of this act shall also be a violation of the laws of this Commonwealth regulating the hours of labor and conditions of employment of minors penalties shall be imposed under only one of such acts

Section 18 All fines imposed and collected for any violation of this act shall be forwarded to the Department of Labor and Industry who shall pay the same into the office of the State Treasurer for the use of the Commonwealth

Section 19 Nothing in this act shall be construed to prevent persons of any age from receiving industrial training or other education in or in connection with any school or educational institution in this Commonwealth

Each section of this act and every part thereof is hereby declared to be an independent section or part of a section and if any section subsection sentence clause or phrase of this act shall for any reason be held unconstitutional the validity of the remaining phrases clauses sentences subsections and sections of this act shall not be affected thereby

Section 20 The following acts or parts of acts are hereby repealed

The act entitled "An act for the preservation of the health of female employes in manufacturing mechanical and mercantile establishments" approved the twenty-second day of March Anno Domini eighteen hundred and eighty-seven (Pamphlet Laws 87)

Section ten of the act entitled "An act to regulate the employment and provide for the safety of women and children in manufacturing establishments mercantile industries laundry or renovating establishments and to provide for the appointment of inspectors to enforce the same and other acts providing for the safety or regulating the employment of said persons" approved the third day of June Anno Domini eighteen hundred and ninety-three (Pamphlet Laws 276)

Sections four and eight of the act entitled "An act to regulate the employment and provide for the health and safety of men women and children in manufacturing establishments mercantile industries laundries renovating works or printing offices and to provide for the appointment of inspectors office clerks and others to enforce the same" approved the twenty-ninth day of April Anno Domini eighteen hundred and ninety-seven (Pamphlet Laws 30)

Sections six and ten of the act entitled "An act to regulate the employment and provide for the health and safety of men women and children in manufacturing establishments mercantile industries laundries renovating works or printing offices and provide for the safety of men women and children in hotels school buildings seminaries colleges academies hospitals storehouses public halls and places of amusement by requiring proper fire-escapes and to provide for the appointment of inspectors office clerks and others to enforce the same" approved the twenty-ninth day of May Anno Domini nineteen hundred and one (Pamphlet Laws 322)

Sections three seven and eight of this act entitled "An act to regulate the employment in all kinds of industrial establishments of women and children employed at wages or salary by regulating the age at which minors can be employed and the mode of certifying the same and by fixing the hours of labor for women and minors to provide for the safety of all employes in industrial establishments and of men women and children in schoolhouses academies seminaries colleges hotels hospitals storehouses office buildings public hall and places of amusement in which proper fire-escapes exits and extinguishers are required to provide for the health of all employes and of men women and children in all such establishments storehouses and buildings by proper sanitary appliances and to provide for the appointment of inspectors office clerks and others who with the Chief Factory Inspector shall constitute the Department of Factory Inspection to enforce the same and providing penalties for violation of the provisions thereof fixing the term and salaries of the Chief Factory Inspector and his appointees" approved the second day of May Anno Domini nineteen hundred and five (Pamphlet Laws 352)

The act entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" approved the twenty-fifth day of July Anno Domini nineteen hundred and thirteen (Pamphlet Laws 1024) and the amendments thereto.

The following acts or parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act

Section two of this act entitled "An act for the relief of the heirs of James Caldwell deceased and relative to the hours of labor in manufacturing establishments" approved the twenty-first day of April Anno Domini one thousand eight hundred and forty-nine (Pamphlet Laws 672)

Sections one and two of the act entitled "An act to limit the hours of labor constituting a day's work in this State to eight hours" approved the fourteenth day of April Anno Domini one thousand eight hundred and sixty-eight (Pamphlet Laws 99)

Section eleven of the act entitled "An act to regulate the employment and provide for the safety of women and children in manufacturing establishments mercantile industries laundry or renovating establishments and to provide for the appointment of inspectors to enforce the same and other acts providing for the safety or regulating the employment of said persons" approved the third day of June Anno Domini one thousand eight hundred and ninety-three (Pamphlet Laws 276)

Sections one and nine of the act entitled "An act to regulate the employment and provide for the health and safety of men women and children in manufacturing establishments mercantile industries laundries renovavting wroks or printing offices and to provide for the appointment of inspectors office clerks and others to enforce the same" approved the twenty-ninth day of April Anno Domini one thousand eight hundred and ninety-seven (Pamphlet Laws 30)

Sections one and eleven of the act entitled "An act

to regulate the employment and provide for the health and safety of men women and children in manufacturing establishments mercantile industries laundries renovating works or printing offices nad provide for the safety of men women and children in hotels school buildings seminaries colleges academies hospitals storehouses public halls and places of amusement by requiring proper fire-escapes and to provide for the appointment of inspectors office clerks and others to enforce the same" approved the twenty-ninth day of May Anno Domini nineteen hundred and one (Pamphlet Laws 322)

The act entitled "An act prohibiting athletic exhibitions of longer duration than twelve hours in each calendar day" approved the eleventh day of April Anno Domini nineteen hundred and three (Pamphlet Laws 166)

Sections nine and ten of the act entitled "An act to regulate the employment in all kinds of industrial establishments of women and children employed at wages or salary by regulating the age at which minors can be employed and the mode of certifying the same and by fixing the hours of labor for women and minors to provide for the safety of all employes in all industrial establishments and of men women and children in school houses academies seminaries colleges hotels hospitals storehouses office buildings public halls and places of amusement in which proper fire-escapes exists and extinguishers are required to provide for the health of all employes and of men women and children in all such establishments storehouses and buildings by proper sanitary appliances and to provide for the appointment of inspectors office clerks and others who with the Chief Factory Inspector shall constitute the Department of Factory Inspection to enforce the same and providing penalties for violations of the provisions thereof fixing the term and salaries of the Chief Factory Inspector and his appointees" approved the second day of May Anno Domini nineteen hundred and five (Pamphlet Laws 352)

Section five of the act entitled "An act to provide for health and safety of minors in certain employments by regulating the ages at which said minors may be employed their hours of employment their protection against injury and to prescribe rules for the obtaining of employment certificates and providing penalties for violation of the provisions thereof" approved the twenty-ninth day of April Anno Domini nineteen hundred and nine (Pamphlet Laws 283)

And all other acts or parts of acts not herein particularly specified which are inconsistent with the provisions of this act

Section 21 Except as herein otherwise provided this act shall take effect on the first day of November Anno Domini nineteen hundred nad thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. HABERLEN asked and obtained permission for the Committee on Repeal Bills to meet during the session of the House.

Mr. CHERVENAK asked and obtained permission for the Committee on Constitutional Amendments to meet during the session of the House.

QUESTION OF INQUIRY

Mr. ACHTERMAN. Mr. Speaker, I rise to a question of inquiry.

The SPEAKER. The gentleman will state his question of inquiry.

Mr. ACHTERMAN. Mr. Speaker, on page 1, bills on first reading, has Senate Bill No. 783 passed first reading?

The SPEAKER. The first reading bills are not on file.

Mr. ACHTERMAN. Mr. Speaker, I ask permission of the House to have a meeting of the Committee on State Government in Room 521 immediately.

Mr. TURNER. Mr. Speaker, do I understand that we are going on to the third reading calendar?

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, there is a bill to be considered I presume, by the gentleman from Monroe in Committee on State Government, on which I have an amendment to offer. I can't see how I can leave my desk, and I have not found any way to be two places at one time.

The SPEAKER. Can the gentleman from Monroe state the approximate time which will be required for this meeting of the committee?

Mr. ACHTERMAN. Mr. Speaker, I assume it will take from twenty-five to thirty minutes, possibly somewhat longer.

The SPEAKER. Will the House grant permission to the Committee on State Government to hold a meeting immediately? The Chair hears no objection, and the Committee is granted permission.

SPECIAL ORDERS OF THIRD READING RESUMED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that we now resume the special orders on third reading and final passage.

The motion was agreed to.

SPECIAL ORDER BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2349, (Senate Bill No. 1076), entitled:

An Act to amend section one as amended, and sections two and three of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (P. L. 129), entitled "An act to empower boroughs and cities to establish a police pension fund; to take property in trust therefor; and regulating and providing for the regulation of the same." requiring cities to make certain appropriations to the police retirement fund; increasing the maximum payments by members; and generally clarifying the provisions of said act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,

Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Chervenak,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2299, (Senate Bill No. 1046), entitled:

An Act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.,		

NAYS—51

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	VanAllsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2360, (Senate Bill No. 1167), entitled:

An Act to define and restrict the obligation of persons engaged on connected with or employed by certain newspapers or press associations in testifying as to the source of information procured or abtained by such persons

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,

Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2275, (Senate Bill No. 415), entitled:

An Act providing for the examination and certification of and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines imposing duties upon the Secretary of Mines and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2358, (Senate Bill No. 1158), entitled:

An Act providing a method of annexation of townships of the first class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,

Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2276, (Senate Bill No. 416), entitled:

An Act providing for the examination and certification of and regulating the employment of mine electricians in bituminous coal mines imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kitroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2344, (Senate Bill No. 998), entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring or refunding of indebtedness the issuing of bonds by school districts and the retiring of indebtedness making payroll obligations preferential claims against the district providing for penalties for failure to comply with any part of the act and repealing provisions of State laws inconsistent with this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McFall,	Simon,
Alexander,	Flinchbaugh,	McGee,	Skale,
Allen,	Ganser,	McKinney,	Sloan,
Allmond,	Gerard,	McShane,	Smith, James A.,
Arnold,	Gillette,	Melchiorre,	Smith, John A.,
Atkins,	Gorski,	Mellott,	Snyder,
Aukerman,	Habbyshaw,	Mihm,	Sollenberger,
Baine,	Haberlen,	Moomaw,	Spengler,
Baker, F. T.,	Hagerty,	Mooney,	Sproul,
Baker, J. J.,	Hall,	Moran,	Stackpole,
Balthaser,	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boles,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hetrick,	Ominsky,	Toole,
Bradley,	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,

Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch	McDevitt,	Shugarts,	Furman,
Flanagan,	McElroy,	Siegel,	

NAYS—2

Chervenak,	O'Connor,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2099, entitled:

An Act to further amend sections two hundred forty-six two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth and seventh classes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom	Patterson, J. W	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.	Kelso,	Readinger,	Wampole,
Cohen, R. E.	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1962, entitled:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the republication of certain surveys and studies in order to make the same available to the citizens of the State

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson
Bradley,	Hindman,	Ominsky,	Toole,
Brancato	Hirsch,	O'Neill,	Tronzo,
Brigerman	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,

Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dvson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shea,	Yanoshat,
Falkenstein,	McCullough,	Shaw,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for thirty minutes.

Are there objections? The Chair hears none and declares a recess for thirty minutes.

AFTER RECESS

The SPEAKER (Roy E. Furman) in the Chair.

The time of recess having expired the House was called to order.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 930. (HOUSE BILL No. 2507.)

An Act to repeal the laws relating to the Lancaster County Prison and relating to the election of a board of inspectors to manage said prison.

Referred to the Committee on Counties.

SENATE BILL No. 1370. (HOUSE BILL No. 2508.)

A Joint Resolution proposing an amendment to section one Article eighteen of the Constitution of the Commonwealth of Pennsylvania

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 943. (HOUSE BILL No. 2509).

An Act authorizing and empowering any city county school district or other municipality which shall have acquired a limited title to real estate for municipal purposes to secure a title in fee simple to any such real estate and providing and regulating the procedure in such cases.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1088. (HOUSE BILL No. 2510.)

An Act to repeal Article XIX as amended and section six of Article XXII of the act approved the twenty-fifth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth."

Referred to the Committee on Cities.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 228

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on House Bill No. 228, Printer's No. 1160.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 228, entitled: "An Act imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth, a store or stores, theatre or theatres as herein defined; prescribing the method and manner of collecting such tax, and its disposition, including an appropriation for the purpose of administering this act, and providing penalties," respectfully submit the following bill as our report:

J. ALBERT REED.
WELDON B. HEYBURN,
C. GILBERT WOLFENDEN,
Committee on the part of the Senate

JAMES W. PATTERSON,
E. J. COLEMAN,
THOS. WEIDEMANN,
Committee on the part of the House of Representatives

Act imposing an annual license tax for the privilege of of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including appropriations for the purpose of administering this act and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and its is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as the "Store and Theatre Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Person" Every natural person association corporation receiver or assignee

"Store" any place of business or any mercantile establishment in which or from which tangible personal property of any kind is sold Provided however That the term "store" as and when used in this act shall not include places of business commonly known as news-stands and warehouses or establishments at which the sole business conducted is that of selling storing or distributing commodities in bulk

"Theatre" any building or place for the production of theatrical entertainment including opera drama comedy vaudeville motion pictures or other shows or a combination thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 License It shall be unlawful for any person to open establish operate maintain or control any store or theatre in this Commonwealth without first having obtained and having in possession a valid license so to do from the department as hereinafter provided but each person engaged in the operation maintenance or control of such a store or theatre on the effective date of this act shall have sixty (60) days within which to obtain the first license for each such store operated maintained or controlled by him A separate license shall be procured for each store or theatre Licenses issued under this act may not be transferred or assigned Each licensee shall display each license so issued in a conspicuous place in the store or theatre for which such license is issued The licenses issued under the provisions of this act shall be annual licenses effective from June first of one year until and including May thirty-first of the year following The first licenses shall be required for the year commencing June first one thousand nine hundred and thirty-seven

Section 4 Application for License Any person desiring to open establish operate maintain or control such a store or theatre in this Commonwealth shall apply to the department for a license so to do before the first day of June of each year except as otherwise provided in section three hereof as to the first license The application for license shall be made on a form prescribed and furnished by the department and shall set forth the name of the person desiring such license the name and location of the store or theatre for which the license is desired and such other information as the department may require Each such application shall be accompanied by the proper license tax as hereinafter prescribed in this act and upon receiving the prescribed fee the department shall issue said license

Section 5 License Taxes Every person opening establishing operating maintaining or controlling one or more stores or theatres within this Commonwealth under the same general management supervision or ownership shall pay an annual licene tax for the privilege of opening establishing operating maintaining or controlling such store or stores or theatre or theatres as follows

(1) Upon one store or theatre the sum of one dollar ($1.00)

(2) Upon each store or theatre in excess of one but not to exceed five stores or theatres the sum of five dollars ($5.00) for each such additional store or theatre

(3) Upon each store or theatre in excess of five but not to exceed ten stores or theatres the sum of ten dollars ($10.00) for each such additional store or theatre

(4) Upon each store or theatre in excess of ten but not to exceed fifteen stores or theatres the sum of twenty dollars ($20.00) for each such additional store or theatre

(5) Upon each store or theatre in excess of fifteen but not to exceed twenty stores or theatres the sum of thirty dollars ($30.00) for each such additional store or theatre

(6) Upon each store or theatre in excess of twenty but not to exceed thirty stores or theatres the sum of fifty ($50.00) for each such additional store or theatre

(7) Upon each store or theatre in excess of thirty but not to exceed fifty stores or theatres the sum of one hundred dollars ($100.00) for each such additional store or theatre

(9) Upon each store or theatre in excess of seventy-five but not to exceed one hundred stores or theatres the sum of two hundred and fifty dollars ($250.00) for each such additional store or theatre

(10) Upon each store or theatre in excess of one hundred but not to exceed two hundred stores or theatres the sum of three hundred and fifty dollars ($350.00) for each such additional store or theatre

(11) Upon each store or theatre in excess of two hundred but not to exceed five hundred stores the sum of four hundred and fifty dollars ($450.00) for each such additional store or theatre

(12) Upon each store or theatre in excess of five hundred stores or theatres the sum of five hundred dollars ($500.00) for each such additional store or theatre

Section 6 Ownership Two or more stores or theatres shall for the purpose of this act be considered under the same general management supervision or ownership if directly or indirectly controlled by a single person or any group of persons having a common interest in such stores or theatres or if any part of the gross revenues net revenues or profits from any such stores or theatres shall directly or indirectly be required to be immediately or ultimately made available as rental or in any other manner whatsoever for the beneficial use or shall directly or indirectly inure to the immediate or ultimate benefit of any single person or any group of persons having a common interest therein

Section 7 Penalty Any person operating maintaining or controlling a store or theatre without a license as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each and every day that such violation shal continue shall constitute a separate and distinct offense

Section 8 Examination of Records Penalty The department or any duly authorized agent thereof shall have the power to examine the books records papers and files within or outside the Commonwealth of any person operating maintaining or controlling a store or theatre within this Commonwealth It shall have the power to examine witnesses under oath to verify the accuracy of any application or to ascertain whether or not any license tax is due which has not been paid Any person refusing to allow an examination of his books records papers and files as herein provided or who refuses to furnish the department with any information requested shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each such refusal shall be deemed a separate offense

Section 9 Disposition of Tax and Fines All taxes and fines received collected or recovered under this act shall be paid into the State Treasury through the department and except as hereinafter otherwise provided shall be credited to the State School Fund Provided however That out of the revenues derived under the provisions of this act the Department of Revenue shall during the fiscal biennium beginning the first day of June one thousand nine hundred and thirty-seven pay into the General Fund the sum of one hundred fifty-one thousand five hundred and seventeen dollars ($151,517.00) and the said sum so paid into the General Fund is hereby appropriated to the Department of Revenue for the purpose of administering this act

Section 10 License Tax in Addition to Existing Taxes The license tax imposed by this act shall be in addition to any taxes now imposed or that may subsequently be imposed by law

Section 11 Constitutionality If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 12 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

MOTION TO LAY CONFERENCE COMMITTEE REPORT ON TABLE

Mr. MELCHIORRE. Mr. Speaker, I move that the report of the Committee of Conference on House Bill No. 228, Printer's No. 1160 be laid on the table.

The SPEAKER. The Chair rules the motion of the gentleman from Philadelphia out of order. Jefferson's Manual, Section 540 reads: "A motion to refer to a standing committee or to lay on the table is not entertained in the House; and a conference report may not be sent to Committee of the Whole on suggestion that it contains matter ordinarily requiring consideration in that committee."

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. MELCHIORRE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—192

Achterman,	Finnerty,	McArdle,	Shea,
Alexander,	Fiss,	McCullough,	Shepard,
Allen,	Fitch,	McDermott,	Shoemaker,
Allmond,	Flanagan,	McDevitt,	Shugarts,
Arnold,	Flannery,	McElroy,	Siegel,
Atkins,	Flinchbaugh,	McFall,	Simon,
Aukerman,	Ganser,	McGee,	Skale,
Baine,	Gerard,	McKinney,	Sloan,
Baker, F. T.,	Gorski,	McShane,	Smith, James A.,
Baker, J. J.,	Haberlen,	Mellott,	Smith, John A.,
Balthaser,	Hagerty,	Mihm,	Sollenberger,
Bierly,	Hall,	Moomaw,	Spengler,
Blank,	Hamilton, F. P.,	Mooney,	Sproul,
Bohn,	Hamilton, R. S.,	Moran,	Stackpole,
Boles,	Harkins,	Moul,	Stank,
Boltz,	Harmuth,	Muir,	Strode,
Boose,	Hays,	Munley,	Terry,
Boyer,	Hering,	Murrin,	Thomas,
Bradley,	Hess,	Nagel,	Thompson,
Brancato,	Hetrick,	O'Brien,	Toole,
Brigerman,	Hindman,	O'Connor,	Tronzo,
Broad,	Hirsch,	O'Keefe,	Tumelty,
Brown,	Holland,	Ominsky,	Valibus,
Brownfield,	Holmes,	O'Neill,	VanAllsburg,
Burrows,	Holstrom,	Ostroff,	VanSickle,
Cadwalader,	Hontz,	Patterson, C. S.,	Vogt,
Caesar,	Horting,	Patterson, J. W.,	Wagner,
Caputo,	Huntley,	Pearson,	Wall,
Chervenak,	Imbrie,	Perry,	Walsh,
Coakley,	Jirolanio,	Pershing,	Wampole,
Cohen, H. B.,	Kane,	Piole,	Watkins,
Cohen, R. E.,	Keenan,	Preston,	Webster,
Coleman,	Kelso,	Readinger,	Weiss, D. H.,
Coolahan,	Kilroy,	Reese,	Weiss, S. A.,
Corrigan,	Kline,	Reising,	Welliver,
Costanzo,	Kroll,	Richter,	Welsh,
Davies,	LaRue,	Robinson,	Westrick,
Decker,	Leisey,	Rothenberger,	Whalen,
DeNote,	Levy,	Ruffennach,	Whitenight,
Dickinson,	Lewis,	Rush,	Wilson,
Donohoe,	Long,	Sarraf,	Wood,
Dougherty,	Longaker,	Scanlon,	Woodside,
Downey,	Lopresti,	Schor,	Wright,
Dubbs,	Lovett,	Schrock,	Yanoshat,
Dyson,	Lyons,	Schrope,	Yeakel,
Eckels,	Marino,	Schumacher,	Yourishin,
Elpern,	Matthews, H. T.,	Serrill,	Zappala,
Falkenstein,	Matthews, J. F.,	Shaw,	Furman,

NAYS—13

Gillette,	Powers,	Stewart,	Turner,
Habbyshaw,	Royer,	Stockham,	Weidemann,
Melchiorre,	Snyder,	Trout,	Winner,
Peale,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT FROM COMMITTEE ON RULES

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following report from the Committee on Rules.

The report was read by the Clerk as follows:

In the House of Representatives, May 26,1937.

Resolved (if the Senate concur) That concurrent resolution, House Serial Number 136, providing for the adjournment sine die of this regular session of the General Assembly May 28, 1937 at 12 o'clock noon be hereby rescinded.

SIGNED BY THE COMMITTEE ON RULES
(ROY E. FURMAN)
(HERBERT B. COHEN)
(JOSEPH OMINSKY)
(JOSEPH A. SIMON)
(JOHN J. O'KEEFE)
(LEO A. ACHTERMAN)

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Committee on State Government to meet during the session of the House.

RECONSIDERATION OF VOTE

Mr. LONG. Mr. Speaker, I move that the vote by which House Bill No. 2463, Senate Bill No. 815, Printer's No. 692, was ordered to be transcribed for third reading be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Long vote on the question?

Mr. LONG. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky vote on the question?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. LONG. Mr. Speaker, I move that the vote by which this bill passed second reading be reconsidered.

The motion was agreed to.

Mr. LONG. Mr. Speaker, I move that the vote by which the title was agreed to be reconsidered.

The motion was agreed to.

Mr. LONG. Mr. Speaker, I move that the vote by which the various sections were agreed to be reconsidered

The motion was agreed to.

The first to the third sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the exercise of the police power of the Commonwealth and to protect public safety health and welfare it is hereby declared that the sale and trade-in allowances and appraisals of new and used motor vehicles in the Commonwealth is a business affected with the public interest and affecting the public health and safety and it is hereby declared to be the legislative intent that this act shall be a measure for the purpose of regulating and controlling the sale and re-sale of motor vehicles new and used for the protection of health safety and welfare of the inhabitants thereof

Section 2 Short Title This act shall be known and may be cited as the "Motor Vehicle Dealers' Commission Law".

Section 3 Definitions The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise.

"Board or Commission" means the State agency created by this act to be known as the "Motor Vehicle Dealers' Commission".

"Licensee" means a licensed motor vehicle dealer salesman or State approved appraiser.

"Motor Vehicle" means any conveyance propelled by kerosene oil or gasoline motor or engine for highway transportation including passenger automobiles and trucks up to and including one and one-half tons rated capacity excluding busses and motor cycles.

"Motor Vehicle Dealer" means an individual corporation or co-partnership purchasing or handling for an individual corporation or co-partnership motor vehicles used or new for sale.

"Person" includes any individual corporation partnership limited partnership or any other unicorporated enterprise owned by two or more individuals.

"Salesman" means any person who works for or sells or buys motor vehicles for a motor vehicle dealer.

"Appraiser" means any person who is authorized by the Commonwealth to appraise used motor vehicles.

"Demonstrator" means any motor vehicle which has been in use for a period of not less than sixty (60) days and which has been driven thirty-five hundred (3,500) road miles or more.

The fourth section was read as follows:

Section 4 Creation of Motor Vehicle Dealers' Commission Membership Applicability of Administrative Code

(a) And there is hereby created an independent administrative commission to be known as the Motor Vehicle Dealers Commission The Commission shall consist of five (5) members who shall be nominated and appointed by the Governor by and with the advice and consent of the Senate appointed by the Governor This Commission shall be a part time commission and for which each day they shall serve the members thereof shall receive twenty-five dollars ($25.00) and expenses.

(b) Each member of the Commission at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth and shall have been a qualified elector of the Commonwealth for one year next preceding his appointment.

One member shall be exclusively a used motor vehicle dealer at present with at least five years' experience in the automobile industry and two shall be new motor vehicle dealers at present with at least five years' experience in the automobile industry and one shall be a salesmen of new motor vehicles at present with at least five years experience in the automobile industry and a fifth shall be neither a used motor vehicle or a new motor vehicle dealer or a new motor vehicle or used motor vehicle salesman No member of the Commission during his period of service as such shall hold any other office under the laws of the Commonwealth or of the United States.

Commissioners shall be appointed for the following terms One used motor vehicle dealer and one new motor vehicle dealer shall be appointed for a period of two (2) years Two (2) other Commissioners shall be appointed for a period of four (4) years and the fifth shall be appointed for six (6) years At the expiration of these various terms their successors shall be appointed for a period of six (6) years.

The Governor shall designate one of the members of the Commission as Chairman The Chairman shall when present preside at all meetings and in his absence a member designated by the Chairman shall preside Three (3) members of the commission shall constitute a quorum and any action or order of the Commission shall require the approval of at least three (3) members.

The Board may appoint a secretary to hold office at its pleasure The Secretary if appointed shall have such power and perform such duties not contrary to law as the Commission shall prescribe and shall receive such compensation as the Commission with the approval of the Governor shall determine The Secretary shall have power and authority to designate from time to time one of the clerks appointed by the Commission to perform the duties of the Secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the Secretary of the Commission.

The Secretary shall call all meetings of the Board designating the time and place upon request in writing addressed to the Secretary of two (2) or more members of the Commission.

Except as otherwise specifically provided in this act the Commission and its employees shall be subject to all the provisions of the Administrative Code of one thousand nine hundred and twenty-nine approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) its amendments and supplements which apply generally to independent boards or commissions.

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend as follows: sec. 4, page 6, strike out lines 7 to 14 inclusive.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth to the twenty-fourth sections inclusive and the preamble and title were separately read and agreed to as follows:

Section 5 General Powers and Duties of the Commission The Commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power.

1 To supervise and regulate the entire sales industry of motor vehicles in so far as it includes the licensing of all motor vehicle dealers and salesmen and to examine and issue certificates of appointment to appraisers of used motor vehicles and establish standards to determine the maximum appraisal price of all used motor vehicles that are sold or traded in and the Commission shall notify all appraisers of the basic value of all such vehicles periodically The maximum appraisal prices are to be determined by the Commission as provided for in this act.

2 The operation and effect of any provision of this

act conferring a general power upon the Commission shall not be impared or qualified by the granting to the Commission by this act of a specific power or powers.

3 The Commission either itself or through its duly authorized agent shall hold such hearings either at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act.

4 The Commission shall meet upon a day determined by the members of the Commission at least once every thirty (30) days.

5 The Commission shall prescribe the form of certificates of appraisal and shall have the orignial printed on white paper the duplicate to be sent to the Commission by the certified appraiser on pink paper and the second duplicate to be kept in the office of the certified appraisers on blue paper and shall sell these to all certified appraisers at the rate of twenty-five cents ($.25) a certificate including the two duplicates.

6 The Commission shall prepare and adopt all forms to be used by certified appraisers and all licensees for forwarding to the Commission information required.

7 The Commission shall daily from the Department of Revenue secure a list of all motor vehicles licensed and shall check this list with the reports of the sales made by all licensees.

Section 6 Power of the Commission to Subpoena Penalties In order to enable the Commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance of or the production of pertinent books or papers by motor vehicle dealers salesmen and appraisers whom the Commission believes to have information of importance to it in carrying out the purposes and intent of this act The Commission may likewise issue commissions letters rogatory or other appropriate processes outside the Commonwealth.

(a) The Commission shall likewise have the power to question such witnesses under oath or affirmation and to examine such books and papers.

The Commission may delegate to any member thereof or any employee designated by it the power granted to it under this section.

(b) Any witness who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the Commission to the Court of Common Pleas within the territorial jurisdiction in which the offense was committed for which purpose such court is hereby given jurisdiction.

(c) Each witness required to attend before the Commission or any member thereof under the provisions of this section shall be entitled to the fees and mileage custom paid to witnesses in the Courts of Dauphin County

Section 7 Rules Regulations and Orders (a) The Commission may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act not inconsistent with law Every general rule regulation or order of the Commission shall be posted for public inspection in the main office of the Commission at least seven (7) days before it shall become effective and at least five (5) days before it shall become effective it shal lbe mailed to all licensees thereby affected It shall be given such further publicity or advertisement in newspapers or otherwise as the Commission shall deem it advisable An order applying only to a particular person or persons named therein shall be served on the person or persons affected.

Section 8 Entry and Inspection Pursuant to carrying out the purpose of this act any member of the Commission or any employee designated for the purpose shall have access to and may enter at all reasonable hours all places where motor vehicles new or used are being sold Any members of the Commission or any designated employee thereof shall also have power at all reasonable hours to inspect all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the Commission to administer this act.

The information obtained by any such inspection or by reports required by this act shall be for the confidential use of the Commission and the various departments of the State government and shall not be disclosed by any person except as may be required in the enforcement of the law or by order of the Court The Commission however may use such information together with other similar information for compilation and publication of statistics of the industry in this Commonwealth.

Section 9 Violations (a) Except as otherwise specifically provided in this act any person violating any provision of this act or any rule regulation or order of the Commission lawfully made shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50.00 nor more than two hundred dollars ($200.00).

(b) The Commission or any person or association composed of persons affected by the Commission's orders rules or regulations may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act to enforce compliance with any rule regulation or order of the Commission made pursuant to the provisions of this act or to obtain judicial interpretation of any of the foregoing and in addition to any other remedy may apply to the Court of Common Pleas of Dauphin County for relief by injunction.

Section 10 Licenses (a) No motor vehicle dealer as defined in this act shall deal in handle sell or trade in motor vehicles without first obtaining a license as herein provided.

(b) No salesman shall sell handle or trade any motor vehicle without first being duly licensed.

(c) The Commission shall prescribe the necessary forms requiring the desired information and such forms shall be filled out by the applicants for licenses and shall accompany the application for license with the fee as is provided for in this act.

(d) Motor vehicle appraisers shall not appraise motor vehicles for the purpose of sale or trade-in to licensed motor vehicle dealers or salesmen unless first duly obtaining a certificate of authority from the Commission so to do and the Commission shall prescribe the forms setting forth the required information which forms shall be filled out and sent to the Commission by applicants for an appraiser's certificate and the Commission shall further set a time and place when an examination shall be given to such applicants for the purpose of determining their qualifications The examination questions shall be composed by the Commission and the answers shall be graded by the Commission or an employee of the Commission designated for that purpose and only those passing shall be entitled to a certificate authorizing them to act as an approved appraiser.

(e) In all the applications for motor vehicle dealer's licenses for saleman's licenses or for appraisers' certificate among other things the forms shall require the applicant to set forth his experience in the automobile industry length of time nature of work type of business he proposes to conduct and in the case of dealers or salesmen they shall set forth with whom they have a contract for selling motor vehicles The Commission shall be satisfied that these applicants for motor vehicle dealer's license in so far as it applies to new motor vehicles shall have a bona fide contract with some motor vehicle manufacturer distributor or agent and with some motor vehicle dealer in the case of an applicant for a motor vehicle salesman's license.

These licensing provisions are applicable to both new and used motor vehicles except as otherwise specified in this act The financial responsibility shall be set forth on the license application forms of motor vehicle dealers.

All appraisers and licensees shall be full time appraisers or dealers or salesmen no remuneration of any kind shall be permitted for persons informing any licensees as to where a possible sale can be made.

Section 11 Rejection Revocation or Suspension of licenses The Commission before refusing to issue or reissue a license or before revoking or suspending a license already issued shall hold a hearing for the purpose of

determining whether an application for a license should be rejected or whether a license issued should be suspended or revoked for any violation on the part of the applicant or a licensee of this law or any rules regulations or orders of the Commission or to determine if for any other reason a license should be denied revoked or suspended and shall give the applicant or licensee five (5) days' notice that there will be such a hearing and set forth in writing the matters complained of the applicant or licensee may appear at the hearing and show cause if any he has why such license should not be refused suspended or revoked after such hearing the Commission shall file at its office a copy of its order and a statement in writing of the findings of fact in support of and the reasons for said order.

Section 12 Bonds All applicants for licenses or for certificates of appraisal shall furnish to the Commonwealth a penal bond in the sum of five hundred dollars ($500.00) for the purpose of guaranteeing that the licensee or certified appraiser will comply with this law and all rules regulations and orders promulgated by the Commission pursuant to the law and such bond shall be forfeited if the licensee or appraiser shall be determined guilty of any violation Provided however nothing in this section shall apply to applicants for a salesman's license.

Section 13 Appeal If any application for a license or a certificate of appraiser is rejected by the Commission or if any licensee or certificate of appraiser is revoked or suspended by the Commission the applicant or licensee or appraiser as the case may be may appeal within twenty (20) days to the Common Pleas Court of the County in which he has his principal place of business and the case shall be heard de novo.

Section 14 Fees for Dealers Salesmen and Appraisers (a) A license fee of two dollars ($2.00) shall be paid by all licensed salesmen annually.

(b) A fee of twenty-five dollars ($25.00) annually shall be paid by all approved appraisers ten dollars ($10.00) shall be paid at the time application is made and the additional fifteen dollars ($15.00) shall be paid in the event the applicant is certified.

(c) Licensed dealers shall pay the following fees.

If the gross total sales of new and used motor vehicles does not exceed $75,000 annually the annual fee shall be $25.00.

If the gross total sales of new and used motor vehicles exceeds $75,000 but does not exceed $250,000 the annual fee shall be $50.00.

If the gross total sales of new and used motor vehicles exceeds $250,000 but does not exceed $500,000 the annual fee shall be $75.00.

If the gross total sales of new and used motor vehicles exceeds $500,000 but does not exceed $750,000 the annual fee shall be $100.00.

If the gross total sales of new and used motor vehicles exceeds $750,000 but does not exceed $1,000,000 the annual fee shall be $125.00.

If the gross total sales of new and used motor vehicles exceeds $1,000,000 the fee shall be $150.00.

Section 15 Orders Fixing Prices for Used Motor vehicles and Establishing Standard Charges Which Shall be Deducted for Various Repairs or Replacement on the Used Motor Vehicle (a) The Commission shall within thirty (30) days from the time it is established determine by a survey what the average sale price for used motor vehicles was for each make model body type and year and shall issue orders that for the ensuing thirty (30) days no appraiser shall appraise a used motor vehicle for a greater amount and shall deduct from that amount the list price necessary for repairing the used motor vehicle in order to make it safe to be on the highways and saleable These deduction in so far as possible shall be set forth by a general order of the Commission which may accept the list general orders shall be printed in a form determined by the Commission and mailed to all certified approved appraisers at least seven (7) days before they are to be effective.

(b) All subsequent orders affecting the prices to be allowed for used motor vehicles and the necessary deductions to make the motor vehicle safe and saleable are to be established in the following manner.

1 In the case of the maximum basic price to be allowed information sent it by the various licensed dealers and for used motor vehicles the Commission shall take the salesmen and arrive at an average price from this information of the sale of such type model year and make of motor vehicle for the thirty (30) days immediately prior to the determination of the general order and these average prices shall establish the new allowance or prices which shall be the maximum allowed by the various approved appraisers.

2 As to the deductible items necessary to make the motor vehicle safe and saleable the Commission shall revise the schedule from time to time as new motor vehicle list price flat rate schedule for this type of work are established and shall within a reasonable time issue a new order.

3 These prices shall apply only to motor vehicles manufactured within eight (8) years All motor vehicles that are more than eight (8) years old shall have a maximum price to be allowed for the purchase of used motor vevalue of fifty dollars ($50.00).

(c) The Commission shall in arriving at the average hicles consider only those that were purchased or traded in by the licensed dealers or salesmen from residents of this Commonwealth.

(d) If less than twenty-five (25) motor vehicles of any particular type model year or make are sold within the thirty (30) day period then the Commission shall fix the maximum basic price to be allowed for this type of motor vehicle for the ensuing thirty (30) days without arriving at the average selling price.

Section 16 Appraisers (a) No appraiser shall appraise a used motor vehicle for an amount greater than the basic price established by the general orders of the Commission and shall make a careful inspection of the used motor vehicle and deduct from the basic price allowed the list price established by the Commission for the necessary repairs to make the used motor vehicle safe and saleable and shall also deduct a fair and reasonable amount necessary for replacement or repairs of any items not set forth by the orders of the Commission.

(b) The appraiser shall then issue to the owner of the used motor vehicle a certificate setting forth the basic price determined by the appraiser the amount of repairs or replacements necessary and the price thereof itemized and the net price or allowance that may be allowed or paid by a licensed dealer or salesman as a maximum.

(c) The approved appraiser shall charge the used motor vehicle owner for appraisal a fee of one dollar and a half ($1.50) and shall set forth on the certificate of appraisal that the fee had been paid.

(d) The appraiser shall keep two (2) duplicate copies of all certificates of appraisal issued and at the end of each day shall mail one duplicate to the Commission and shall retain the other in his office for a period of sixty (60) days.

(e) The appraisers shall use only certificates of apprisal prepared by the Commission and shall purchase them from the Commission at the rate of twenty-five cents ($.25) per certificate All certificates are to include the two duplicates.

Section 17 Prices to be Paid Allowances (a) A licensed dealer or salesman shall not allow more for a used motor vehicle than is set forth as the net value of the used motor vehicle on the certificate of appraisal and a licensed dealer or salesman shall require the used motor vehicle to be rechecked by an approved appraiser if the certificate of appraisal is more than seven days old The dealer who buys or takes in trade a used motor vehicle may return to the used motor vehicle owner one fee paid by the used motor vehicle owner to an approved appraiser who has issued the certificate of appraisal.

(b) Nor shall any licensed dealer or salesman allow as a rebate or an inducement to purchase a new motor vehicle any additional equipment or accessories or any other thing of value Nor shall he sell the new motor vehicle for less than the manufacturer's advertised price

plus transportation Except he may sell to members of his immediate family or to a member of his organization when for the personal use of such buyer but he shall immediately notify the Commission that he has done so and setting forth the name address and the relationship between himself and the buyer and describing the car fully including the make model body type motor and serial numbers Except that in the case of a clean up of new motor vehicles that are about to become obsolete or about to become discontinued or replaced by new models in which event the licensee may apply to the Motor Vehicle Dealers' Commission for permission to sell the motor vehicles he has on hand for less than the price heretofore established setting forth in his application all the facts surrounding the motor vehicles he has on hand and the reasons why they will become obsolete and set forth fully when the motor vehicles on hand will be replaced or discontinued and shall state at what price he wishes to sell them The Commission shall act within ten (10) days from the receipt of the application either rejecting or granting the permission requested These new models however shall only be considered so if there is a substantial change in the motor vehicle A mere change of appointments or incidental equipment will not be considered a new model The new model to be so considered must be the new and current model and so advertised.

(c) Rules and regulations governing the sale price of motor vehicles shall not apply to vehicles purchased by the Federal government or by the State government municipal government or any sub-division thereof.

(d) If any licensee shall take in trade anything other than used motor vehicles which shall apply on the purchase of another motor vehicle the licensee shall set forth what was taken in trade the price allowed and what disposition was made or intended to be made of it.

(e) If any licensee takes a motor vehicle on consignment and later sells the consigned vehicle and applies the selling price on another motor vehicle which he has either sold previously or subsequently such consigned motor vehicle shall be governed by the law rules regulations or orders applicable to used motor vehicles.

(f) If a licensee purchases from out of the Commonwealth used motor vehicles he shall immediately forward to the Commission detailed information concerning these motor vehicles singly setting forth among other things required by the Commission the make model and type the miles indicated by the speedometer the condition and what purpose the motor vehicles had been put to previously and what disposition he proposes to make of such used motor vehicles.

Section 18 Duties of Licensed Dealers and Salesmen as to Forms (a) The licensed dealer or salesman upon buying or taking as trade allowance any used motor vehicle shall upon doing so lift the certificate of appraisal issued to the owner of the motor vehicle and shall keep it so long as he has possession of the used motor vehicle And shall upon the sale of used motor vehicles set forth among other information that may be required by the Commission the basic price allowed by the appraiser the items of repair the maximum net allowance established by the appraiser and what the licensed dealer or salesman actually allowed for the used motor vehicle and the repairs or replacements that were made and the price received for the motor vehicle when sold by such licensed dealer or salesman and shall then forward to the Commission the appraisal certificate.

(b) And shall set forth in the case of the sale of a used motor vehicle the itemized list prices of repairs and replacements actually made by dealer at list price basis the cash received and if sold on time basis or credit basis the number of payments and the amounts to be made and if a motor vehicle is taken in trade to set forth the information concerning that motor vehicle the same as is provided by this act where a used motor vehicle is taken in trade for a new motor vehicle sale.

(c) In the case of the sale of a new motor vehicle the dealer or salesman shall set forth the manufacturer's advertised selling price the list selling price of the additional accessories or equipment itemized the transportation amount and shall state that all these items have been paid for by the purchaser without rebate or reduction And in the event that any new or used motor vehicle sold is financed the name of the finance company the amount of finance charges and the number and amounts of payments to be made and shall set forth the amount and specific kind of insurance coverage the premium and name of the insurance company and shall state that all these items were charged to the purchaser without discrimination rebate or reduction.

(d) All licensed dealers and salesmen must trade in or sell a demonstrator under the same provisions as govern a used motor vehicle.

(e) All dealers and salesmen must have the speedometers of all new or used motor vehicles connected at all times when the motor vehicles are in use and shall not turn back or in any way falsify the reading on a speedometer.

(f) A dealer or salesman may junk a used motor vehicle but when doing so must forward the certificate of appraisal to the Commission together with a statement that a certificate of junk has been forwarded to the Department of Revenue and shall set forth what junk price he received.

(g) A licensed motor vehicle dealer shall daily forward to the Commission a list of all the motor vehicles sold and in the case of used motor vehicles forward to the Commission the certificate of appraisal accompanying the used motor vehicle when the dealer took possession of it and give in detail all the other information required by this act or that may be required by the Commission

Section 19 Payments of Fees into the State Treasury "Motor Vehicle Dealers' Fund" Appropriation Expenses of Commission

(a) All moneys collected or received by the Commission arising from license fees penalties or any other source shall be paid by the Commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Motor Vehicle Dealers' Fund"

(b) As much of the money from time to time in the Motor Vehicle Dealers' Fund as may be necessary is hereby specifically appropriated to the Motor Vehicle Dealers' Commission to be used to pay its expenses including the following

1 Salaries of the Commission of its employees and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the Commission for the handling of any legal work pertaining to its business

2 Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol Buildings either in or outside of the capital city occupied by the Commission

3 Premiums for workmen's compensation insurance covering the officers and employees of the Commission

4 Premiums for surety bonds for such officers or employes of the Commission as may be required by law to furnish such bonds

5 Purchase and operating costs of motor vehicles required by the Commission for full-time use including premiums for liability insurance covering such motor vehicles and the members of the Commission and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the Commission

6 Furniture stationery materials supplies and all other overhead expenses of the Commission

7 All other expenses of every kind and description necessary for the performance by the Commission of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

(c) As much of the money from time to time in the

Motor Vehicle Dealers' Fund as may be necessary is hereby appropriated to the eBoard of Finance and Revenue for the payment of approved claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Motor Vehicle Dealers' Fund to which the Commonwealth is not rightfully entitled

(d) Estimates of the amounts to be expended under this act by the Motor Vehicle Dealers' Commission either itself or through the Department of Property and Supplies as agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor and requisition for the expenditure of any moneys out of this appropriattion by the Motor Vehicle Dealers' Commission or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Motor Vehicle Dealers' Fund at the time of the making of any such requisition

Section 20 Legislative Intent It is hereby declared to be the legislative intent that this law shall apply to all persons in the use and new motor vehicle sales industry both but shall not be deemed to apply in the case of an individual who is not engaged in the business of selling and purchasing motor vehicles from selling to another individual not in the motor vehicle business his own personal motor vehicle at any price agreed upon

Section 21 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein Provided however that if any part or parts of this act relating to fixing the value for used motor vehicles or the amount to be allowed by motor vehicle dealers for used motor vehicles is held unconstitutional then the remainder of the act shall be given no effect

Section 22 Saving Clause No provisions of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 23 The expenses for administering this act shall be paid entirely from the various fees collected by the Commission

Section 24 This act shall take effect immediately upon its approval by the Governor and shall expire mid-night May thirty one thousand nine hundred thirty-nine

PREAMBLE

Whereas Unsafe unfair unjust destructive demoralizing and uneconomic trade practices have been and are now carried on in the sale and resale of motor vehicles new and used in this Commonwealth whereby the motor vehicle industry in the Commonwealth and the safety of motor vehicles on the highways and the safety of the inhabitants of the Commonwealth using the various highways are imperiled and

Whereas Such conditions constitute a danger to the health industry safety and welfare of the inhabitants of the Commonwealth and

Whereas It is necessary to protect the well being of the inhabitants of the Commonwealth to promote the public welfare and

Whereas The motor vehicle industry is one of the paramount industries upon which the prosperity of the Commonwealth to a large extent depends and is an industry affected by a public interest and

Whereas the present acute economic conditions being in part the consequence of a severe and increased disparity between the prices allowed and paid for used motor vehicles by different dealers has broken down the orderly sale trade-in and market of used motor vehicles has tended to lower wages lengthen working hours and encourage misrepresentation and has seriously impaired the assets supporing the motor vehicle industry and places the inhabitants particularly those in the small income brackets in the Commonwealth in jeopardy both as to safety of the vehicle and as to the value of the vehicle and

Whereas Legislation is necessary to remove unsafe motor vehicles from the highways prevent fraud and prevent padding of finance charges and insurances charges.

An Act relating to motor vehicles new and used creating a Motor Vehicle Dealers' Commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties Regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the Commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission or its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission providing for appeals to the Courts from decisions of the Commission imposing penalties and making appropriation.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. LONG. Mr. Speaker, I move that this bill be recommitted to the Committee on State Boards for the purpose of holding a public hearing on Tuesday, June 1, 1937, at 11:00 a. m.

On the question,

Will the House agree to the motion?

Mr. O'BRIEN. Mr. Speaker, I rise to oppose that motion, and I would like to ask the Chair for the privilege of interrogating the gentleman from Philadelphia, Mr. Long.

The SPEAKER. Wil the gentleman from Philadelphia permit himself to be interrogated?

Mr. LONG. I will, Mr. Speaker.

Mr. O'BRIEN. Mr. Speaker, is it not Mr. Long's intention to pickle this bill?

Mr. LONG. Mr. Speaker, I desire to state to the membership of the House that due to numerous requests for a public hearing, addressed both to the Chairman of the Committee and to Senator McGinnis, the sponsor of the bill, the sponsor and the Chairman of the Committee on State Boards have thought it advisable to give these people a public hearing and not to pickle the bill.

Mr. O'BRIEN. Mr. Speaker, I would like to ask the gentleman from Philadelphia if a public hearing at this late date would not be ridiculous, and if the intent of the motion is not to kill this bill.

Mr. LONG. Mr. Speaker, the bill has passed second

reading in the House tonight. When it is reported out of the committee after a public hearing, it will be on third reading, and that will be on Tuesday, and it is possible to pass the bill finally on Tuesday.

Mr. O'BRIEN. Mr. Speaker, I would like to ask the gentleman from Philadelphia if it is not a fact that during the Senate consideration of this bill they had a public hearing in the Senate?

Mr. LONG. Mr. Speaker, the Senate committee had a public hearing on this bill while it was under consideration in the Senate. The opponents of the bill claimed that they were not fully aware of the public hearing and did not have time to give a proper presentation of their case, but regardless of that fact, it is the prerogative of this House to give a public hearing on any bill which it deems necessary or advisable.

Mr. O'BRIEN. Mr. Speaker, I would like to know how many requests the gentleman has had for a public hearing in the House on this bill.

Mr. LONG. Mr. Speaker, I haven't had time to count them, but within the last four hours I have received at least twenty-five requests both by telegram and letters for a public hearing.

Mr. O'BRIEN. Mr. Speaker, I hate to trespass upon the time of the House, but I would like to ask the gentleman from Philadelphia if he will enumerate just who has requested him to hold a public hearing in the House.

Mr. LONG. Mr. Speaker, I do not care to enumerate them all, but I have some here, and the gentleman can look at them, and they include auctioneers and used car dealers from Philadelphia and other sections of the State.

Mr. O'BRIEN. Mr. Speaker, I would like to insist upon the gentleman from Philadelphia enumerating those who have requested him, from Philadelphia particularly, to have a hearing in the House.

Mr. LONG. Mr. Speaker, these communications have been addressed to me as Chairman of the Committee, and I do not think it advisable to read them before the House at this time.

Mr. O'BRIEN. Mr. Speaker, it seems as though the gentleman from Philadelphia is refusing my request to enumerate the various people who have made requests for a public hearing simply because of the fact that it would embarrass the members of the Committee on State Boards. I would like at this time to ask those members of the Committee on State Boards present to give the gentleman from Philadelphia, Mr. Long, the Chairman of that particular Committee permission to so enumerate them.

Mr. AUKERMAN. Mr. Speaker and members of the House, I would like to state to the House that since the introduction of this measure I have been contacted by a great many dealers in automobiles and I have contacted a great many others and I have found that the consensus of opinion among dealers is unanimously in favor of this bill. Therefore, I intend to vote against the recommittment of the bill and I ask the members of the House to vote against this motion.

POINT OF ORDER

Mr. BAINE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAINE. Mr. Speaker, the gentleman is not speaking on the question before the House.

The SPEAKER. The gentleman is giving his reasons for opposing the motion.

Mr. KANE. Mr. Speaker, I would like to say this, that I am not a member of the committee but I will be glad to oblige the gentleman with a number of telegrams which came to me this afternoon asking that something be done to stop this bill. I do not think it is a question only for the motor car dealers but that it is also a question for the public as to what they can get for their used cars. I will be glad to furnish those telegrams to the members of the committee.

The yeas and nays were required by Mr. O'BRIEN and Mr. JAMES W. PATTERSON and were as follows:

YEAS—44

Atkins,	Hall,	Lyons,	Snyder,
Boose,	Hamilton, R. S.,	Matthews, J. F.,	Stewart,
Boyer,	Holstrom,	Muir,	Stockham,
Cadwalader,	Huntley,	Ominsky,	Strode,
Caputo,	Imbrie,	Pearson,	Toole,
Chervenak,	Kane,	Readinger,	Tronzo,
Cohen, H. B.,	Kelso,	Royer,	Wall,
Eckels,	Kilroy,	Scanlon,	Watkins,
Fiss,	Kline,	Schrock,	Wood,
Flinchbaugh,	Leisey,	Simon,	Woodside,
Habbyshaw,	Long,	Skale,	Furman,

NAYS—84

Alexander,	Fitch	McFall,	Shoemaker,
Allen,	Flanagan,	McGee,	Smith, James A.,
Arnold,	Gerard,	McShane,	Spengler,
Aukerman,	Gillette,	Melchiorre,	Sproul,
Baine,	Haberlen,	Mihm,	Stackpole,
Baker, J. J.,	Hagerty,	Moran,	Stank,
Blank,	Hamilton, F. P.,	Murrin,	Thomas,
Bohn,	Harkins,	O'Brien,	Tumelty,
Bradley,	Hering,	O'Connor,	VanSickle,
Brancato,	Hindman,	Ostroff,	Vogt,
Broad,	Hirsch,	Patterson, J. W.,	Wagner,
Coleman,	Holmes,	Piole,	Walsh,
Coolahan,	Horting,	Powers,	Weidemann,
Costanzo,	Keenan,	Reese,	Weiss, D. H.,
Davies,	Kroll,	Richter,	Welliver,
Dickinson,	LaRue,	Robinson,	Welsh,
Donohoe,	Lewis,	Rothenberger,	Westrick,
Downey,	Lopresti,	Ruffennach,	Whalen,
Elpern,	Lovett,	Rush,	Winner,
Falkenstein,	Marino,	Sarraf,	Yourishin,
Finnerty,	McDevitt,	Schrope,	Zappala,

So the question was determined in the negative and the motion was not agreed to.

SENATE MESSAGES

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 1415. (HOUSE BILL No. 2511).

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-seven and such time as the funds provided by the General Appropriation Act become available.

Referred to the Committee on Appropriations,

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 26, 1937.

Resolved (if the Senate concur) That concurrent resolution, House Serial Number 136, providing for the adjournment sine die of this regular session of the General Assembly May 28, 1937, at 12 o'clock noon be hereby rescinded.

Signed by the Committee on Rules,

ROY. E. FURMAN,
HERBERT B. COHEN,
JOSEPH OMINSKY,
JOSEPH A. SIMON,
JOHN J. OKEEFE,
LEO A. ACHTERMAN.

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 26, 1937.

Resolved (if the House of Representative concur), That when the Senate adjourns this week it reconvene on Tuesday afternoon, June first at 2 p. m. Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Tuesday afternoon, June first at 2 p. m. Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 33.

An Act to amend clause (b) of section two thousand one hundred and twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended providing for compensation for members of joint sewer boards

HOUSE BILL No. 1628.

An Act to amend section eight hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the requirements of bonds of township treasurers to fidelity bonds and regulating such bonds.

HOUSE BILL No. 1020.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organizations of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National Banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

HOUSE BILL No. 1282.

An Act to further amend the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery further defining osteopathy providing for issuing licenses to perform operative surgery to licensees of other states requiring annual renewals of osteopathic surgeons' licenses fixing fees extending the functions and authority of osteopathic physicians and surgeons and prescribing additional penal provisions

HOUSE BILL No. 1305.

An Act to amend section twenty-nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effort of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim and providing for the management and disposition of said property after said sale

HOUSE BILL No. 2115.

An Act relating to criminal prosecutions limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth

With the information that the Senate has passed the same without amendment.

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows, viz:

SENATE BILL No. 199.

An Act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred

thirteen (Pamphlet Laws 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over time work in certain cases imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties

SENATE BILL No. 759.

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt thereform and repealing existing laws

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 30.

An Act to amend clause (b) of section one thousand five hundred and forty of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended providing for compensation for members of joint sewer boards

HOUSE BILL No. 31.

An Act to amend clause (b) of section two thousand four hundred and forty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended providing for compensation for members of joint sewer boards

HOUSE BILL No. 697.

An Act to enable city county poor ward school borough and township tax collectors their executors and admistrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act

HOUSE BILL No. 853.

An Act validating ratifying approving and confirming bonds and other instruments or obligations heretofore issued by counties cities boroughs towns townships school districts poor districts and other incorporated districts of this Commonwealth for public work projects

HOUSE BILL No. 854.

An Act simplifying the procedure for the construction and financing of public works projects by municipalities enabling municipalities to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon municipalities

HOUSE BILL No. 1007.

An Act to amend the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 903) entitled "A supplement to an act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws three hundred twelve) entitled 'An act providing a system for government of boroughs and revising amending and consolidating the law relating to boroughs' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county including assessment of property levying and collection of taxes making municipal improvements and filing and collecting of lines for the same the jurisdiction of courts for the enforcement of borough ordinances and State laws and primary general municipal and special elections and repealing inconsistent laws" extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate

HOUSE BILL No. 1095.

An Act empowering municipalities to refund improvement bonds based solely on assessments for grading streets and sewer improvement and imposing no municipal liability by a new issue of bonds

HOUSE BILL No. 33.

An Act to amend clause (b) of section two thousand one hundred and twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended providing for compensation for members of joint sewer boards.

HOUSE BILL No. 1020.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organizations of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

HOUSE BILL No. 1282.

An Act to further amend the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Os-

teopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act", by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery further defining osteopathy providing for issuing licenses to perform operative surgery to licensees of other states requiring annual renewals of osteopathic surgeons' licenses fixing fees extending the functions and authority of osteopathic physicians and surgeons and prescribing additional penal provisions

HOUSE BILL No. 1305.

An Act to amend section twenty-nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor and methods for preserving such liens and enforcing payment of such claims the effort of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim and providing for the management and disposition of said property after said sale

HOUSE BILL No. 1628.

An Act to amend section eight hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the requirements of bonds of townships treasurers to fidelity bonds and regulating such bonds.

HOUSE BILL No. 2115.

An Act relating to criminal prosecutions limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL TAKEN FROM TABLE

Mr. LaRUE. Mr. Speaker, I move that House Bill No. 2271, Senate Bill No. 189, Printer's No. 621, which was on second reading and laid on the table, be taken from the table.

The motion was agreed to.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assmbly met and it is hereby enacted by the authority of the same That section two hundred of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boudary rivers of the Commonwealth" is hereby amended to read as follows

Section 200 Pollution of Waters Prohibited Explosives No person shall put or place in any waters within or on the boundaries of this Commonwealth any electricity explosives or any poisonous substances whatsoever for the purpose of catching injuring or killing fish No person shall allow any substance of any kind or character deleterious destructive or poisonous to fish to be turned into or allowed to run flow wash or be emptied into any waters within this Commonwealth [unless it be shown to the satisfaction of the Board of Fish Commissioners or to the proper court that every reasonable and practicable means has ben used to abate and prevent the pollution of waters in question by the escape of deleterious substances]

On the question,

Will the House agree to the section?

Mr. VOGT. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 4, by striking out the words "two hundred" and inserting in lieu thereof "twenty"

Amend sec. 1, page 2, line 5, by inserting after the word "Commonwealth" the following: "as amended by the act approved the twenty-second day of April, one thousand nine hundred and twenty-nine, (P. L. 621)"

Amend sec. 1, page 2, line 6, by inserting after the word "hereby" the following: "further"

Amend sec. 1, page 2, by striking out all of lines 7 to 21 inclusive

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 That section two hundred two of the said act is hereby amended to read as follows:

Section 202 Penalty Any person violating the preceding provisions of this article shall be guilty of a misdemeanor and on conviction [as provided in chapted fourteen of this act] shall be sentenced to pay a fine of one hundred dollars and if more than ten fish are killed as the result of such violation then one dollar for each fish killed in excess of ten shall be added to such fine and in the discretion of the court such person or the member of any partnership or association or the officer of the corporation responsible for such violation may be imprisoned for a term not exceeding six months Provided That if it be shown to the satisfaction of the Board of Fish Commissioners that the escape of the substances deleterious destructive or poisonous to fish was due to circumstances unavoidable or beyond control and without negligence then the Board of Fish Commissioners shall be authorized to accept settlement of the value of the fish destroyed in a sum equal to the cost of restocking the waters to the extent deemed necessary by the Board of Fish Commissioners and upon payment of said sum there shall be no prosecution hereunder

On the question,

Will the House agree to the section?

Mr. VOGT. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 2, by striking out lines 22 to 29 inclusive.

Amend sec. 2, page 3, by striking out lines 2 to 16 inclusive, and inserting in lieu thereof:

"Section 20. Closed Seasons. The following seasons are hereby established for:

(a) Charr, commonly called brook trout, or any species of trout except lake or salmon trout, from the first day of August to the fourteenth day of April next following, both dates inclusive;

(b) Lake trout or salmon trout, from the thirtieth day of September to the thirtieth day of June next following, both dates inclusive;

(c) Small mouth and large mouth bass, rock-bass, white bass, crappie, strawberry or calico bass, pike-perch otherwise called wall-eyed pike or Susquehanna salmon, pickerel, muscallonge, western and northern pike, from the first day of December to the thirtieth day of June next following, both dates inclusive: Provided, however, That pickerel may be caught and taken not exceeding the daily creel limits fixed by this act, during the months of December and January, but only when tip-ups are employed while fishing through holes in the ice."

The title was read as follows:

An Act to amend sections two hundred and two of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish io the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing additional penalties for killing fish by pollution or explosions

On the question,

Will the House agree to the title?

Mr. VOGT. Mr. Speaker, I desire to offer the follow- amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the words "sections two hundred and two" and inserting in lieu thereof "section twenty"

Amend title, page 1, lines 8 and 9 of title, by striking out the words "penalties for killing fish by pollution or explosions" and inserting in lieu thereof "seasons for the taking of pickerel in the inland waters"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LONG asked and obtained permission for the Committee on State Boards to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1757, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business" by further defining real estate brokers and real estate salesmen and further providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business" is hereby amended to read as follows

Section 2 (a) The term "real estate broker" shall include all persons copartnerships associations and corporations foreign and domestic who for another and for a fee commission or other valuable consideration shall sell exchange purchase or rent or shall negotiate the sale exchange purchase or rental or shall offer or attempt to negotiate the sale exchange purchase or rental or shall hold himself or themselves out as engaged in the business of selling exchanging purchasing or renting of any real estate interest in real estate the property of another whether the same shall be located within the State of Pennsylvania or elsewhere or shall collect or offer or attempt to collect rental for the use of real estate the property of another or shall negotiate or offer or attempt to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any such real estate It shall also include any person copartnership association or corporation employed by the owner or owners of lots or other parcels of real estate including cemetery lots at a stated salary or upon a commission or upon a salary and commission basis or otherwise to sell such real estate or any parts thereof in lots or other parcels and who shall sell or exchange or offer or attempt to negotiate the sale or exchange of any such lot or parcel of real estate One act in consideration of compensation by fee commission or otherwise of buying selling renting or exchanging any such real estate of or for another or attempting or offering so to do or negotiating a loan upon or leasing or renting or placing for rent any such real estate or collection of rent therefrom shall constitute prima facie evidence that the person copartnership association or corporation so acting or attempting to act is a real estate broker within the meaning of this act The term "real estate broker" shall also include all persons copartnerships associations and corporations foreign and domestic the principal business of whom or which is the purchasing selling renting trading or exchanging of real estate whether for another or as purchaser seller or owner of such real estate and all real estate auctioneers and real estate appraisers and all persons who negotiate or offer for sale any mortgage or other security for which real estate is the collateral as well as all managers of office buildings apartment buildings and other buildings and persons employed by banking institutions and trust companies for the foregoing purposes

(b) The term "real estate salesman" shall mean and include any person employed by a licensed real estate broker to [sell or offer for sale to buy or offer to buy or to negotiate the purchase sale or exchange of any real estate or interest in rea lestate the property of another or to] [negotiate a loan upon real estate or to lease or rent or offer to lease or rent or place for rent any such real estate] perform any or all of the functions of a real estate broker Provided however That stenographic or other clerical help employed solely in such capacity in the office of the broker shall not be required to be licensed as real estate salesmen

(c) Neither of the said terms "real estate broker" or "real estate salesman" shall be held to include within the meaning of this act any person firm association partnership or corporation who as owner shall perform any of the acts with reference to property owned by them unless the principal business of such person firm association partnership or corporation is the purchasing selling

renting trading or exchanging of such property nor any person holding in good faith a duly executed letter of attorney from the actual owner of any real estate authorizing the sale conveyance or leasing of such real estate for and in the name of such owner or the negotiating of any loan thereon nor shall they be held to include in any way attorneys at law and justices of the peace where only one transaction is involved and where such letter of attorney is recorded in the office of the recorder of deeds nor shall they be held to include in any way attorneys-at-law and justices of the peace nor shall they be held to include any receiver trustee in bankruptcy administrator or executor or any other person or corporation acting under the appointment or order of any court or as trustee under the authority of a will or deed of trust where only the transactions pertaining thereto are involved or the duly elected executive officer of any banking institution or trust company operating under the banking laws of Pennsylvania

(d) The term "department" shall mean the Department of Public Instruction of this Commonwealth

Section 2 Section six of said act as amended by section one of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1410) is hereby further amended to read as follows

Section 6 From and after January 1, 1930 it shall be unlawful for any person copartnership association or corporation to engage in or carry on the business or act in the capacity of a real estate broker or a real estate salesman within this Commonwealth without first obtaining a license as a real estate broker or real estate salesman from the department

No person copartnership association or corporation may be licensed by the department as a real estate broker unless such person and all of the members of any such copartnership or association who are actively engaged in the real estate business and all of the officers of any such corporation who are actively engaged are of the age of twenty-one-years and upwards [and] are citizens of the United States and shall have served an apprenticeship as a duly licensed real estate salesman of not less than two years in the employ of a duly licensed real estate broker or brokers.

Section 3 Clause (b) and (c) of section seven and section eight of said act as last amended by section one of the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 170) are hereby further amended to read as follows

(b) Application for licenses as real estate broker shall be made in writing to the department upon a blank provided for the purpose by the department and shall contain such information as to the applicant or when the application is made by a co-partnership association or a corporation as to its members or officers as the department shall require The application shall be signed by the applicant and shall be accompanied by the recommendation of at least two citizens not related to the applicant or in the case of a copartnership or corporation to any member or officer thereof who shall be owners of real estate within and residents of the county in which the applicant resides or has his their or its place of business certifying to the honesty truthfulness and good repute of the applicant or in the case of a copartnership or association or corporation its members or officers by name and recommending that a license be granted the applicant and by the recommendation of one licensed real estate broker or licensed member or officer of a copartnership association or corporation licensed as a real estate broker If the applicant or in the case of a copartnership or corporation any of its members or officers shall have resided or shall have engaged in business for less than one year in the county from which the application is made such application shall also be accompanied by the recommendation of at least two (2) real estate owners not related to the applicant of each of the counties where he or each of such members or officers has formerly resided or engaged in business during the said period of one year prior to the filing of such application certifying to the honesty truthfulness and good repute of the applicant or its members or officers by name and recommending that the license be granted Each application shall be accompanied by two photographs of the applicant or in the case of a copartnership association or corporation of the applicant members or officers thereof Where the applicant for a real estate broker's license maintains more than one place of business within the Commonwealth he shall be required to apply for and procure a duplicate license for each branch office so maintained by him such duplicate license to be issued with an additional charge of two dollars and fifty cents ($2.50) for each additional office or place of business Every such application shall state the name of the person copartnership association or corporation and the location of the place or places of business for which such license is desired and the license shall expire December thirty-first of the year issued unless sooner revoked or suspended by the department or renewed annually as hereinafter described

(c) Application for license as real estate salesman shall be made in writing to the department signed by the applicant setting forth the period of time during which he has been engaged in the business stating the name of the last employer and the name and place of business of the person firm copartnership association or corporation then employing him or into whose employ he is then about to enter All applications shall be made upon a blank provided for the purpose by the department and shall contain such information as to the applicant in addition to the above prescribed as the department shall require The application shall be accompanied by the recommendation of his employer or prospective employer certifying that the applicant is honest truthful and of good repute and recommending that such license be granted All such licenses shall expire December thirty-first of the year issued unless sooner revoked or suspended by the department or renewed annually as hereinafter described

No person may hereafter be licensed as a real estate salesman and no person copartnership association or corportion may hereafter be licensed as a real estate broker by the department unless such person and all of the members of any such copartnership or association and all of the officers of any such corporation intending to actually engage in or actually engaging in the real estate business as a real estate broker or salesman shall first submit to and pass an examination conducted by the department and prepared by the department Provided however That any person who has been licensed as a real estate salesman or real estate broker for a period of six (6) months next preceding the effective date of this act and is thus engaged in this Commonwealth at the time this act goes into effect may secure the certificate of registration as a broker or a salesman without an examination provided such person shall make application to the department for registration within ninety (90) days after the effective date of this act The department shall hold examinations on the second Saturdays in January April July and October in the Cities of Philadelphia Pittsburgh Harrisburg Wilkes-Barre and Erie at such hours and under such rules and regulations as the department shall prescribe The examination for a broker's license shall [differ from the examination for a salesman's license in that it shall be of a more exacting nature and require higher standards of knowledge of real estate] include questions on real estate practice real estate law the applicant's ability to read and write English his knowledge of mathematics and other common school branches The examination for salesman's license shall be limited to the common school branches Provided however That in event the license of any real estate broker or salesman shall be cancelled by the department subsequent to the enactment of this act no new license shall be issued to such person unless he complies with the provisions of this act Provided further however That the department may waive these requirements in the case of an application from a non-resident broker of those states having similar requirements under the law of which similar recognition and courtesies are extended to licensed

real estate brokers and real estate salesmen of this State

An individual may apply for and receive from the department a temporary permit to operate as a real estate [broker or as a real estate] salesman until the next regular examination but not more than two successive temporary permits shall be issued to any individual Any individual who fails to pass the examination at two successive examinations shall be ineligible for a similar examination until after the expiration of [one full year] two full years from the time such individual took the last examination [Provided however That any applicant who fails to pass a salesman's examination shall be ineligible to apply for or operate under a temporary broker's certificate]

Section 8 The fees to be charged by and paid to the department by licensees for all licenses and renewals thereof issued shall be as follows

(1) A fee of ten dollars ($10.00) shall accompany an application for examination for real estate broker's license and in the event that the applicant successfully passes the examination no additional fee shall be required for the issuance of a certificate of registration Provided That if the applicant fails to pass the examination he may be eligible to take the next examination without any additional fee Provided That there shall be an additional license fee of two and one-half ($2.50) dollars annually for each additional office or place of business

(2) A fee of five dollars ($5.00) shall accompany an application for examination for a real estate salemen's license and in the event that the applicant successfully passes the examination no additional fee shall be required for the issuance of a certificate of registration Provided however That if the applicant fails to pass the examination he may be eligible to take the next examination without any additional fee

(3) It shall be the duty of all persons licensed to practice as a real estate broker or real estate salesman to register annually with the department and pay for each such annual registration as a real estate broker the sum of five dollars ($5.00) and pay for each such annual registration as a real estate salesman the sum of two dollars and one-half ($2.50) Said application for renewal of real estate broker's or salesman's license shall be made to the department annually on or before January first of the next succeeding year

(4) The department shall be required to publish annually a list of the persons copartnerships and corporations registered for that particular year

Section 4 Section nine and clauses (a) and (d) of section ten of said act as amended by sections four five and six of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1410) are hereby further amended to read as follows

Section 9 (a) Every person copartnership association or corporation licensed as a real estate broker under the provisions of this act shall be required to have and maintain a definite place of business within the Commonwealth which shall be a room or rooms used exclusively for the transaction of real estate business or such business and any allied business and which shall serve as his their or its office for the transaction of business under the authority of the said license and where the [license] certificate of registration and the current annual renewal card shall be prominently displayed The said place of business shall be specified in the application for license and designated in the license and no license issued under the authority of this act shall authorize the licensee to transact business from any office other than that designated in the license unless notice in writing shall be given within ten days to the department of any change of business location designating the new location of such office whereupon the department shall forthwith issue a new license for the new location for the unexpired period without charge The change of the specified business location without notification to the department shall automatically cancel the license theretofore issued Every real estate broker shall display on the outside of his place of business a sign containing the words Real Estate or Realtor where such latter title is duly authorized The department subject to the approval of the Real Estate Advisory Committee shall not adopt reasonable rules and regulations for the conduct of such places of business

(b) All real estate brokers shall also prominently display in their place or places of business the [licenses] certificate of registration and the current annual renewal card of all real estate salesmen employed by them therein or in connection therewith All licenses issued to real estate salesmen shall designate the employer of such salesmen by name Prompt notice in writing within ten (10) days shall be given to the department by the real estate salesmen of any change of employer and of the name of the new employer into whose service such salesman is about to enter or has entered and a new license shall thereupon be issued without charge by the department to such salesmen for the unexpired term of the original license Provided That such new employer shall be a duly licensed real estate broker The change of employer or employment by any licensed real estate salesman without notice to the department as aforesaid shall automatically cancel the license to him theretofore issued and it shall be the duty of the employer named in such license to notify the department promptly of any such change of employer or employment

(c) The violation of any of the provisions of this section by any licensee shall be sufficient cause for the suspension or revocation of his her or its license in the discretion of the department

Section 10 (a) The department may upon its own motion and shall promptly upon the verified complaint in writing of any person setting forth specifically the wrongful act or acts complained of investigate any action or business transaction of any licensed real estate broker or real estate salesman and shall have the power temporarily to suspend or permanently to revoke licenses theretofore issued by the department under the provisions of this act at any time when after due proceedings as hereinafter provided it shall find the holder thereof to have been guilty in the performance or attempt to perform any of the acts prohibited to others than licensed real estate brokers or real estate salesmen under the provisions of this act

(1) Of knowingly making any substantial misrepresentation or

(2) Of knowingly making any false promise of a character likely to influence persuade or induce or

(3) Of a continued or flagrant course of misrepresentation of making of false promises through agents or salesmen or

(4) When it shall be shown that the licensee within five years prior to the issuance of the license then in force has been convicted in a court of competent jurisdiction of this or any other state of forgery embezzlement obtaining money under false pretenses extortion conspiracy to defraud or other like offense or offenses

(5) Of any failure to account for or to pay over moneys belonging to others which has come into his her or its possession arising out of a real estate transaction or

(6) Of any misleading or untruthful advertising or

(7) Of any act or conduct in connection with a real estate transaction which demonstrates incompetency bad faith or dishonesty

(8) Of displaying a "for rent" or "for sale" sign on any property without an exclusive agency therefor or without the owner's consent

(d) The decision of the department in suspending or revoking any license issued under this act shall be subject to review by the Court of Common Pleas of Dauphin County The department shall maintain in its main office a public docket or other record in which it shall record from time to time as made the rulings or decisions upon all complaints filed with it and all investigations instituted by it in the first instance upon or in connection with which any such hearing shall have been had or in which the licensee charged shall have made no defense The department shall also give immediate notice in writing of such ruling or decision to the licensee affected thereby and as well where the investigation shall have been

instituted by complaint filed to the party or parties by whom the complaint was made If such ruling shall be to the prejudice of or shall injuriously affect the licensee the department shall also state in said notice the date upon which the said ruling or decision shall become effective if not theretofore appealed from and such date shall be not less than thirty (30) days from and after the date of the said notice If the licensee cannot at such time be found his whereabouts being then unknown such notice may be given by the department by advertisement inserted in one issue of a newspaper of general circulation published within the county where was located the principal office of the licensee as designated in the license When any revocation or suspension shall become final the department shall publish notice thereof in one issue of one or more newspapers of general circulation published within the county in which the licensee was practicing or engaged in the real estate business at the time of such revocation or suspension

Such ruling or decision of the department shall be final when in favor of the licensee and in dismissal of the complaint filed if any If against the licensee or in any way to the licensee's injury or prejudice the licensee may at any time prior to the date fixed by the department in its said notice as the date it shall become effective appeal from such decision to the Court of Common Pleas of Dauphin County by [Serving upon the department] filing written notice of such appeal together with reasons for such appeal [Such service shall be made] in the office of the prothonotary of Dauphin County and by serving a copy thereof on the department either by filing the said notice of appeal in the office of the department or by delivering the same to the deputy whether general or special before whom the hearing in the case was had

Within thirty (30) days after the service of such notice of appeal the department shall file with the prothonotary of the said Court of Common Pleas a transcript of the records of the proceedings in its office duly certified over the seal of the department which record shall include all papers on file with the department affecting or relating to the inquiry or investigation conducted by the department and all the evidence taken in the said hearing including the stenographic notes of testimony Notice of the filing of the said transcript with the term and number to which filed shall be forthwith given by the department to the licensee and as well to the party or parties if any upon whose complaint the proceedings before the department were instituted The cost of the said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs in the cause to be paid as the said court may direct In all proceedings upon such appeal the Department of Justice shall appear for and represent the Commonwealth

The appeal shall thereupon be heard in due course by the judge or judges of the said Court of Common Pleas without a jury by whom the proceedings before the department its findings and rulings shall be given similar weight force and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act entitled "An act to provide for the submission of civil cases by agreement of the parties to the referee learned in the law" approved the fourteenth day of May one thousand eight hundred and seventy-four and its supplements

Section 5 Section twelve of said act is hereby amended to read as follows

Section 12 (a) Any person copartnership association or corporation who shall after the first day of January nineteen hundred and thirty engage in or carry on the business or act in the capacity of a real estate broker or a real estate salesman within this Commonwealth without a license or shall carry on or continue business after the suspension or revocation of any such license to him or it issued or shall employ any person as a real estate salesman to whom a license as a real estate salesman has not been issued or whose license as such shall have been revoked or suspended shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) and for a second and any subsequent offense shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) or undergo imprisonment for a period of not more than one (1) year or both in the discretion of the court

(b) Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate of registration on or before the renewal date in each year and who continues the practice of real estate broker or real estate salesman shall on conviction thereof be subject to a fine of not more than ten dollars ($10) to be collected by summary conviction as like fines are collected by law and in case of non-payment of fine to undergo an imprisonment for a period not to exceed ten (10) days Any such person shall have the right of appeal as in other cases of summary conviction

Section 6 Any person who has for a period of two years immediately preceding the effective date of this act engaged in any business or occupation not heretofore required to be licensed as a real estate broker and who is under the provisions of these amendments required to be so licensed shall be issued a real estate broker's license by the Department of Public Instruction without requiring him or her to submit to an examination as required by the act to which this is an amendment and its amendments provided that such person makes application for such license within ninety days after the effective date of this act and pays the fee prescribed by law for such license

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Skale,
Allmond,	Ganser,	McKinney,	Sloan,
Arnold,	Gerard,	McShane,	Smith, James A.,
Atkins,	Gillette,	Melchiorre,	Smith, John A.,
Aukerman,	Gorski,	Mellott,	Snyder,
Baine,	Habbyshaw,	Minm,	Sollenberger,
Baker, F. T.,	Haberlen,	Moomaw,	Spengler,
Baker, J. J.,	Hagerty,	Mooney,	Sproul,
Balthaser	Hall,	Moran,	Stackpole,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAlisburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,

Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,

NAYS—1

Rush,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2320, (Senate Bill No. 1120), as follows:

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under oath and prior acts of Assembly" by providing further procedure for preserving such liens and enforcing payment of such claim and validating certain municipal tax liens heretofore filed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennesylvania in General Assembly met and it is hereby enacted by the authority of the same That section ten of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by the act approved the sixteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 526) is hereby further amended to read as follows

Section 10 Said claim shall set forth

1 The name of the municipality by which filed

2 The name of the owner of the property against which it is filed

3 A description of the property against which it is filed

4 The authority under or by virtue of which the tax was levied or the work was done

5 The time for which the tax was levied or the date on which the work was completed in front of the particular property against which the claim is led or the date of completion of the improvement where the assessment is made after completion or the date of confirmation by the court where confirmation is required done

6 If filed to the use of a contractor the date of and parties to the contract for doing said work and

7 In other than tax claims the kind and character of the work done for which the claim is filed and if the work be such as to require previous notice to the owner to do it when and how such notice was given

Said claim (must) shall be signed by or have stamped thereon a facsimile signature of the solicitor or chief executive officer of the claimant (;) except in counties having a controller in which case it shall be signed by or have stamped thereon a facsimile signature of the controller the controller and in the case of a use-plaintiff must be accompanied by an affidavit that the facts therein set forth are true to the best of his knowledge information and belief

Section 2 That section fifteen of said act is hereby amended to read as follows

Section 15 Such tax municipal or other claim if filed within the period aforesaid shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of non-payment and an averment of default in the form hereinafter provided be filed in cases of tax claims either before or after judgment on the scire facias and in cases of other than tax claims after judgment on the scire facias or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facias was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion of non-payment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now ..... the claimant by ..... (his) its solicitor or controller suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for non-payment thereof The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment (must) shall be signed by or have stamped thereon a facsimilie signature of the solicitor or chief executive officer of the claimant (.) except in counties having a controller in which case it shall be signed by or have stamped thereon a facsimile signature of the controller The prothonotary shall docket and index the suggestion and averments directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purposes of continuing and preserving the lien of the claim as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default the claimant may at any time within five years therefrom issue a writ of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to

the right of the owner to raise any defense arising since the last judgment

If a claim be not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

Section 3 No municipal tax lien heretofore entered shall be invalidated discharged or set aside for want of any formality in the claim or for non-compliance with the requirements of section ten of the act to which this is an amendment if the claim whereon the lien was entered was filed in the office of the prothonotary on or before the last day of the third calendar year after that in which the tax was first payable and correctly shows the amount of the unpaid tax against the property for which the lien was filed for the year covered by the lien and all such tax liens are hereby ratified confirmed and validated

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, John A.,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendment in which the concurrence of the Senate is requested.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHUGARTS asked and obtained permission for the Committee on Counties to meet during the session of the House.

BILLS ON THIRD READING

Mr. TURNER asked and obtained unanimous consent to call up out of order House Bill No. 978, Printer's No. 616 on page 43 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 978, entitled:

An Act creating the "Valley Forge Peace Memorial Fund" in the State Treasury for the receipt of contributions by this and other states and the Federal Government for the purpose of providing erecting and dedicating on the Valley Forge Camping Ground of an Eternal Light Peace Memorial appropriating the moneys in said fund to the Valley Forge Park Commission and making an appropriation into said fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,

Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1629, entitled:

An Act dedicating and setting aside certain lands in Lackawanna County as a public park and pleasure ground and imposing certain powers and duties in connection therewith on the Department of Forests and Waters

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Gauser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, E. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Bocse,	Hess,	O'Connor,	Thomas,
Boyer,	Heydrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Broadman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORT FROM COMMITTEE

Mr. SAMUEL A. WEISS, from the Committee on State Government, reported as committed, House Bill No. 2497, (Senate Bill No. 1328), entitled:

An Act prohibiting the wearing or imitation of the uniform of the Pennsylvania Motor Police prescribing penalties.

Mr. SAMUEL A. WEISS. Mr. Speaker, I ask unanimous consent to have House Bill No. 2497, Senate Bill No. 1328, read for the first time.

The SPEAKER. Will the House give its unanimous consent to read this bill for the first time? Are there objections?

Mr. TURNER. Mr. Speaker, I object to these bills being read for the first time.

The SPEAKER. The Chair hears objection and consent is not granted.

RULES SUSPENDED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that Rules 14, 41 and 43 be suspended for the specific purpose of allowing all bills reported as committed to be read for the first time.

On the question,

Will the House agree to the motion?

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. TURNER. Mr. Speaker, may we know the Printer's numbers of these bills?

The SPEAKER. The Printer's number of this bill is 727.

The yeas and nays were required by Mr. TURNER and Mr. WOOD and were as follows:

YEAS—112

McArdle,	Elpern,	McCullough,	Rush,
Achterman,	Falkenstein,	McDermott,	Sarraf,
Alexander,	Finnerty,	McElroy,	Scanlon,
Allen,	Fitch,	McFall,	Schor,
Allmond,	Flanagan,	McGee,	Shepard,
Arnold,	Flannery,	McShane,	Shoemaker,
Aukerman,	Haberlen,	Melchiorre,	Shugarts,
Baine,	Hagerty,	Mihm,	Simon,
Baker, J. T.,	Hamilton, F. P.,	Moomaw,	Smith, James A.,
Balthaser,	Harkins,	Mooney,	Smith, John A.,
Bierly,	Harmuth,	Moran,	Stank,
Blank,	Hays,	Murrin,	Thomas,
Brancato,	Hering,	Nagel,	Thompson,
Broad,	Hess,	O'Brien,	Tronzo,
Brown,	Hindman,	O'Connor,	Tumelty,
Burrows,	Holland,	O'Keefe,	Valibus,
Caputo,	Holstrom,	Ominsky,	VanSickle,
Chervenak,	Horting,	Ostroff,	Wagner,
Coakley,	Jirolanio,	Patterson, J. W.,	Walsh,
Cohen, H. B.,	Keenan,	Pearson,	Weiss, D. H.,
Cohen, R. E.,	Kelso,	Piole,	Weiss, S. A.,
Coleman,	Kilroy,	Preston,	Welliver,
Corrigan,	LaRue,	Readinger,	Welsh,

Costanzo,	Levy,	Reese,	Westrick,
Decker,	Lewis,	Reising,	Wright,
DeNote,	Long,	Robinson,	Yourishin,
Dougherty,	Lopresti,	Rothenberger,	Zappala,
Downey,	Lovett,	Ruffennach,	Furman,
Dyson.			

NAYS—22

Cadwalader,	Muir,	Stewart,	Weidemann,
Imbrie,	Peale,	Turner,	Wilson,
Kline,	Perry,	Van Allsburg,	Winner,
Leisey,	Schrock,	Wall,	Wood,
Lyons,	Serrill,	Watkins,	Woodside,
McKinney,	Sollenberger,		

So the question was determined in the affirmative and the motion to suspend Rules 14, 41 and 43 was agreed to.

REPORT FROM COMMITTEE

Mr. HERBERT B. COHEN, from the Committee on State Government, reported as committed, House Bill No. 2373, (Senate Bill No. 782), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by consolidating the Pennsylvania State Police and the State Highway Patrol and their powers and duties into one agency to be known as the Pennsylvania Motor Police and establishing as part of such agency a Motor Police Force and making provision for the number selection qualifications promotion training and discipline of the members of such force.

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. TURNER. Mr. Speaker, the motion of the gentleman from York was to suspend the rules. I didn't understand that it was to apply to all bills. I would ask that the matter be referred to the gentleman from York.

The SPEAKER. The matter is referred to the reporter, whose notes show that the motion applied to all bills being reported as committed.

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. TURNER. How did the Speaker get that information from the reporter?

The SPEAKER. By having him read it.

Mr. TURNER. Mr. Speaker, how did he get it?

The SPEAKER. From his notes.

Mr. TURNER. Has the reporter transcribed his notes, Mr. Speaker?

The SPEAKER. He has not, but he can read his own notes.

REPORTS FROM COMMITTEES

Mr. HERBERT B. COHEN, from the Committee on State Government, reported as committed House Bill No. 2371, (Senate Bill No. 769), entitled:

An Act to amend the title and act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fourteen) entitled "An act providing for a system of recording the identification of persons convicted of crime and fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania State Police district attorneys police officers wardens or keepers of jails prisons workhouses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties" by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

Mr. HERBERT B. COHEN, from the Committee on State Government, reported as committed, House Bill No. 2374, (Senate Bill No. 784), entitled:

An Act to amend the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred fourteen) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police and providing for the payment into the Motor License Fund any moneys received or collected under this act.

Mr. HERBERT B. COHEN, from the Committee on State Government, reported as committed, House Bill No. 2377, (Senate Bill No. 837), entitled:

An Act to further amend sections two four and six and to amend section seven of the act approved the seventh day of May one thousand nine hundred twenty-three (Pamphlet Laws one hundred fifty-one) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Mr. HERBERT B. COHEN, from the Committee on State Government reported as committed, House Bill No. 2376, (Senate Bill No. 886), entitled:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fifty) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State police and defining their powers and duties providing for the investigation of the cause origin and circumstances of fires and the inspection of all and the removal or change of certain buildings impos-

ing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State police and the enforcement of its orders and prescribing penalties" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Mr. BLANK, from the Committee on Cities, reported as committed, House Bill No. 2501, (Senate Bill No. 856), entitled:

An Act to amend the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by adding a new section thereto 11-A providing that in counties of the first class all appointments shall be equally divided between majority and minority commissioners.

Mr. COAKLEY, from the Committee on Highways, reported as committed, House Bill No. 2461, (Senate Bill No. 668), entitled:

An Act to amend route 15176 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes.

Mr. CHERVENAK, from the Committee on State Government, reported as committed, House Bill No. 2470, (Senate Bill No. 1210), entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons firms or corporations to erect an office building and to lease such office building for the use of the Commonwealth the same to become the property of the Commonwealth upon termination of said lease.

Mr. JAMES A. SMITH, from the Committee on State Government, reported as committed, House Bill No. 2493, (Senate Bill No. 1310), entitled:

An Act to amend sections two and four of the joint resolution approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Act Number 127) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" by authorizing the several Court of Common Pleas upon application to adjudge persons refusing to comply with subpoenas of the commission in contempt of court and by increasing the appropriation to the commission.

Mr. SHUGARTS, from the Committee on State Government, reported as committed, House Bill No. 2397, (Senate Bill No. 1219), entitled:

An Act to amend sections one three eight and ten of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-four (Pamphlet Laws 858) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended qualifying members of the General Assembly as members of the State retirement system.

Mr. HERBERT B. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2511, (Senate Bill No. 1415), entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred and thirty-seven and such time as the funds provided by the General Appropriation Act become available.

Mr. HARKINS, from the Committee on Education, reported as committed, House Bill No. 2496, (Senate Bill No. 1326), entitled:

An Act to amend section one thousand five hundred eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added requiring school districts of the first second and third classes to employ dental hygienists.

Mr. OSTROFF, from the Committee on Welfare, reported as committed, House Bill No. 2453, (Senate Bill No. 876), entitled:

An Act creating in each county (except of the the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers

guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws.

Mr. SARRAF, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 2387, (Senate Bill No. 684), entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

Mr. DECKER, from the Committee on Repeal Bills, reported as committed, House Bill No. 2473, (Senate Bill No. 1229), entitled:

An Act to repeal section thirty of the act approved the first day of May one thousand eight hundred sixty-one (Pamphlet Laws four hundred fifty) entitled "An act relating to Allegheny County."

Mr. BROWNFIELD, from the Committee on State Government, reported as committed, House Bill No. 2444, (Senate Bill No. 1262), entitled:

An Act providing for the sale of Fort Necessity Park in Wharton Township to the government of the United States for National Military Park purposes and giving consent to the purchase of said park other lands of historical importance and with certain reservations ceding jurisdiction over such lands.

Mr. LEVY, from the Committee on Counties, reported as committed, House Bill No. 2507, (Senate Bill No. 930), entitled:

An Act to repeal the laws relating to the Lancaster County Prison and relating to the election of a board of inspectors to manage said prison.

Mr. KLINE, from the Committee on Fisheries, reported as committed, House Bill No. 2465, (Senate Bill No. 1087), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by changing the method of issuance of licenses and making further provisions for records and returns thereof.

Mr. VAN SICKLE, from the Committee on Welfare, reported as committed, House Bill No. 2378, (Senate Bill No. 883), entitled:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing all laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board.

Mr. SHUGARTS, from the Committee on State Boards, reported as committed, House Bill No. 2504, (Senate Bill No. 341), entitled:

An Act to re-enact and further amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State Government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing additional filing fees and increasing fees for certain permits and providing for the disposition thereof further regulating the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the jurisdiction of court and local option procedure prohibiting certain interlocking business and providing penalties.

Mr. BOHN, from the Committee on State Boards, reported as committed, House Bill No. 2506, (Senate Bill No. 343), entitled:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licensees application for licenses and sales by licensees and fixing fees tor amusement permits regulating the granting suspension revocation and transfer of licenses and the procedure therefor and conferring jurisdiction on certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the disposition of application license permit fees forfeitures and penalties and providing penalties.

Mr. HOLSTROM, from the Committee on State Boards,

reported as committed, House Bill No. 2505, (Senate Bill No. 342), entitled:

An Act to re-enact and amend the act approved the nineteenth day of February one thousand nine hundred twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization re-distillation rectification blending recovery re-use holding in bond holding storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further regulating the manufacture sale use and traffic in alcohol and alcoholic liquids conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing filing fees changing the method of calculating certain license fees providing for the use of the word "license" instead of "permit" regulating and providing the procedure for the granting suspension and revocation of licenses and for compromises in certain cases providing for the disposition of fees compromise penalties and forfeitures regulating the jurisdiction of courts and providing penalties.

Mr. SHAW, from the Committee on Welfare, reported as committed, House Bill No. 2375, (Senate Bill No. 877), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officer fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes in certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare.

Miss BRANCATO, from the Committee on Cities, reported as committed, House Bill No. 2311, (Senate Bill No. 809), entitled:

An Act to amend section three of article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments and officers regulating commitments and providing for the audit of firemen's pension funds.

Miss BRANCATO, from the Committee on Education, reported as committed, House Bill No. 2400, (Senate Bill No. 1260), entitled:

An Act to amend section one thousand four hundred and thirty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation to be paid attendance officers and home and school visitors in school districts of the first class.

Miss BRANCATO, from the Committee on State Boards, reported as committed, House Bill No. 2269, (Senate Bill No. 893), entitled:

An Act to amend the act approved the eighth day of June one thousand nine hundred seven (P. L. 496) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River as a departmental administrative commission in the Department of Forests and Waters making provision for the designation and employment of a secretary an attorney and other necessary employes of such commission transferring to such commission the record employes property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of a Navigation and providing fees and further conditions relative to licenses.

Mr. KELSO, from the Committee on Highways, reported as committed, House Bill No. 2483, (Senate Bill No. 683), entitled:

An Act to further amend sections six ten and twenty-nine of an act approved the thirty-first day of May one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of Highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and town and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several

townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turn-pikes or toll roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by amending Route Fifty-two by adding thereto borough bridges over mill races as the responsibility of the Department of Highways by providing that no assessment shall be made against the Commonwealth to assist in the reconstruction of any structure eliminating grade crossings and by further authorizing the Attorney General under certain conditions to enter into agreements with townships of the payment in installments of certain claims of the Department of Highways against such townships for construction reconstruction or maintenance of State Highways.

Mr. RUSH, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 2329, (Senate Bill No. 1171), entitled:

A Joint Resolution proposing an amendment to Article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania.

Mr. O'KEEFE, from the Committee on Welfare, reported as committed, House Bill No. 2454, (Senate Bill No. 878), entitled:

An Act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure.

Mr. PRESTON, from the Committee on State Government, reported as committed, House Bill No. 2185, (Senate Bill No. 676), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain land located in the City of Allentown Lehigh County Pennsylvania.

Mr. MIHM, from the Committee on Legislative Apportionment, reported as committed, House Bill No. 2457, (Senate Bill No. 1072), entitled:

An Act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators.

Mr. FALKENSTEIN, from the Committee on Motor Vehicles, re-reported as committed, House Bill No. 2439, (Senate Bill No. 1216), entitled:

An Act to further amend subsection (e) of section eight hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated town townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring all motor vehicles trailers and semi-trailers to have red reflectors at the rear

Mr. HARKINS, from the Committee on Judiciary General, reported as committed, House Bill No. 1955, (Senate Bill No. 479), entitled

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (P. L. 30) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

Mr. BLANK, from the Committee on Judiciary General, reported as committed, House Bill No. 2243, (Senate Bill No. 735), entitled:

An Act restricting the granting of licenses to marry to divorced persons.

Miss BRANCATO, from the Committee on Judiciary General, reported as committed, House Bill No. 2509, (Senate Bill No. 943), entitled:

An Act authorizing and empowering any city county school district or other municipality which shall have acquired a limited title to real estate for municipal purposes to secure a title in fee simple to any such real estate and providing and regulating the procedure in such cases.

BILLS ON FIRST READING

Pursuant to the motion to suspend Rules 14, 41, and 43, which was agreed to, the following bills were read for the first time.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 2497, (Senate Bill No. 1328), entitled:

An Act prohibiting the wearing or imitation of the uniform of the Pennsylvania Motor Police prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2373, (Senate Bill No. 782), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compenation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by consolidating the Pennsylvania State Police and the State Highway Patrol and their powers and duties into one agency to be known as the Pennsylvania Motor Police and establishing as part of such agency a Motor Force and making provision for the number selection qualifications promotion training and discipline of the members of such force.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2371, (Senate Bill No. 769), entitled:

An Act to amend the title and act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fourteen) entitled "An act providing for a system of recording the identification of persons convicted of crime and fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania State Police district attorneys police officers wardens or keepers of jails prisons work-houses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties" by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2374, (Senate Bill No. 784), entitled:

An Act to amend the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred fourteen) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualification for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police and providing for the payment into the Motor License Fund moneys received or collected under the act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2377, (Senate Bill No. 887), entitled:

An Act to further amend sections two four and six and to amend section seven of the act approved the seventh day of May one thousand nine hundred twenty-three (Pamphlet Laws one hundred fifty-one) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2376, (Senate Bill No. 886), entitled:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fifty) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State police and defining their powers and duties providing for the investigation of the cause origin and circumstances of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State police and the enforcement of its orders and prescribing penalties" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2501, (Senate Bill No. 856), entitled:

An Act to amend the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for re-division of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of

voting machines by the counties in which they are used and providing penalties for violation of the provisions of that in counties of the first class all appointments shall be equally divided between majority and minority commissioners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2461, (Senate Bill No. 668), entitled:

An Act to amend route 15176 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2470, (Senate Bill No. 1210), entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons firms or corporations to erect an office building and to lease such office building for the use of the Commonwealth the same to become the property of the Commonwealth upon termination of said lease.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2493, (Senate Bill No. 1310), entitled:

An Act to amend sections two and four of the joint resolution approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Act Number 127) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" by authorizing the several Courts of Common Pleas upon application to adjudge persons refusing to comply with subpoenas of the commission in contempt of court and by increasing the appropriation to the commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2397, (Senate Bill No. 1219), entitled:

An Act to amend sections one, three, eight and ten of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-four (Pamphlet Laws 858) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom; and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," as amended, qualifying members of the General Assembly as members of the State retirement system.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2511, (Senate Bill No. 1415), entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred and thirty-seven and such time as the funds provided by the General Appropriation Act become available.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2496 (Senate Bill No. 1326), entitled:

An Act to amend section one thousand five hundred eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added requiring school districts of the first second and third classes to employ dental hygienists.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2453, (Senate Bill No. 876), entitled:

An Act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of

them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2387, (Senate Bill No. 684), entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2473, (Senate Bill No. 1229), entitled:

An Act to repeal section thirty of the act approved the first day of May one thousand eight hundred sixty-one (Pamphlet Laws four hundred fifty) entitled "An act relating to Allegheny County."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2444, (Senate Bill No. 1262), entitled:

An Act providing for the sale of Fort Necessity Park in Wharton Township to the government of the United States for National Military Park purposes and giving consent to the purchase of said park other lands of historical importance and with certain reservations ceding jurisdiction over such lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2507, (Senate Bill No. 930), entitled:

An Act to repeal the laws relating to the Lancaster County Prison and relating to the election of a board of inspectors to manage said prison.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2465, (Senate Bill No. 1087), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by changing the method of issuance of licenses and making further provisions for records and returns thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2378, (Senate Bill No. 883), entitled:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing all laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2504, (Senate Bill No. 341), entitled:

An Act to reenact and further amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing additional filing fees and increasing fees for certain permits and providing the procedure for the granting transfer ing the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the jurisdiction of court and local option procedure prohibiting certain interlocking business and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2506, (Senate Bill No. 343), entitled:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as

amended "An act to regulate and restrain the traffic in malt and brewed beverage as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licenses application for licenses and sales by licensees and fixing fees for amusement permits regulating the granting suspension revocation and transfer of licenses and the proceduree therefor and conferring jurisdiction on certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the disposition of application license permit fees forfeitures and penalties and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2505, (Senate Bill No. 342), entitled:

An Act to re-enact and amend the act approved the nineteenth day of February one thousand nine hundred twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization re-distillation rectification blending recovery re-use holding in bond holding storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permitees and purchases of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further regulating the manufacture sale use and traffic in alcohol and alcoholic liquids conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing filing fees changing the method of calculating certain license fees providing for the use of the word "license" instead of "permit" regulating and providing the procedure for the granting suspension and revocation of licenses and for compromises in certain cases providing for the disposition of fees compromise penalties and forfeitures regulating the jurisdiction of courts and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2375, (Senate Bill No. 877), entitled:

An Avt to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governer and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2311, (Senate Bill No. 809), entitled:

An Act to amend section three of Article twelve of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments and officers regulating commitments and providing for the audit of firemen's pension funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2400, (Senate Bill No. 1260), entitled:

An Act to amend section one thousand four hundred and thirty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, further regulating the compensation to be paid attendance peace officers and home and school visitors in school districts of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2269, (Senate Bill No. 893), entitled:

An Act to amend the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws

four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulk-heads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River as a departmental administrative commission in the Department of Forests and Waters transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation and providing fees and further conditions relative to licenses

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2483, (Senate Bill No. 683), entitled:

An Act to further amend sections six ten and twenty-nine of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of Highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turn-pikes or toll roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by amending Route fifty-two by adding thereto borough bridges over mill races as the responsibility of the Department of Highways by providing that no assessment shall be made against the Commonwealth to assist in the reconstruction of any structure eliminating grade crossings and by further authorizing the Attorney General under certain conditions to enter into agreements with townships of the payment in installments of certan claims of the Department of Highways against such townships for construction reconstruction or maintenance of State Highways.

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2329, (Senate Bill No. 1171), entitled:

A Joint Resolution proposing an amendment to Article nine section fifteen of the Constitution of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2454, (Senate Bill No. 878), entitled:

An Act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2185, (Senate Bill No. 676), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain land located in the City of Allentown Lehigh County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2457, (Senate Bill No. 1072), entitled:

An Act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. MIHM. Mr. Speaker, I move that House Bill No. 2457, Senate Bill No. 1072, be recommitted to the Committee on Legislative Apportionment for the purpose of amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1955, (Senate Bill No. 479), entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws 30) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2243, (Senate Bill No. 735), entitled:

An Act restricting the granting of licenses to marry to divorced persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2509, (Senate Bill No. 943), entitled:

An Act authorizing and empowering any city county school district or other municipality which shall have acquired a limited title to real estate for municipal purposes to secure a title in fee simple to any such real estate and providing and regulating the procedure in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. SHEPARD asked and obtained permission for the Committee on Legislative Apportionment to meet during the session of the House.

Mr. CAPUTO asked and obtained permission for the Committee on Judiciary General to meet during the session of the House.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2431, (Senate Bill No. 783), entitled:

An Act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and providing for the payment of certain medical expenses creating a board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties.

And said bill having been read at length the first time, Ordered, To be land aside for second reading.

RESOLUTION

CONGRATULATIONS

Mr. WINNER offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 26, 1937.

This evening at 9 post meridian the stork visited the Pottstown. Hospital and presented to our colleague, Honorable John H. Longaker, and his charming wife, Harriet, a bouncing nine pound baby girl. In consequence whereof, we are constrained to

Resolve That it is our duty, privilege and pleasure to send our congratulations and best wishes to this happy family on this blessed event, and we direct the Chief Clerk to attend to the matter in our behalf.

QUESTION OF INFORMATION

Mr. BROWNFIELD. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. BROWNFIELD. Mr. Speaker, is it the intention of the Chair to cover the first reading calendar?

The SPEAKER. The bills are not on file on the members' desks.

REPORT FROM COMMITTEE OF ELECTIONS

Mr. O'KEEFE offered the report from the Committee on Elections in the case of John Maley vs. Samuel P. Boyer, from the County of Cambria, as State Representative.

The SPEAKER. The report will lie over for printing.

REPORT FROM COMMITTEE

Mr. MIHM, from the Committee on Legislative Apportionment, re-reported as amended, House Bill No. 2457, (Senate Bill No. 1072), entitled:

An Act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators.

TIME EXTENDED ON BILL

Mr. SHUGARTS. Mr. Speaker, I move that the time on House Bill No. 621, Printer's No. 788, entitled:

An Act relating to the business of painting paperhanging and decorating defining regulating and providing for the licensing of contractors engaged in such business and for the revocation of such licenses subject to appeal and

creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry.

on page 60 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

ADJOURNMENT

Mr. WELLIVER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 3:00 p. m.

The motion was agreed to, and (at 4:53 a. m.) the House adjourned until Thursday, May 27, 1937, at 3:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., THURSDAY, MAY 27, 1937. No. 67.

SENATE

THURSDAY, May 27, 1937.

The Senate met at 1 o'clock p. m.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Father of the ages everlasting, Thou art Lord of all. Thy realm is the commonwealth of races, the brotherhood of man. Teach us to cherish our kinship and its binding ties.

We are approaching that day when the living seek to honor the memory of the dead. Our paths may lead us to the massive marbles witness in the silent city of the mausoleum or sarcophagus, or to the sleeping dust beneath the mosses and the myrtles, the tangled grasses of the long forgotten spot. Yet wherever we may be, enable us to realize our own unworthiness, our unpaid debt to Thee, to our country and to our brother man. And when we return here another day, may we bring back a new consecration and a solemn resolve that our lives shall be more devoted to the cause of justice, equality and brotherhood as the only true foundation of lasting peace. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RANKIN, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications;

PROTESTING AGAINST PASSAGE OF SENATE BILL NO. 921, (HOUSE BILL NO. 75) AND SENATE BILL NO. 876 (HOUSE BILL NO. 76).

Communication from the Philadelphia Cartage Exchange, Phila., Pa., protesting against the passage of Senate Bill No. 921, House No. 75; and Senate Bill No. 764, House Bill No. 76; which is an Act to promote the safety of employees and travellers upon railroads by compelling common carriers by railroads to man locomotives, trains and other propelled engines and machines with competent employees. etc.

Which was referred to the Committee on Labor and Industry.

OPPOSING SENATE BILL NO. 876.

Telegram from Alverna E. Kauffman, Snyder Co., Board of Trustees, opposing compromise on Poor Board Ripper Bill Senate, No. 876.

Which was referred to the Committee on Welfare.

RESOLUTION FAVORING LEGISLATION GIVING VETERANS PREFERENCE FOR POSITIONS WITH THE STATE OF PENNSYLVANIA

Resolution from the Democratic Veterans Committee of Lackawanna, Ave., Scranton, Pa., favoring legislation giving Veterans preference for positions with the State of Pennsylvania.

Which was referred to the Committee on Labor and Industry.

URGING PASSAGE OF BILL TO AID THE LABORER.

Petitions from the General Labor Union of Bethlehem, urging the passage of a bill, granting the right to sue the Commonwealth to those people who performed forced labor on the Highways.

Which was referred to the Committee on Judiciary General.

NOMINATION BY THE GOVERNOR

The Chair cleared his table and laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BLAIR COUNTY

Miss Jean L. Harris, Altoona.

CAMBRIA COUNTY

Miss Helen R. Day, Johnstown.

LANCASTER COUNTY

Miss M. Frances Grissinger, Mount Joy.

MERCER COUNTY

Miss Mary Steckler, Grove City.

PHILADELPHIA COUNTY

Harry Lieber, 338 Catharine St., Philadelphia.

WESTMORELAND COUNTY

Hayden R. Luther, New Kensington.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 978, (Senate Bill No. 1452), entitled:

An Act creating the "Valley Forge Peace Memorial Fund" in the State Treasury for the receipt of contributions by this and other states and the Federal Government for the purpose of providing, erecting and dedicating on the Valley Forge Camping Ground of an Eternal Light Peace Memorial; appropriating the moneys in said funds to the Valley Forge Park Commission; and making an appropriation into said fund.

Which was committed to the Committee on State Government.

House Bill No. 1629, (Senate Bill No. 1453), entitled:

An Act dedicating and setting aside certain lands in Lackawanna and Luzerne Counties as a public park and pleasure ground; and imposing certain powers and duties in connection therewith on the Department of Forest and Waters.

Which was committed to the Committee on Forests and Waters.

House Bill No. 1757, (Senate Bill No. 1454), entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "Real Estate Brokers License Act of 1929," by further defining real estate brokers and real estate salesmen; and further providing for the licensing, regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business.

Which was committed to the Committee on State Government.

House Bill No. 2379, (Senate Bill No. 1455), entitled:

An Act to amend section two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred ninety-two), entitled "An act to provide revenue by taxation" by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale.

Which was committed to the Committee on Finance.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 228.

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives, informing the Senate that the House of Representatives has adopted the report of the Committee of Conference on House Bill No. 228 entitled:

An Act imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth a store or stores as herein defined; prescribing the method and manner of collecting such tax and its disposition; and providing penalties.

SENATE BILL NO. 1120, RETURNED WITH AMENDMENTS.

He also returned to the Senate, Senate Bill No. 1120, entitled:

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled, "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing further procedure for preserving such liens and enforcing payment of such claims, and validating certain municipal tax liens heretofore filed.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

BILLS SIGNED

The PRESIDENT PRO TEMPORE M. HARVEY HUFFMAN announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

SENATE BILL NO. 998.

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special or local, with," as amended, by further regulating the incurring or refunding of indebtedness, the issuing of bonds by school districts and the retiring of indebtedness; making payroll obligations preferential claims against the district; providing for penalties for failure to comply with any part of the act; and repealing provisions of state laws inconsistent with this act.

SENATE BILL NO. 148.

An Act to amend the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five, (P. L. 780) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks; providing for the registration thereof; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof in certain cases unless registered; regulating the manufacture, bottling, preparation, mixing, and compounding of carbonated beverages or still drinks, and the sale and dispensing thereof; creating a special fund in the State Treasury; and providing penalties," as amended, by further regulating the manufacture and sale of carbonated beverages and still drinks, changing the penalties prescribed and providing for injunctions in certain cases.

SENATE BILL NO. 481.

An Act to amend a part of section three of the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations," vesting discretion in the Governor with respect to the approval of the charter of certain corporations.

SENATE BILL NO. 679.

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville, Lebanon County.

SENATE BILL NO. 871.

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto," by conferring on such counties the power to adopt ordinances and resolutions; providing for the zoning and the regulation of the location, height, bulk and use of buildings and other structures and of the uses of land, and the requirement of building permits, in the portions of counties lying outside of cities, boroughs and townships of the first class; providing for the creation organization, powers and duties of county zoning commissions and boards of adjustment; imposing duties on the State Planning Board and on State officials, departments and agencies; and prescribing penalties.

SENATE BILL NO. 872.

An Act to amend Article Six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, and revising amending and consolidating the laws relating thereto" providing for county and regional planning, and the creation, organization and powers of county and regional planning commissions, and imposing duties on certain city, borough, town and township authorities.

SENATE BILL NO. 1162.

An Act to amend the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 1199), entitled "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said hospital when appropriations are made available, and for its management by the Department of Welfare," providing for the conveyance of said tract to the General State Authority, for the construction of said hospital, and for the leasing thereof by the Commonwealth after construction.

SENATE BILL NO. 199.

An Act to amend section one, clause three as amended, sections seven and thirteen, and section seventeen as amended, and to repeal section six of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments, with respect to their hours of labor and conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," as amended, by excepting from the provisions of the act certain occupations and professions, further regulating the hours of labor; eliminating existing provisions permitting over time work in certain cases, imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry; and providing penalties.

SENATE BILL NO. 759.

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

SENATE BILL NO. 415.

An Act providing for the examination and certification of, and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines; imposing duties upon the Secretary of Mines; and providing penalties.

SENATE BILL NO. 416.

An Act providing for the examination and certification of, and regulating the employment of mine electricians in bituminous coal mines; imposing duties upon the mine foremen's examining board and the Secretary of Mines; and providing penalties.

SENATE BILL NO. 1046.

An Act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters; authorizing the employment of assistants for the performance of such duties; fixing the salaries of such assistants and repealing inconsistent acts.

SENATE BILL NO. 1076.

An Act to amend section one as amended, and sections two and three of the act approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws one hundred twenty-nine), entitled "An act to empower boroughs and cities to establish a police pension fund; to take property in trust therefor; and regulating and providing for the regulation of the same," requiring cities to make certain appropriations to the police retirement fund; increasing the maximum payments by members; and generally clarifying the provisions of said act.

SENATE BILL NO. 1158.

An Act providing a method of annexation of townships of the first class parts thereof to cities and boroughs, and regulating the proceedings pertaining thereto.

SENATE BILL NO. 1167.

An Act to define and restrict the obligation of persons engaged on, connected with, or employed by certain newspapers, or press associations in testifying as to the source of information procured or obtained by such persons.

SENATE BILL NO. 557.

An Act making an appropriation to the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes.

HOUSE BILL NO. 916.

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred nine-

teen (P. L. 1025), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "Mercantile License Tax Law," by providing for the annual appointment by the Auditor General, of mercantile appraisers in cities of the first class.

HOUSE BILL NO. 1524.

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "Barbers License Law" by modifying the provisions relating to barber schools, and licensing of persons as barbers, and the issuing of renewal, student or apprentice permits; providing additional grounds for suspension and revocation of permits and registrations; discontinuing the use of the term "barber college"; and prescribing penalties

HOUSE BILL NO. 1764.

An Act authorizing the payment of benefits by certain beneficial societies in the event of sickness, accident, disability or death or in the event of any or all such contingencies; authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such societies and corporations and limiting the amount for which such societies and corporations may issue policies; providing for reserves of such societies and corporations; providing penalties and repealing existing laws

HOUSE BILL NO. 1769.

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens. parties, political bodies, registration commissions, registrars, inspector or registration and other appointees of registration commission, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers county treasurers. county controllers, registrars of vital statistics, certain public utility corporations, real estate .brokers, rental agents, and boards of school directors; and imposing penalties

HOUSE BILL NO. 1780.

An Act to amend section five and sections sixteen, seventeen and twenty-one, as amended, of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred and ten) entitled "Boxing and Wrestling Law," by providing for; promoters, partnerships and corporations; a bond to protect contestants, managers and officials; changing license fees for promoters, boxers, seconds, managers and wrestlers; and requiring payments to the Commonwealth for complimentary tickets.

HOUSE BILL NO. 1792.

An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and modifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections.

HOUSE BILL NO. 1981.

An Act to amend the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1116), entitled "Ice Cream Law," further regulating the manufacture, importation and sale of such products; providing for injunctions; and changing the penalties prescribed.

HOUSE BILL NO. 30.

An Act to amend clause (b) of section one thousand five hundred and forty of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended, providing for compensation for members of joint sewer boards.

HOUSE BILL NO. 31.

An Act to amend clause (b) of section two thousand four hundred and forty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," as amended, providing for compensation for members of joint sewer boards.

HOUSE BILL NO. 697.

An Act to enable city, county, poor, ward, school, borough, and township tax collectors, their executors and administrators if they are deceased, or either surety or to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years from the passage of this act.

HOUSE BILL NO. 853.

An Act validating ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by counties, cities, boroughs, towns, townships, schools districts, poor districts and other incorporated districts of this Commonwealth, for public works projects.

HOUSE BILL NO. 854.

An Act simplifying the procedure for the construction and financing of public works projects by municipalities; enabling municipalities to make and perform contracts with Federal agencies, relating to the construction and financing of such projects; and conferring additional powers upon municipalitiees.

HOUSE BILL NO. 1007.

An Act to amend the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three, (P. L. 903), entitled "A supplement to an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws three hundred and twelve), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs; so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county, including assessment of property, levying and collection of taxes, making municipal inmprovements, and filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of boroughs ordinances and State laws, and primary general, municipal, and special elections; and repealing inconsistent laws," extending the provisions of this act to boroughs situated in different counties which now have or shall hereafter consolidate.

HOUSE BILL NO. 1095.

An Act empowering municipalities to refund improvement bonds based solely on assessments for grading, street and sewer improvement and imposing no municipal liability, by a new issue of bonds.

HOUSE BILL NO. 33.

An Act to amend clause (b) of section two thousand one hundred and twenty of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," as amended, providing for compensation for members of joint sewer boards.

HOUSE BILL NO. 1020.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "Banking Code" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

HOUSE BILL NO. 1282.

An Act to further amend the act, approved the nineteenth day of March, one thousand nine hundred and nine (P. L. 46), entitled "Osteopathic Practice Law," by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery; further defining osteopathy; providing for issuing licenses to perform operative surgery; to licensees of other States; requiring annual renewals of osteopathic surgeons' licenses; fixing fees; extending the functions and authority of osteopathic physicans and surgeons, and prescribing additional penal provisions.

HOUSE BILL NO. 1305.

An Act to amend sections twenty-nine and thirty-one of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law," by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim, and providing for the management and disposition of said property after said sale.

HOUSE BILL NO. 1628.

An Act to amend section eight hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled; "First Class Township Law," limiting the requirement of bonds of township treasurers to fidelity bonds and regulating such bonds.

HOUSE BILL NO. 2115.

An Act relating to criminal prosecutions; limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth.

Whereupon

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL NO. 388

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 388, Printer's No. 204, entitled "An Act To further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws 470) entitled 'An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word "drugs" prescribing penalties for violation of this act and the method of its enforcement' by further defining the standards for drugs and adulteration of drugs."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 672

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 25, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor hereby to inform you that I have this day approved and signed Senate Bill No. 672, Printer's No. 517, entitled "An act To amend sections one two twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1260) entitled 'An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties' defining employers and employes providing that the term "employment agent" as therein defined shall not include theatrical or entertainment producers and managers further regulating registers of employment agencies and prescribing penalties."

GEORGE H. EARLE.

NOMINATION BY THE GOVERNOR

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Clinton O'Shell, of Pittsburgh, Allegheny County, for appointment as Alderman of the thirty-first Ward in the City of Pittsburgh, Allegheny County, vice William Faulkner, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE.

The PRESIDENT. The nomination is referred to the Committee on Executive Nominations.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL NO 771

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 771, and move that the Senate proceed to the consideration of the amendments made by the House of Representatives to said bill.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

Said amendments, having been printed, according to the Constitution, were twice read as follows: amend page 3, line 11, by striking out the words "not including"; amend page 3, by striking out all of lines 12 to 17 inclusive; amend page 3, line 18, by striking out the words "term 'rural area"; amend page 6, line 15, by striking out the words "or any public utility corporation other"; amend page 6, by striking out all of lines 16 to 21 inclusive;

amend page 6, line 22, by striking out the words "utility company."

On the question,

Will the Senate concur in the same?

Mr. LAW. Mr. President, I ask that the Senate do not concur.

Mr. RUPP. Mr. President, I also ask that the Senate do not concur.

Mr. JASPAN. Mr. President, I am going to ask the members of the Senate to vote for concurrence in these amendments. If they will remember a few weeks ago, on the floor of this Senate, I called attention to the fact that there was a joker inserted in this bill which destroyed the very purpose of it. It was put in in the form of an amendment, perpetrated on an unsuspecting rural population. I voted for the bill, hoping that the House would strike out this amendment. The House, in its wisdom—in its cunning—saw fit to remove that joker. Governor Earle recommended that it be removed; the Administration recommended that it be removed in order to give the farmers the relief that we promised them. Are we now going to refuse to go along with the farmers? Are we going to flout our pledges to the people? I hope not. Let us be men and vote for these amendments and go along with the Administration, and give the farmers that which we promised them. The Public Utilities have for a long time exploited the farmers, exploited our citizens; it is high time that we stay with the people. Again I ask the Senate to vote for these amendments.

Mr. REED. Mr. President, I come from a rural community, my whole life has been spent among the rural people; practically for twenty years I have been interested in seeing the people of the rural communities get service of the kind that is provided in this Rural Electrification Bill. What the farmer and the man in the little village has wanted for years is service. Now we have a bill which provides that service. Many of the communities, in recent years, have obtained that service through lines put there by—through their own efforts and through the efforts of other sources and if that be true, and they are getting service, then I say they are satisfied. Many little lines exist out through the rural districts financed by local capital. These are furnishing service, and in those cases the farmer is satisfied. The only thing the farmer has wanted for years, and the only thing he wants today, is service. Now, if he is given that service, I repeat, he is satisfied, and I see no reason why these amendments should not be sustained.

Mr. JASPAN. Mr. President, while it is true the farmer has asked for service, in many instances, he cannot pay for that service; what he wants is a reasonable rate, in order that he may pay for the service, and that is what he has not got most of the time; sixty per cent do not get the service and of the thirty percent that are getting it, they are getting it at exorbitant rates—that they cannot afford to pay. Again I ask that the Senate concur in these amendments.

Mr. FREY. Mr. President, I ask the Senate to take the opinion of a person who has spent his whole life in a rural community, like the Senator from Washington, Mr. Reed, rather than that of a Senator who has spent his whole life in the City of Philadelphia, in voting on these amendments.

The PRESIDENT. What is your intention?

Mr. FREY. Mr. President, I want the Senate to sustain the Senate amendments and not concur in the amendments of the House—and striking out the Senate amendments.

Mr. OWLETT. Mr. President, I want to assure the Senator from Washington that we dirt farmers probably will not follow the advice of the "dirt farmer" from Philadelphia.

I also would like to inquire, Mr. President, how we should vote to sustain the position taken by the Senator from Washington, Mr. Reed.

The PRESIDENT. The question before the Senate is on concurring in House amendments; therefore, to sustain the Senate amendments the Senate will vote "No."

Mr. DENT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Jaspan.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Jaspan, permit himself to be interrogated?

Mr. JASPAN. Mr. President, with pleasure.

Mr. DENT. Mr. President, is it not true that the regulation of rates will be within the scope and power of the new Public Utility Commission?

Mr. JASPAN. Mr. President, that is quite correct.

Mr. DENT. Mr. President, the Senator from Philadelphia, Mr. Jaspan, has faith in that Commission?

Mr. JASPAN. Mr. President, I have faith, but before it will be possible for them to give the people any reasonable rate it will take years—I do not know how many.

Mr. DENT. Mr. President, in how long a time would they be able to get it if this bill should pass with the House amendments concurred in?

Mr. JASPAN. Mr. President, within a comparatively short time.

Mr. DENT. Mr. President, I am willing to see the rates brought down. Therefore, I am willing to go along with the Senator from Washington County.

Mr. McGINNIS. Mr. President, the purpose of this bill, as I see it, is to give electricity to rural communities who have never had it and do not have it now. The Federal Government is paying out the taxpayers' cash for the purpose of serving electricity to farmers who do not have it, and I am advised that the fund that is available for that purpose will not cover one-tenth of the districts that have not a single light in their districts; and if the Senator from Philadelphia's position is correct, or is adopted, the taxpayers' money furnished through the Federal Government, can be put into a cooperative to help it, and that cooperative can build a line right down a road or a street where they have adequate service today; and they will naturally build there if they want to have a lot of customers and have a paying line. Now, it was not the intention of this bill at all—that this money should be taken out of the taxpayers' pockets for the purpose of putting electricity into farmers' homes where they do not take it, and where, if they used every cent of it, one-tenth of the farmers would take it; but under this proposition advanced by the Senator from Philadelphia, this cooperative could build lines where we have lines now, and theer would not be a single light added to a farmer's home.

We have a Public Utility Commission today, who will protect those where the lines run; but I say to you, to take the taxpayers' money and substitute a cooperative, to build a line along where they have lines today, under

the complete domination of the Public Utility Commission, I say to you we are doing wrong.

Mr. SHAPIRO. Mr. President, I am willing to accept information concerning the farmers and farmers' needs in districts covered by those Senators who represent the farmers; and I, by taking the position which I am now taking, have no intent to place my limited knowledge, which I have received by losing money on a farm I happen to own near Philadelphia, over that of the Senator from Washington and of the Senator from Tioga; I am concerned about establishing rural electrification for those people, whether farmers or otherwise, who want it, and what is troubling me is the practical proposition: in the amendment inserted here in the Senate, which provides that this Act shall not apply—in other words, cooperatives cannot be formed in those districts where service is being furnished by a Public Utility—if that amendment, which was inserted, had said "satisfactory" or "proper service," I would not be concerned so much about the amendments, because while I do not live in a rural district I certainly do not live in the wilderness either, and I have heard, and the Senate has heard, on the floor already, between the time of the introduction of this bill and the time as of the passage of this amendment, electrical companies have strung lines in certain districts, and will give service,—but the kind of service they will give is the whole question involved. The very fact that they have begun to string service lines only when this bill was introduced neutralizes, to my mind the good intent and make it necessary for us to see to it that they give the rural districts real service.

However, getting back to the practical proposition: if the tenor of the House is indicated by the vote on this amendment, namely, that this amendment shall stay—and if the tenor of the House is indicated by their amendment action, taking out the Senate amendment, I can see the results of our nonconcurrence—a conference committee will be appointed and the bill will probably fall; and it is because I am afraid that will happen that I propose to vote for concurrence in the House amendments; and I believe the action of the House, in taking this inadequate amendment out, should be confirmed.

Mr. McGINNIS. Mr. President, when these Senators from Philadelphia, with bleeding hearts, begin to worry about the farmers I get very suspicious; and I say this, that if we are going to allow these cooperatives to take this money and use it only where they have lines, and not compel them to spend every cent where they do not have lines, we are making a mistake; and I am glad if the companies in existence today are constructing all over Pennsylvania—that was the purpose of this Act; and if they construct a line on every road in Pennsylvania, as a result of this Act, I do not care, for that was the purpose of this Act—to get electricity where it is not now. And if we listen to these gentlemen from Philadelphia, and follow their advice, every dollar under the bill could be used to put a line along where they have a line now, and not a new light lit in Pennsylvania.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, gladly.

Mr. SHAPIRO. Mr. President, living so far away, in the wilds of Philadelphia, I am concerned, and want to inquire from the Senator from Allegheny, Mr. McGinnis, what farms are situated in Pittsburgh.

Mr. McGINNIS. Well, I want to say. Mr. President, I was born on a farm, and lived there until I was twenty-five years of age.

Mr. SHAPIRO. Mr. President, I would like to say that I, too, was born on a farm, and I was not spoiled by my residence in Philadelphia nor did I lose my touch with the farmer, as the Senator from Allegheny, Mr. McGinnis, seems to have done in Pittsburgh.

Mr. LAW. Mr. President, I do not want to prolong this argument; I would like, however, to say one thing on the question that has been raised—about constructing lines and not giving adequate service. I have, since it was voted on here,—and there has been so much argument—taken this question up with one of the members of the Public Utility Commission of Pennsylvania, that where the lines have been constructed the Public Utility Commission has full power to compel them to give adequate service or get out of the territory.

Mr. CAVALCANTE. Mr. President, it seems to me that there is a lot of misunderstanding on this bill, and I trust that there is no hale of suspicion hanging over me. because I, too, like the Senator from Washington was born out on a farm, and come from a County that has farmers. It seems to me that we are slightly confused, or else intentionally evading the real issue here in this bill. We all know that there has been a Federal Rural Electrification Administration for many years now, and they have been trying to advance a national program for the purpose of extending to the rural communities the conveniences and benefits that come from the use of electricity, and the policy of the Federal Government is very definite.

Now, the arguments here advanced in opposition to the amendments of the House are that this bill permits the use of public funds to parallel the existing lines of the public utility. The gentlemen who are arguing against utility line extended into a district, and the service is available to this farmer or to this rural district, that this farmer or this rural resident must be forced into the clutches of the public utility, whereas the policy of the Federal Government is just the opposite of that—they say if there is a rural district wherein live people who, notwithstanding there is a public utility line in that district, do not avail themselves of this service because the rates are exorbitant, and because the public utility, under the regulations that we have had to date, have been exorbitant that the farmer or rural individual who has not availed himself of that service, who has no service on his property—that the services predicated upon exorbitant rates, that have been available to him for many years.

Now, I think that the difference of opinion is at that point, and I am not finding any fault nor do I accuse my colleagues who believe in the protection of these public utilities, which utilities have for many years charged these exorbitant rates, which have held these lines but these farmers and rural people have not availed themselves of it because the rates were exorbitant. They are perfectly honest, I think, in defending the investment of the public utility, but I say that we are not here primarily for that purpose, that we are here primarily to serve the

people—the general welfare of the people, and I say that this bill as amended by the House is interested in the welfare of the farmer and the users of electricity; and I say that it is our public duty here that if the rural electrification as planned by the Federal Government, and is now planned by this bill as sent to this Senate by the House, takes the stand in defense of the user of electricity, the consumer,—I say that it is our public duty, for the general welfare of the people, to stand on the House amendment, because it will make electricity cheaper for those who upto this time have not had it, and who have not availed themselves of the present service of the public utilities due to the exorbitant rates charged by them.

Mr. KUNKEL. Mr. President, I am not here concerned primarily with either the utilities or the farmers, my impression concerning the controversy here has to with the definition of "rural area" in the bill. The original definition was a common sense definition of "rural area." When that bill came before the Senate there was added to the definition of "rural area" a provision which, in effect, defined "rural area" as an area where public utility companies had not already dug holes, placed poles or strung lines. In my estimation that is a ridiculous and dishonest definition of "rural area."

For that reason—and that amendment having been stricken out by the House, the dishonesty and ridiculous effect of it having been removed, I shall vote to concur in the House amendment.

And the question recurring,

Will the Senate concur in the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—12

Barthold,	DiSilvestro,	Kunkel,	Ruth,
Cavalcante,	Eroe,	Mundy,	Shapiro,
Dando.	Jaspan,	Pytko,	Stiefel,

NAYS—33

Bean,	Henney,	McCreesh,	Salus,
Buckman,	Heyburn,	McGinnis,	Scarlett,
Chapman,	Homsher,	Owlett,	Sipe,
Deitrick,	Howell,	Pierson,	Sones,
Dent,	Jacobs,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,
Gelder,	Lanius,	Rice,	Huffman,
Gilson,	Law,	Rupp,	Pres. Pro. Tem.
Haluska,	Mallery,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1320, (House Bill No. 851), entitled:

An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicles conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act auhorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interest and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons assocations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Haluska,	McCreesh,	Ruth,
Cavalcante,	Henney,	McGinnis,	Shapiro,
Dando,	Heyburn,	Mundy,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Stiefel,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Rice,	Huffman,
Frey,	Lanius,	Rupp,	Pres. Pro. Tem.
Gilson,	Law,		

NAYS—10

Buckman,	Homsher,	Owlett,	Salus,
Chapman,	Howell,	Pierson,	Scarlett,
Gelder,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed he same with amendments in which the concurrence of the House is requested.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 99

Mr. DENT offered the following resolution which was twice read, considered and agreed to:

In the Senate of Pennsylvania, May 27, 1937.

Resolved, (If the House of Representatives concur), That House Bill No. 99, Printer's No. 1162, entitled "An act to reenact and amend the title and the act approved the second day of June, one thousand nine hundred fifteen, (P. L. 736), entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation, and providing procedure for the determination of liability and compensation thereunder,' by changing, adding to, and increasing the schedules of compensation; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurers; conferring certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the rehabilitation of employes; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes, and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties, and generally amending, clarifying and changing the provisions of said act," by recalled from the House of Representatives for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence,

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1422 (House Bill No. 1817).

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1422 (House Bill No. 1817), entitled:

An Act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Dando,	Henney,	McGinnis,	Salus,
Deitrick,	Heyburn,	Mundy,	Shapiro,
Dent,	Jacobs,	Pytko,	Sipe,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Huffman,
Gelder,	Lanius,		

NAYS—6

Chapman,	Mallery,	Pierson,	Scarlett,
Homsher,	Owlett,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 429.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Ser : Bill No. 1429), entitled:

An Act making an appropriation to the Department of Welfare for pensions for the blind

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Salus,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence,

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1430.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1430, entitled:

An Act making an appropriation to the Department of Welfare for Mothers' Assistance

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Salus,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1431.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1431, entitled:

An Act making an appropriation to the Department of Welfare for old age assistance

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Salus,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Huffman,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1434.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1434, (House Bill No. 2436), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Salus,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Huffman,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1417.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1417, entitled:

An Act making an apropriation out of the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Huffman,
Gilson,	Law,	Rupp,	Pres. Pro. Tem.

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1418, entitled:

An Act making an appropriation out of the General Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney	McCreesh,	Salus,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder	Lanius,	Rice,	Huffman,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

The PRESIDENT. The next bill in order is Senate Bill No. 638, on page 1 of the Calendar.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 638, as follows:

An Act to further amend section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (P. L. 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the second and third paragrophs of section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (P. L. 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" as last amended by section four of the act approved on the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 634) are hereby further amended to read as follows

Section 4

The Commonwealth in order to encourage the establishment and maintenance of approved consolidated elementary schools or approved consolidated junior high schools or approved joint consolidated schools shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining or transporting pupils to and from such schools an amount determined by (a) the true valuation per teacher per district as provided by law and (b) a given per centum of the sum which has been expended during the previous school year by such a school district or union of school districts for transporting pupils of said schools to and from said schools as follows

The amount paid by the Commonwealth to a school district which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five (75) per centum more than fifty thousand dollars ($50,000) to one hundred thousand dollars ($100,000) sixty (60) per centum and more than one hundred thousand dollars ($100,000) fifty (50) per centum After the first day of July one thousand nine hundred and thirty-nine if the Department of Public Instruction approves the transportation as to methods and means and the contracts provided therefor the Commonwealth will pay annually to the school district furnishing such transportation according to the following schedule of reimbursement to a school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less ninety per centum (90%) more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) eighty per centum (80%) more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars $(75,000) seventy-five per centum (75%) more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000) seventy per centum (70%) more than one hundred thousand dollars ($100,000) but not more than one hundred fifty thousand dollars ($150,000) sixty-five per centum (65%) more than one hundred fifty thousand dollars ($150,000) but not more than two hundred thousand dollars ($200,000) sixty per centum (60%) more than two hundred thousand dollars ($200,000) but not more than two hundred fifty thousand dollars ($250,000) fifty-five per centum (55%) more than two hundred fifty thousand dollars ($250,000) fifty per centum (50%) one hundred thousand dollars ($100,000) fifty per centum (50%) Provided That in case any of said school district or union of said school districts has purchased or shall hereafter purchase and approved conveyance which is used exclusively for the transportation of school children to and from said schools said sum may include a reasonable charge for depreciation and repairs not to exceed in any year fifteen (15%) per centum of the cost of said approved school conveyance Provided That the State's share of depreciation and repairs shall not exceed two hundred dollars ($200) [one hundred dollars ($100)] per vehicle per year Provided further That the State's share for transportation shall not exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from school Provided further That districts receiving reimbursement on the basis of seventy-five (75%) per centum and sixty (60%) per centum shall not receive more than four thousand dollars ($4,000) in any one school year from the State for transportation Provided further That districts receiving reimbursement on the basis of fifty (50%) per centum shall not receive more than three thousand dollars ($3,000) in any one year from the State for transportation

After the first day of July one thousand nine hundred and thirty-nine the provision heretofore limiting reimbursement for transportation to a maximum of four thousand dollars ($4,000) in districts reimbursed on the basis of seventy-five per centum (75%) and sixty per centum (60%) and three thousand dollars ($3,000) in districts reimbursed on the basis of fifty per centum (50%) shall no longer apply but no district shall receive from the Commonwealth in any one year more than eight thousand dollars ($8,000) as reimbursement for transportation

The State Council of Education may for cause specified by it direct the withholding of such reimbursement in any given case permanently or until the school district has complied with the law or regulations of the State Council of Education

It shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district or for any member of or board of school directors to demand request or accept any compensation for transporting pupils other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction

Section 2 Except as hereinbefore otherwise provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Jacobs,	Owlett,	Shapiro,
Dent,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kilgallen,	Pytko,	Sones,
Eroe,	Kunkel,	Rankin,	Stickel,
Frey,	Lanius,	Reed,	Wolfenden,
Geider,	Law,	Rice,	Huffman,
Gilson,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 1097, (House Bill No. 1462), as follows:

An Act providing for and extending the time during which taxes on seated leads for the tax year one thousand nine hundred and thirty-four and previous years shall be liens and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes reviving such liens and restoring the treasurer's right to sell such lands in certain cases and saving the rights of inter-

vening purchasers mortgagees lien holders and other encumbrance holders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any county city borough town township school or poor taxes on seated lands for the tax year one thousand nine hundred and thirty-four or any previous year have been returned to the county commissioners and such taxes have not been paid in full and no sale for such taxes has been held all such taxes so returned shall be liens on the real estate upon which they were liens at the time of such returns for a period of five years from the effective date of this act provided that any such lien be filed in the office of the prothonotary of the proper county within one year after the effective date of this act and thereafter the revival preservation and enforcement of said lien shall be governed in all respect by the provisions of the Act of May 16, 1923 Pamphlet Laws 207

Section 2 Whenever any county city borough town township school or poor taxes for the tax year one thousand nine hundred and thirty-four or any previous year have been heretofore returned to the county commissioners and the lien of such taxes still unpaid has been lost or the right of the county treasurer to sell the real estate upon which such taxes were liens at the time of such return has expired by reason of the failure or neglect of the county treasurer to revive such liens by filing the same in the office of the prothonotary or to adjourn or readjourn any tax sale or to advertise or give notice of any sale or of any adjournment or of any readjournment of sale as required by law or to secure the consent of the county commissioners or the approval of the court to any adjournment or readjournment of a tax sale or to hold a tax sale at or before the time of holding any tax sale on any other year's taxes the lien of any such taxes is hereby revived and the right of treasurer's sale thereon is hereby restored and such liens shall continue for a period of five years from the effective date of this act provided that any such lien be filed in the office of the prothonotary of the proper county within one year after the effective date of this act and thereafter the revival preservation and enforcement of said lien shall be governed in all respects by the provisions of the Act of May 16 1923 Pamphlet Laws 207

Section 3 The lien of any such taxes shall not re-attach against and the county treasurer shall have no right to sell for such taxes any real estate transferred to any purchaser during the time when the lien of any such taxes was lost nor shall the lien of any such taxes or the right to sell the real estate for such taxes impair or affect the priority of any mortgage lien or other encumbrance which gained priority during the time when the lien for such taxes was lost

Section 4 Where any taxes have heretofore been filed as liens in the office of the prothonotary by the county treasurer and said taxes together with fees and costs are collected or received by the county treasurer the county treasurer shall have the power and his duty shall be to mark satisfied the records of the prothonotary on which such liens have been entered

Section 5 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Jacobs,	Owlett,	Shapiro,
Dent,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kilgallen,	Pytko,	Sones,
Eroe,	Kunkel,	Rankin,	Stiefel,
Frey,	Lanius,	Reed,	Wolfenden,
Gelder,	Law,	Rice,	Huffman,
Gilson,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 1359, (House Bill No. 1787), as follows:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain Courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on Judges and other officers of every Court of Record

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the effective date of this act the Supreme Court of Pennsylvania shall have the power to prescribe by general rule the forms of actions process writs pleadings and motions and the practice and procedure in civil actions at Law and in Equity for the Courts of Common Pleas of every County for the County Court of Allegheny County and for such other Courts having jurisdiction in civil actions as the General Assembly shall hereafter establish provided that such rules shall be consistent with the Constitution of this Commonwealth and shall neither abridge enlarge nor modify the substantive rights of any litigant nor the jurisdiction of any of the said courts nor affect any statute of limitations The provisions of this Section shall not apply to the Courts of Oyer and Terminer Courts of Quarter Sessions and the Orphans Courts of this Commonwealth and the practice and procedure in said courts shall remain and continue as prescribed by existing law At the time of the adoption promulgation and publication of its general rules the Supreme Court shall fix the effective date thereof which shall not be less than six months from the date of the adoption thereof As soon as promulgated a copy of all rules shall be sent to the Prothonotaries or clerks of all courts which may be affected thereby and shall be published by such Prothonotaries or clerks in the same manner as local rules adopted by such courts

From and after the effective date of any rule promulgated under this section 1 and so long as said rule shall be operative the operation of any Act of Assembly relating to practice or procedure in such courts and inconsistent with such rule shall be suspended insofar as such act may be inconsistent with such rule

Section 2 Each of the Courts of Common Pleas the County Court of Allegheny County and other Courts established by the General Assembly may adopt additional local rules for the conduct of its business which shall not be inconsistent with or in conflict with said general rules prescribed by the Supreme Court of Pennsylvania

Section 3 The Supreme Court of Pennsylvania is hereby authorized and empowered to appoint a Procedural Rules Committee the members of which shall have been admitted to practice before the Supreme Court of Pennsylvania which shall assist the Supreme Court of Pennsylvania in preparation revision promulgation publication and administration of the said general rules

Section 4 It shall be the duty of the Judges clerks prothonotaries and other officers of the several Courts of Record in this Commonwealth to furnish to the Supreme Court of Pennsylvania or to the said Procedural Rules Committee such statistics and information as may be reasonably requested concerning the administration of justice in civil actions in said Courts In the event of the failure of any Judge clerk prothonotary or other officer of said Courts to comply with the requirements of this Section the Supreme Court of Pennsylvania may after hearing impose the penalties hereinafter provided

Section 5 For the purpose of expediting any business of the Courts of Record in this Commonwealth whether civil or criminal which is not otherwise specifically regulated by any of the general rules hereinabove provided for and for the purpose of facilitating a speedy and proper administration of justice the Supreme Court of Pennsylvania shall have the power to prescribe additional general rules for the conduct of such business of any Court of Record within this Commonwealth but such rules shall not include any provision regulating the admission of attorneys to practice before any of the trial courts of this Commonwealth

Section 6 All acts or parts of acts inconsistent with this act are hereby repealed

Section 7 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 8 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—17

Cavalcante,	Gelder,	Owlett,	Shapiro,
Chapman,	Haluska,	Pytko,	Wolfenden,
Deitrick,	Henney,	Rice,	Huffman,
Dent,	Kilgallen,	Salus,	Pres. Pro. Tem.
Eroe,	Mallery,		

NAYS—25

Barthold,	Homsher,	McCreesh,	Rupp,
Buckman,	Jacobs,	McGinnis,	Ruth,
Dando,	Jaspan,	Mundy,	Scarlett,
DiSilvestro,	Kahle,	Pierson,	Sipe,
Frey,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Reed,	Stiefel,
Heyburn,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 602, on third reading, entitled:

An Act to amend section six, and sections eleven and eighteen as amended, of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," further regulating the administration of such Fund, the fixing of premiums payable by subscribers; the distribution of unexpended balances to subscribers; the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 664, (House Bill No. 1085), entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" changing the manner of creation of townships of the second class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsner,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	Huffman,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 882, entitled:

An Act to amend section seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 28), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by making further provisions for the cost of administering the act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Haluska,	Mallery,	Ruth,
Buckman,	Henney,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Chapman,	Homsher,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones.
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	Huffman,
Gelder,	Lanius,	Rice,	Pres. Pro. Tem.
Gilson,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 1146, (House Bill No. 1055), on third reading, entitled:

An Act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters; authorizing the employment of assistants for the performance of such duties; fixing the salaries of such assistants; and repealing inconsistent acts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1191, (House Bill No. 1333), entitled:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred four) entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" requiring a certificate of the address of the defendants on the entry of certain judgments

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Barth[illegible],	Haluska,	Mallery,	Rice,
Cavalcante,	Henney,	McCreesh,	Scarlett,
Dent,	Howell,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Mundy,	Sipe,
Eroe,	Jaspan,	Pierson,	Stiefel,
[illegible],	Kilgallen,	Rankin,	Wolfenden,
Gelder,	Law,	Reed,	

NAYS—11

Buckman,	Gilson,	Kunkel,	Salus,
Chapman,	Heyburn,	Pytko,	Huffman,
Deitrick,	Homsher,	Ruth,	Pres. Pro. Tem.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1240, (House Bill No. 947), entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barthold,	Gilson,	Kunkel,	Reed,
Cavalcante,	Haluska,	Lanius,	Rice,
Dando,	Henney,	Law,	Ruth,
Dent,	Heyburn,	McCreesh,	Shapiro,
DiSilvestro,	Jacobs,	McGinnis,	Sipe,
Eroe,	Jaspan,	Mundy,	Stiefel,
Frey,	Kahle,	Pytko,	Wolfenden,
Gelder	Kilgallen,	Rankin,	Huffman,
			Pres. Pro. Tem.

NAYS—6

Chapman,	Homsher,	Pierson,	Scarlett,
Deitrick,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1340, (House Bill No. 1147), entitled:

An Act making an appropriation to the Navigation Commission for the Delaware River and its navigable tributaries

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frev	Kunkel,	Reed,	Huffman,
Gelder,	Lanius,	Rice,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1343, (House Bill No. 1563), entitled:

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the Estate of Henrietta E Garrett, Deceased

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Huffman,
Frey,	Kunkel,	Reed,	Pres. Pro. Tem.
Gelder	Lanius,	Rice,	

NAYS—1

Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1360, (House Bill No. 1984), entitled:

An Act to amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by adding new sections further regulating the use of highways and the operation of and the equipment used in connection with vehicles including trailers and semi-trailers street car trackless trolley omnibuses school busses and commercial motor cycles upon the highways of this Commonwealth providing exemptions extending certain provisions of the at to trailers and semi-trailers providing for the renewal and automatic satisfaction of encumbrances and liens and further amending the procedure relating thereto providing for the further registration of certain vehicles and the licensing of the operators thereof including additional requirements reciprocity agreements and additional reasons for suspension and revocation conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment changing the procedure disposition of fines and penalties for certain violations of the act and making the fines thereunder manadatory and extending existing penalties and providing additional penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I should like to call the attention of the members of the Senate to certain features of this bill. I ask them to turn to page 135, Section 1033, where it states the following: "No person shall operate a vehicle on the highways of this Commonwealth having two levels for the carriage of other vehicles." And on page 136, line 1, as follows: "No person shall operate a vehicle on the highways of this Commonwealth carrying other vehicles any part of which is carried at a height of more than one hundred and fifteen (115) inches above the ground."

I see the purpose of this bill, Mr. President, but I think it has been aimed at one certain group of people. To be more specific, the passage of this bill will entirely eliminate the carriers of automobiles and trailers. I know people in our Commonwealth who have invested upwards of ten thousand dollars in these carriers, and upon the passage of this bill they will have no way, that I can see, to get back any part of their investment. I believe that some day, possibly, we might enact legislation to take care of trucks, to take care of trailers; and, if we do, let it be equal; but today we are aiming directly at one group of people.

I have prepared an amendment to stroke out section 1033 entirely; and if it should be a safety measure, we have a few moments ago passed House Bill No. 851, wherein the Public Utilities Commission can regulate such a matter.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection and the question recurring.

Will the Senate agree to the bill?

MOTION TO RECONSIDER VOTE ON SENATE BILL NO. 1360 (HOUSE BILL NO. 1984)

Mr. HALUSKA. Mr. President, I move that the vote by which Senate Bill No. 1360 (House Bill No. 1984) passed second reading be reconsidered.

Mr. GILSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. RUPP. Mr. President, I sat in with the Committee on Highways and put a great deal of time and study on this bill, and I would hate to see the Senate delay the passage of this bill because of the many very good provisions in the bill; it is a long bill, containing one hundred and thirty-nine pages; but I want to call the attention of the members of the Senate to this position which the Senator objects to, relative to the driving of these carriers on our highways, and to the fact that the Deputy Secretary of Revenue sat in at the committee hearing and he advised the committee that this whole subject will eventually be regulated by the Interstate Commerce Commission. The only thing that this provision really does at the present time is, it eliminates the car that is carried over—the driver's cab. We originally intended to remove the whole carrier, but, as the Senator has stated, we found there was such a tremendous investment in these carriers that it would be unfair to simply wipe them out of existence at one stroke, as this bill proposed; so we have allowed them the use of the highways until 1940. In the meantime we expect the Interstate Commerce Commission will cover the whole subject and will regulate it.

We believe that this bill as it is now is fair to everybody concerned—as fair as possible—and that the Senate should not delay the final passage of this bill by permitting it to be amended at this time.

Mr. KILGALLEN. Mr. President, I rise to support the Senator from Cambria, Mr. Haluska, and to speak in favor of the amendments.

Under the present law, Mr. President, any motor vehicles on our highways cannot be higher than one hundred seventy-four inches off the ground, and that one hundred seventy-four inches includes not only the vehicle but the load that it carries. Now, this code will reduce that total overheight from one seventy-four inches to one hundred fifty inches, which is a good thing; but that one hundred fifty inch overheight item refers only to those trucks which are used in carrying merchandise; and in a later section of this bill the one hundred fifty inch item is set aside for a particular type of truck, to wit, a carrier of other automobiles; and in that case, speaking now of a "car carrier," the figures are one hundred fifteen inches.

So that, members of the Senate, if that is the situation we have a figure of one hundred and fifty inches for the type of truck that carries merchandise and we have a figure of one hundred fifteen inches for the type of truck that carries other automobiles. Now, the Senator from Lehigh, Mr. Rupp, either misunderstands this bill or he misreads it, because I certainly do not agree with him that this bill as it now reads protects carriers of other automobiles.

These amendements offered by the Senator from Cambria, Mr. Haluska, will put all trucks on the same basis, and why there should be this distinction between these two types of trucks, I do not understand, unless the railroads can get in to the one type of transportable merchandise, that is, the automobile, because that load cannot be refused, while the other, the merchandise truck, can be refused.

I hope I have made myself clear to the Senate. In brief, you have this situation, gentlemen: you have a motor vehicle code that should apply in a case like this to all classes of trucks; you should not have a code that sets one hundred fifty for one type and one hundred fifteen for the other kind of truck, because the only thing the bill means as is now reads is that all automobiles carriers shall go off the road, and that should not be, it should apply to all classes of trucks.

Mr. GILSON. Mr. President, I rise to support the amendments from rather a different angle. The State of Pennsylvania has two points as far from each other as possible—the City of Erie and the City of Philadelphia. This bill as it is framed is going to mean thousands of dollars to the City of Erie. These automobiles are brought into Erie by boat and transported by these carriers all over the State of Pennsylvania, the estimate is impossible to make accurately. While it may be a reasonable safety measure, or may have something to do with the wear and tear on the highways, it seems to me that the financial loss to the City of Erie and its environment is far greater than any small gain that can be made by the regulation which is complained of. It is going to increase the revenues of the railroads, will delay shipments of automobiles, will strike out a business which has grown to rather large proportions in the northwestern part of Pennsylvania.

I think the City of Erie, and that region, would very gladly yield to any necessary exigency which would require this legislation, but so far as I have been unable to be convinced that it is necessary or that it will contribute so materially to the safety or the welfare of the State of Pennsylvania. I earnestly second the amendment as suggested by the Senator from Cambria County, Mr. Haluska.

Mr. SIPE. Mr. President, I do not wish to prolong this discussion, but I wish to inject into it a suggestion that came to me, and I inject it for the consideration of the Senators. It is that the reason for the difference in the heights of the two types of trucks is the fact that the center of gravity in the one type is nearer the ground than in the other; and probably, before this bill is disposed of, that should be taken into consideration in arriving at our conclusions.

Mr. HALUSKA. Mr. President, to date there has been no indication of any kind to prove the figures or the statement that this type of transportation is more dangerous than any other type of commercial transportation. So far as its being a safety measure, I cannot see it, but it will do this one thing—it will throw out of employment hundreds and hundreds of mechanics, office clerks, truck drivers, gasoline station attendants and so forth. I think we have gone far enough in this Session; why eliminate this industry—if it can be termed an industry?

Mr. RUPP. Mr. President, I just want to say this: anybody who drives an automobile on the highways of this Commonwealth appreciates the danger to the safety of the highways by the operation of these huge carriers on our narrow roads. They are the ones that are spoiling our highways for the very purpose for which the motorist

pays a large tax on gasoline and for the privilege of using the roads. These roads were built for the motorists, and now we have a small group of people taking advantage of the roads, for the purpose of clogging up the highways; and if any of you Senators drive automobiles are caught behind one of these huge carriers you know you cannot pass that carrier unless you have a half mile vision. They travel anywhere from forty to fifty miles an hour, they fly all over the road, and unless you are on a three-lane highway you cannot pass them. I submit they are a great danger to the operation of motor vehicles on our highways.

Mr. BUCKMAN. Mr. President, some of the Senators on the floor here seem to have the impression that the amendments placed in this bill were placed there at the instance of the railroads. So far as I know the railroads have no interest in the matter.

My interest in the matter is for the safety of the traveling public, in the first place; and, in the second place, in protecting the money they spend for their automobiles. If any man in this Senate ever bought an automobile—and I suppose all of the Senators have—if they would look at their bills they would find they are charged so much for the automobile and so much for delivery of it. That cost of delivery is whatever the freight rate would be, by railroad, from Detroit or wherever the car came from to the point of destination, whereas the dealers, regardless of the safety of the traveling public, get them transported for maybe one half or one third the regular freight rate on an automobile, and they pocket the difference.

Now, that is what is in this proposition, and I want to say to this Senate that this amendment ought to stay as it is. I understand there are some other amendments to be offered to this bill, to which I did not object; and for that reason I shall not vote for reconsideration of the bill; and when these amendments, brought by the Senator from Cambria County, are actually offered on the bill and are before us for action, I shall be against them, and I shall vote against them.

Mr. HALUSKA. I disagree, Mr. President, with the Senator from Bucks, Mr. Buckman. The F. O. B. price on automobiles——

The PRESIDENT. May I remind the Senators that the question is on the motion to reconsider the vote on this bill on second reading.

Mr. HALUSKA. Mr. President, I just wanted to give the Senator from Bucks, Mr. Buckman, an answer.

The PRESIDENT. I will recognize the Senator, if he wishes.

Mr. HALUSKA. Mr. President, I do not want the Senator from Bucks, Mr. Buckman, to create a wrong impression here. The automobile dealers today, by these means of transportation, can purchase his cars and have them delivered to his doors, lowered and dropped at his garage. Under the old system the railway haulage, the average consumer dealer could not even unload the automobiles, they came packed four and five in a box car, and he found it very difficult to take these cars out of that box car and place them in his garage. So in every way it is a help to the automobile dealer and a help to the public at large.

The PRESIDENT. The question is on the reconsideration of the vote by which this bill passed second reading.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. HALUSKA and Mr. CAVALCANTE.

Mr. HALUSKA. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—16

Barthold,	Dent,	Heyburn,	Lanius,
Cavalcante,	Gelder,	Huffman,	Owlett,
Chapman,	Gilson,	Jacobs,	Reed,
Dando,	Haluska,	Kilgallen,	Wolfenden,

NAYS—24

Buckman,	Howell,	McGinnis,	Rupp,
Deitrick,	Jaspan,	Mundy,	Ruth,
DiSilvestro,	Kahle,	Pierson,	Shapiro,
Eroe,	Kunkel,	Pytko,	Sipe,
Frey,	Mallery,	Rankin,	Sones,
Homsher,	McCreesh,	Rice,	Stiefel,

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, on May 21st we passed in this Senate, by a vote of forty to nothing, a Senate bill that deals with the same subject matter that is dealt with in lines 17, 18, 19 and 20 on page 65 of this bill, but the wording in the bill now before the Senate is different wording, and I ask unanimous consent that the wording there be made to conform with the wording of the bill that this Senate has already passed; and this amendment is merely a strike-out amendment, and the wording will conform with the bill that we have already passed, and which is over in the House.

Mr. PRESIDENT. I ask unanimous consent to amend Section 801E page 65, line 17 by striking out all of the lines after the word "over"; amend section 801E page 65, line 18 by striking out the following "tial".

The PRESIDENT. Is there objection?

Mr. RUPP. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. CAVALCANTE. Mr. President, I do not want to prolong this discussion. I am merely asking the Senate to do what they have already done in the bill passed, and if these words are stricken out there will be no necessity of the other bill's passing and being approved by the Governor. If these five words are stricken out, this section will be identical with the bill we have passed.

I move that the vote by which this bill passed second reading be reconsidered.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, the motion to reconsider the vote by which this bill passed second reading having been made on third reading and having been lost, cannot be made again.

The PRESIDENT. The point of order is sustained.

MOTION FOR THE SENATE TO RESOLVE ITSELF INTO COMMITTEE OF THE WHOLE

Mr. CAVALCANTE. Mr. President, I move that this Senate do now resolve itself into Committee of the Whole for the purpose of special strike-out amendments.

Mr. HALUSKA. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, there being no amendments before the Senate there can be no motion for the Senate to go into Committee of the Whole for the purpose of considering amendments.

The PRESIDENT. Well, the Chair thinks that the amendments presented——

Mr. SHAPIRO. Mr. President, there has been a motion made that we reconsider a vote, but there have been no amendments offered.

The PRESIDENT. The amendments on the desk are included in the motion of the Senator from Fayette, Mr. Cavalcante, that the Senate go into Committee of the Whole.

Mr. BUCKMAN. Mr. President, I suggest that the amendments be again read.

(The amendments were again read, for the information of the Senate)

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, I raise the point that a bill on third reading and final passage cannot be considered by the Senate in Committee of the Whole for the purpose of amendments.

The PRESIDENT. The Chair will be very pleased to receive some authority for that.

Mr. SHAPIRO. Mr. President, it follows as a natural course that if a bill cannot be amended on third reading without unanimous consent, the rule cannot be evaded by invoking another rule. I am sure I can lay my hands on the decision substantiating that, but I think the proposition is clear. If it were not so there would be no end, and legislation could not be moved forward. Where there is objection, and the rule is that you need unanimous consent to make an amendment on third reading, that is the authority for the proposition that you cannot go into Committee of the Whole in order to avoid that rule.

Mr. President, I refer the Chair to Rule 5, dealing with motions on going into Committee of the Whole (Page 196, Pennsylvania Manuel, 1935-36), "Decisions of the Senate".)

"The Speaker decided that it was not in order to go into Committee of the Whole(the bill being on third reading) for the purpose of striking out the amendment that has been inserted on second reading."

Mr. GELDER. Mr. President, I also refer the Chair to rule No. 33, on page 15 of the Pennsylvania Legislative Directory for 1937, which provides for going into Committee of the Whole when a bill is on third reading.

Mr. SHAPIRO. Mr. President, I should like to read rule 6 on page 196 of the Pennsylvania Manuel for the years 1935-1936, which is as follows:

"Mr. Thompson submitted the point of order, that the motion was not in order because it proposed to strike out on third reading an amendment which has been inserted on second reading. The President decided the point of order not well taken, as the proposed amendment included other matter, in addition to the proviso which had been inserted on second reading of the bill."

The Speaker decided it was not in order, in rule 5, to go into Committee of the Whole, the bill being on third reading, for the purpose of striking out an amendment that had been inserted on second reading.

The PRESIDENT. Of course, this is not an amendment inserted on second reading. The point of order is not sustained.

QUESTION OF LEGISLATIVE INQUIRY

Mr. RICE. Mr. President, I rise to a question of legislative inquiry.

The PRESIDENT. The Senator from Adams, Mr. Rice, will state his question of legislative inquiry.

Mr. RICE. Mr. President, am I correct in believing that a vote in the affirmative on the motion to go into Committee of the Whole is a vote to automatically carry the amendment?

The PRESIDENT. The Senator is correct in his conclusion.

And the question recurring,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, before we vote on this question I think it should be brought to the attention of the Senators that if these amendments are passed there will have to be a reflector on every car in the Commonwealth of Pennsylvania. I think the members should know that.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO and Mr. CAVALCANTE. and were as follows, viz:

YEAS—17

Cavalcante,	Gelder.	Howell,	Owlett.
Chapman,	Gilson,	Jacobs	Wolfenden.
Dando.	Haluska.	Kilgallen,	Huffman.
Deitrick,	Henney,	Mallery,	Pres. Pro. Tem.
Eroe.	Heyburn,		

NAYS—22

Barthold,	Kunkel,	Pierson,	Ruth,
Buckman,	Lanius,	Pytko,	Shapiro,
DiSilvestro,	Law,	Rankin,	Sipe,
Frey,	McCreesh,	Rice,	Sones,
Homsher,	McGinnis,	Rupp,	Stiefel,
Jaspan,	Mundy,		

So the question was determined in the negative.

And said bill having been read the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37.

Barthold,	Haluska,	Lanius,	Rice,
Buckman,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Chapman,	Homsher,	McCreesh,	Shapiro,
Dando,	Howell,	McGinnis,	Sipe,
Deitrick,	Jacobs,	Mundy,	Sones,
DiSilvestro,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kilgallen,	Pytko,	Wolfenden,
Frey,	Kunkel,	Rankin,	Huffman,
Gilson,			Pres. Pro. Tem.

NAYS—0.

A mapority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1367, (House Bill No. 1650), entitled:

An Act creating in counties of the first class the position of Bail Approval Commissioner; prescribing the powers and duties thereof limiting jurisdiction to cases in which real property is offered as bail and conferring and imposing such powers and duties upon the controllers of counties of the first class; providing for the appointment by Such Bail Approval Comissioner certain necessary clerks and employes and prescribing the duties and compensation thereof; imposing duties on judges or officers of any of the courts, of counties of the first class and upon magistrates in counties of the first class; and requiring all departments of counties and cities of the first class to supply certain information; prescribing offenses and providing penalties therefor.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Barthold,	Gelder,	Kilgallen,	Pytko,
Buckman,	Gilson,	Kunkel,	Rankin,
Cavalcante,	Haluska,	Lanius,	Rice,
Dando,	Henney,	Law,	Rupp,
Deitrick,	Heyburn,	Mallery,	Shapiro,
Dent,	Homsher,	McCreesh,	Sipe,
DiSilvestro	Howell,	McGinnis,	Sones,
Ealy,	Jacobs,	Mundy,	Stiefel,
Eroe,	Jaspan,	Owlett,	Huffman,
Frey,	Kahle,	Pierson,	Pres. Pro. Tem.

NAYS—2.

Chapman,	Wolfenden.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SENATE BILL NO. 197, INTRODUCED FROM HOUSE WITH AMENDMENT.

Mr. MUNDY. Mr. President, I call up at this time Senate Bill No. 197, and move that the Senate proceed to the consideration of the amendments made by the House of Representatives to said bill.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed according to the Constitution, were twice read as follows

Amend the title, line 1, page 1, by striking out the words "an Act" and inserting in lieu thereof the words "a Supplement."

Amend the title, page 1, line 2, by striking out before the word "To" the words "To amend Section 1 of."

Amend the title, page 2, line 23, by striking out after the word "boards and before the word "fix", the word "and."

Amend Section 1, page 2, by striking out all of lines 1 to 16 inclusive.

Amend Section 1, page 3, by striking out all of lines 1 to 4 inclusive.

Amend Section 1, page 3, by striking out all of line 13.

Amend Section 1, page 3, line 15, by striking out after the word "the" and before the word "Auditor", the words". "county commissioners of such counties".

Amend Section 1, page 3, line 18, by striking out after the word "the and before the word "Auditor" the words "county commissioners".

Amend Section 1, page 3, line 19 by inserting after the word "terms" the following:

"The boards so appointed shall have all the powers and perform all the duties vested in and imposed upon the Board for the Assessment and Revision of Taxes in counties of the third class by the act to which this is a supplement".

Amend Section 1, page 4, by striking out all of lines 3 to 10 inclusive.

Amend page 5, line 21, by striking out after the word "section" the numeral "3" and inserting in lieu thereof, "5".

On the question,

Will the Senate concur in the same?

Mr. BUCKMAN. Mr. President, will the Senator from Luzerne, Mr. Mundy, tell us what the bill is, and what the effect of the amendments will be?

Mr. MUNDY. Mr. President, the purpose of the bill is to take the appointment of the County Assessors in third class counties away from the County Commissioners and place it under the control of the Auditor General.

Mr. BUCKMAN. Mr. President, I understand the purport of the bill, but what is the affect of the House amendments?

Mr. MUNDY. Mr. President, the House amendments are that it definitely takes out of the hands of the County Commissioners the appointment of the assessors; and there is a Constitutional severance clause there, and also, in addition, it stated, previously, that one of the assessors must be of the minority party, and that was stricken out by the House.

Mr. BUCKMAN. Mr. President, I understand it is a one hundred per cent Democratic bill.

And the question concurring.

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28.

Barthold,	Gilson,	Kunkel,	Reed,
Cavalcante	Haluska,	Lanius,	Rice,
Dando,	Henney,	Law,	Shapiro,
Dent,	Jacobs,	McCreesh,	Sipe,
DiSilvestro,	Jaspan,	McGinnis,	Sones,
Eroe,	Kahle,	Mundy,	Stiefel,
Frey,	Kilgallen,	Pytko,	Huffman,
			Pres. Pro. Tem.

NAYS—10.

Buckman,	Gelder,	Mallery,	Pierson,
Chapman,	Heyburn,	Owlett,	Wolfenden,
Deitrick,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1373, (House Bill No. 278), entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38.

Barthold,	Gelder,	Kunkel,	Reed,
Buckman,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Shapiro,
Chapman,	Henney,	Mallery,	Sipe,
Dando,	Heyburn,	McCreesh,	Sones,
Deitrick,	Homsher,	McGinnis,	Stiefel,
Dent,	Jacobs,	Mundy,	Wolfenden,
DiSilvestro,	Jaspan,	Owlett,	Huffman,
Eroe,	Kahle,	Pierson,	Pres. Pro. Tem.
Frey,	Kilgallen,	Pytko,	

NAYS—0.

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1374, (House Bill No. 307), entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education.

And said bill having been read at length the third time, and agreed to, nd the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38.

Barthold,	Gelder,	Kunkel,	Reed,
Buckman,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Shapiro,
Chapman,	Henney,	Mallery,	Sipe,
Dando,	Heyburn,	McCreesh,	Sones,
Deitrick,	Homsher,	McGinnis,	Stiefel,
Dent,	Jacobs,	Mundy,	Wolfenden,
DiSilvestro,	Jaspan,	Owlett,	Huffman,
Eroe,	Kahle,	Pierson,	Pres. Pro. Tem.
Frey,	Kilgallen,	Pytko,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1375 (House Bill No. 348), entitled:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Gelder,	Kunkel,	Reed,
Buckman,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Shapiro,
Chapman,	Henney,	Mallery,	Sipe,
Dando,	Heyburn,	McCreesh,	Sones,
Deitrick,	Homsher,	McGinnis,	Stiefel,
Dent,	Jacobs,	Mundy,	Wolfenden,
DiSilvestro,	Jaspan,	Owlett,	Huffman,
Eroe,	Kahle,	Pierson,	Pres. Pro. Tem.
Frey,	Kilgallen,	Pytko,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1376 (House Bill No. 349), entitled:

An Act making an appropriation to the Sleighton Farm School for Girls situate in Delaware County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Gelder,	Kunkel,	Reed,
Buckman,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Shapiro,
Chapman,	Henney,	Mallery,	Sipe,
Dando,	Heyburn,	McCreesh,	Sones,
Deitrick,	Homsher,	McGinnis,	Stiefel,
Dent,	Jacobs,	Mundy,	Wolfenden,
DiSilvestro	Jaspan,	Owlett,	Huffman,
Eroe,	Kahle,	Pierson,	Pres. Pro. Tem.
Frey	Kilgallen,	Pytko,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 1380 (House Bill No. 906), entitled:

An Act creating a State Worlds Fair Commission defining the powers and duties of said commission providing for participation in the New York Worlds Fair and making an appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, I would like to call the Senate's attention to the fact that this is a bill appropriating $75,000 for some participation in the New York World's Fair, creating another commission. I would like to interrogate the Chairman of the Committee on Appropriations, the Senator from Adams, Mr. Rice.

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Adams, Mr. Rice, whether this $75,000 is included in the Governor's budget?

Mr. RICE. Mr. President, the amount was not included in the original amount submitted in the budget, but has been approved by the budget secretary, and has been taken care of in the general appropriation.

Mr. OWLETT. Mr. President, I want to call the Senate's attention to the fact that this creates a commission known as the State World's Fair Commission, to be composed of five members and they gave power to employ such assistants, clerks, and other employees, as may be deemed necessary, to fix their compensation, and I would like to ask the Senator why it is necessary to appoint a commission of a whole slue of employees, in order that we participate in a word's fair in New York.

Mr. RICE. Mr. President, on this bill, as the Senator from Tioga is well aware, New York State is holding—there will be a World's Fair held in New York City. Pennsylvania is to participate in that fair. People from all over the United States and all over the world will be in attendance, I know of perhaps, no better way to advertise Pennsylvania—Pennsylvania products bureau, Pennsylvania industries, Pennsylvania scenery, and there is other things which Pennsylvania has, to sell to the public, to the millions of people who will attend that fair.

I have been informed that the other states have appropriated money to participate in that, and it seems to me that a State as large as Pennsylvania, adjacent to New York State, where the fair will be held, should certainly be represented and in a manner fitting to the great State that we have.

Mr. OWLETT. Mr. President, I would like to ask if the Chairman of the Committee on Appropriations will permit himself to be interrogated further?

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated further?

Mr. RICE. Mr. President, I will.

Mr. OWLETT. Mr. President, I should like to ask the Senator from Adams, if it is not a fact that President, Roosevelt vetoed the appropriation sponsored by Congress for this purpose?

Mr. RICE. Mr. President, I have been informed that it was vetoed as a constitutional matter—that there was some constitutional question involved in the appropriations for that purpose.

Mr. OWLETT. Mr. President, it seems to me when we have well nigh 500,000 people in Pennsylvania on the relief rolls of this State, when we are taxing our industries, to the extent that they are moving out by the wholesale, as the Chairman of the special committee investigating conditions of this State has so fully explained in their last report,—I say, Mr. President, it seems to me that this State at this time, and the taxpayers of this State, cannot afford to spend $75,000 on the fair being put on by New York State, a bill that the President, of these United States has vetoed an appropriation bill for.

We create commission after commission here, in this Legislature, and appropriate Delaware $25,000, $50,000 and $75,000 for these investigations, and now comes another appropriation of $75,000, which will be pulled out of the poor, unfortunate people of this Commonwealth. I ask the Senate to vote down this appropriation.

Mr. RICE. Mr. President, I might state that Pennsylvania will get direct benefit from this World's Fair that is being held in New York City. There will be millions of people traveling across Pennsylvania to reach New York City to attend this Fair. The State will receive direct benefit in taxes from gasoline, from business which will be created by the public travelling to this Fair; and I request the Senate to approve the appropriation.

Mr. DENT. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett?

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. DENT. Mr. President, is it not a fact that under other administrations it has always been a policy for Pennsylvania to participate in such activities, to appropriate money for such participation?

Mr. OWLETT. Mr. President, I am sorry I cannot answer that question. I still, however, have very vividly in my mind the fair that was put on in Philadelphia some few years ago, which was a very disasterous affair, and an unsuccessful affair; and I think we have spent enough money for fairs in New York City.

Mr. DENT. Mr. President, I thank the Senator from Tioga, Mr. Owlett. I can appreciate that the Philadelphia Fair was unsuccessful and disasterous, but I would remind the Senator that he cannot blame that on New York nor on the Democratic Party.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Westmoreland, Mr. Dent, whether the Committee on Appropriations has but made any appropriation for the commission that he heads, studying the industrial conditions of Pennsylvania.

Mr. DENT. Mr. President, they made one appropriation of $5,000.

Mr. OWLETT. Mr. President, does the Senator from Westmoreland consider that adequate?

Mr. DENT. Mr. President, I do not.

Mr. OWLETT. Mr. President, does the Senator from Westmoreland consider that this $75,000 appropriation to New York's State Show is more important than the appropriation that he has been seeking for his committee?

Mr. DENT. Mr. President, I do not; but I do think that this is an important appropriation, because it serves to bring to the knowledge of many millions of people that never come into Pennsylvania, the value of Pennsylvania's products, and industries—which will also be of service to our tax commission.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barthold,	Gilson,	Lanius,	Reed,
Cavalcante,	Haluska,	Law,	Rice,
Dando,	Henney,	Mallery,	Scarlett,
Deitrick,	Howell,	McCreesh	Shapiro,
Dent,	Jacobs,	McGinnis	Sipe,
Eroe,	Jaspan,	Mundy,	Sones,
Frey,	Kahle,	Pytko,	Wolfenden,
Gelder,	Kilgallen,	Rankin,	Huffman,

NAYS—4

Chapman,	Homsher,	Owlett,	Pierson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

BILL ON SECOND READING

Mr. RICE. Mr. President, I call up at this time, Senate Bill No. 1441 (House Bill No. 1801), on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1441 (House Bill No. 1801), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 1441 (House Bill No. 1801), the bill just read, be recommitted to the Committee on Highways.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Mr. RICE. Mr. President, I call up at this time, Senate Bill No. 1447 (House Bill No. 2010), on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1447 (House Bill No. 2010), entitled:

An Act to amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" as amended by changing certain routes and adding certain new routes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 1447 (House Bill No. 2010), the bill just read, be recommitted to the Committee on Highways.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, May 26, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Tuesday afternoon, June 1st, at 2 p. m., Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Tuesday afternoon, June 1st, at 2 p. m., Eastern Standard Time.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE HOUSE HOUSE BILL NO 99

He also presented comunication from the House of Representatives informing the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate, May 27, 1937.

Resolved (If the House of Representatives concur) That House Bill No. 99, entitled:

An Act to re-enact and amend the title and the act aproved the second day of June one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and 'providing procedure for the determination of liability and compensation thereunder' by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation out of moneys required to be paid into the State treasury of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act.

be recalled from the House of Representatives for the purpose of amendment.

SENATE BILL No. 1304 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1304, entitled:

An Act for the conveyance to the United States of America of title in and to certain lands in the Township of Fairview, County of York, and ceding to the United States jurisdiction over said lands.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILL SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) anounced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 2436.

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess until 8 o'clock this evening.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

The first bill for consideration is Senate Bill No. 1381, (House Bill No. 973).

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1381, (House Bill No. 973), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1382, (House Bill No. 1132), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1383, (House Bill No. 1136), entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of Supplies materials and equipment to enlarge and improve the military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1384, (House Bill No. 1138), entitled:

An Act making an appropriation to aid certain school districts

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1385, (House Bill No. 1146), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeoman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1386, (House Bill No. 1152), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that

Senate Bill No. 1387, (House Bill No. 1330), on third reading, entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the Courts of Common Pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1388, (House Bill No. 1346), entitled:

An Act making an appropriation to the Treasury Department for the payment of certain claims against the Commonwealth

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1390, (House Bill No. 1818), entitled:

An Act making an appropriation to the Department of Public Instruction for reimbursing fourth clas school districts upon certain increases of the salaries of members of the teaching staffs of elementary schools in such school districts

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice.
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1394, (House Bill No. 2259), entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1396, (House Bill No. 2117), entitled:

An Act making an appropriation to the Treasury Department for the refund of transfer inheritance and estate taxes erroneously collected or overpaid into the State Treasury

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eros,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Mr. RICE. Mr. President, I call up at this time, for the purpose of amendment, Senate Bill No. 1080, (House Bill No. 1575) on third reading, postponed

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1080, (House Bill No. 1575), entitled:

An Act to amend section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws ten hundred forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended authorizing the assignment of retirement rights in certain cases.

And said bill having been read at length the third time,

Will the Senate agree to the bill?

Mr. RICE. Mr. President, I ask unanimous consent to amend Sec. 1 (Sec. 18), page 3, lines 7 and 8, by striking out the following: "the interest on which loan shall not exceed six per centum (6%)"; also amend Sec. 1, (Sec. 18), page 3, line 10, by inserting after the word "valid" the following: "Provided, however that the interest rate shall not exceed that permitted by law for such organization or credit union.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to,

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 159, as follows:

An Act to amend section seven of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (P .L. 28) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" providing that all eligible applicants shall be entitled to assistance and preventing discrimination

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (P. L. 28) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" is hereby amended to read as follows

Section 7 Investigators' Reports Before any assistance is granted to any person under the provisions of this act a complete report shall be made by an investigator of the board of all matters stated in the application giving (a) the name of the applicant (b) the number and kinds of relatives legally liable for support of the applicant (c) the financial condition of such relatives and (d) all other matters which shall be from time to time required by the department and the Social Security Board All such reports shall be made upon forms supplied for the purpose by the department All such reports shall be made in triplicate One copy shall be retained in the office of the board and if the application is approved one shall be forwarded to the department and one copy shall be forwarded to the Auditor General Each report shall be sworn to by the investigator which oath may be administered by any member or other employe of the board Before any assistance is granted the application and the report of the investigator shall be approved by a majority of all the members of the board All eligible applicants shall be entitled to assistance and the moneys available for the payment of assistance shall be divided among all eligible applicants No discrimination whatever shall be practiced by any board by granting assistance to some applicants and denying assistance to others for lack of funds or for any other reason

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 249, (House Bill No. 243), entitled:

An Act to amend section two of the act approved the twenty-seventh day of May one thousand nine hundred and nineteen(P. L. 306) entitled "An act relating to criminal procedure before aldermen justices of the peace and magistrates in cases of assault and assault and battery and providing for the assessment of costs in such cases upon the prosecutor defendant or county and the commitment of the prosecutor or defendant in case of default" providing for appeals by defendants against whom costs have been assessed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 420, as follows:

An Act to amend sections two hundred and eleven three hundred and twelve seven hundred and seven and eight hundred and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by placing the incorporation and regulation of nonprofit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth and conferring discretionary powers upon the courts

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred and eleven three hundred and twelve seven hundred and seven and eight hundred and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" are hereby amended to read as follows

Section 211 Special Procedure for Incorporation of Educational Institutions Desiring to Confer Degrees A In the case of the incorporation of a college university or theological seminary as a nonprofit corporation with power to confer degrees in art pure and applied science philosophy literature law medicine and theology or any of them the articles of incorporation shall in addition to the information hereafter required by this article and in conformity with the requirements and limitations contained in the following article set forth

(1) The amount of assets in the possession of the incorporators which are to be devoted to the purpose of establishing and conducting the college university or theological seminary or in the case of the incorporation of law colleges and schools with power to confer degrees in law that said incorporators have been associated and doing business within this Commonwealth as a law college or school with a regular curriculum by means of financial support or contributed services during a period of no fewer than five years prior to date of said articles

(2) The minimum number of persons whom it is intended to employ regularly as members of the faculty of the corporation

(3) A brief statement of the requirements for admission to and of the course or courses of study to be pursued in the institution

(4) The information hereinafter required by this article in the case of corporations formed to carry out the directions or purposes of a trust instrument if the corporation is being formed under such circumstances

B When the articles and other papers are presented to the court for approval the court shall examine them If they are found to be in proper form and in conformity with the provisions of this act and shall appear lawful and not injurious to the community the court shall so certify thereon [The] Except in the case of the incorporation of law colleges and schools with power to confer degrees in law the court shall then direct the prothonotary or clerk of the court to transmit the articles to the Superintendent of Public Instruction [the articles] The Superintendent of Public Instruction shall within sixty days after the receipt of the articles cause the State Council of Education to be convened at such time and place as he may designate Thereupon the council shall consider the articles and shall make such investigations and hold such hearings as [it] may [deem] be necessary in the premises If the courses of instruction the standards of admission to the institution and the composition of the faculty shall appear to be sufficient and to conform to the requirements hereinafter prescribed in this act for such institutions and if the educational needs of the particular locality in which the institution is to be situated and of the Commonwealth at large are likely to be furthered by the granting of the charter the council shall endorse upon the articles its findings and its approval of the same together with a recommendation to the court before which the articles were originally presented that the application for a charter be granted If in the judgment of the council the application for a charter should not be granted the council shall endorse upon the articles its findings and its disapproval together with a recommendation to the court that the application be refused Thereupon the Superintendent of Public Instruction shall return the articles to the court which in passing finally upon the application shall be guided in its decree by the findings of the council If the court after giving consideration to the approval of the council shall be satisfied with the propriety of the application for a charter in view of all the facts it shall approve the application but if the council has disapproved the application the court [shall] may refuse to approve the application [The court in no case shall have power to grant a charter to a college university or theological seminary with power to confer degrees until the application has been approved by the State Council of Education] In the case of incorporation of law colleges and schools with power to confer degrees the court may appoint a master to hear the testimony and report thereon with findings of fact and conclusions of law to the court and shall be guided in its decree by a showing of compliance by which institution with the requisites and standards which have been or may here-

after be prescribed by law or by rule of court for the admission of persons to the general practice of law in the Supreme Court of this Commonwealth

Section 312 Requirements of Educational Institutions Desiring to Confer Degrees A No college university or theological seminary shall be incorporated under this act with power to confer degrees in art pure and applied science philosophy literature [law] medicine and theology or any of them unless it has

(1) A minimum protective endowment of at least five hundred thousand dollars ($500,000) beyond all indebtedness and assets invested in buildings and apparatus for the exclusive purpose of promoting instruction except that in the case of tax-supported institutions or those maintained by religious or other organizations financial support or contributed services equivalent in value to the endowment herein specified may be substituted for such endowment and except also that in the case of law colleges and schools it has existed and has been doing business within this Commonwealth with a regular curriculum by means of financial support or contributed services during a period of no fewer than five years prior to the date of filing its articles

(2) A faculty consisting of at least eight regular professors who devote all their time to the instruction of its college or university classes unless the college is devoted to a specific subject in art archaeology law literature or science (medical [and law] schools excepted) in which case the faculty shall consist of at least three regular professors who devote substantially all their time to the instruction in the special branch for which the college is established and two or more instructors or fellows in the particular branch who shall be provided to assist in the instruction to be given the students for the promotion of original investigation and in the development and growth of the special branch of science to which such college may be devoted

B A college university or theological seminary incorporated under this act with the power to confer degrees shall have power to confer baccalaureate degrees in art science philosophy or literature only students who have completed a college or university course covering four years The standard of admission to these four-year courses or to advanced classes in these courses shall be not less than four years of academic or high school preparation or its equivalent and shall be subject to the approval of the State Council of Education

C Any educational corporation except law colleges and schools formed under this act with the power to confer degrees as aforesaid shall be subject to visitation and inspection by representatives of the State Council of Education If any such corporation shall fail to keep up the standards required by this act the court [shall] may upon the recommendation of the State Council of Education revoke the power to confer degrees All law colleges and schools so incorporated shall be subject exclusively to the jurisdiction and supervision of the judicial department of this Commonwealth

Section 707 Court to Approve or Refuse Amendments On the day specified in the advertisement or as soon thereafter as the matter may be heard the corporation or its representative shall present an application for the amendment of its charter to the court and shall present to the court the articles of amendment a certified copy of the resolution authorizing the proposed amendments proof of the advertisement required by the preceding section and in the case of a proposed change of the corporate name a certificate of registration from the Department of State The court shall consider the application It may hear the evidence on behalf of the applicants and against the application if any there be or it may refer the application to a master to make report as to the propriety of graning the application in such case upon the filing of the master's report the court shall grant the applicants and protestants a hearing if exceptions are filed by either of them If the court shall be of the opinion that the amendments are lawful will be beneficial and not injurious to the community and do not conflict with the requirements of this act the court shall so certify on the articles and shall order and decree thereon that the articles are approved and that upon the recording of the articles and the order the amendments specified in the petition shall be a part of the charter However except in the case of law colleges and schools the court shall not approve articles of amendment presented by or on behalf of an educational or nonsectarian charitable corporation unless and until the court shall receive the [approval or] recommendation of the State Council of Education or the Department of Welfare as the case may be in a manner similar to that prescribed by this act in the case of the formation of such corporations

Section 807 Court to Approve or Refuse Merger or Consolidation On the day specified in the advertisement or as soon thereafter as the matter may be heard the constituent corporations or their representative shall present an application for the merger or consolidation of such corporations to the court and shall present to the court the articles of merger or articles of consolidation as the case may be a certified copy of the joint plan of merger or consolidation proof of the advertisement required by the preceding section and in the case of a proposed change of the corporate name a certificate of registration from the Department of State The court shall consider the application It may hear evidence on behalf of the applicants and against the application if any there be or it may refer the application to a master to make report as to the propriety of granting the application In such case upon the filing of the master's report the court shall grant the applicants and protestants a hearing if exceptions are filed by either of them If the court shall be of the opinion that the proposed merger or consolidation in lawful will be beneficial and not injurious to the community and does not conflict with the requirements of this act the court shall so certify on the articles and shall order and decree thereon that the articles are approved and that upon the recording of the articles and the order the merger of consolidation shall take effect However except in the case of law colleges and schools the court shall not approve articles of merger or articles of consolidation presented by or on behalf of an educational or nonsectarian charitable corporation unless and until the court shall receive the [approval or] recommendation of the State Council of Education or the Department of Welfare as the case may be in a manner similar to that prescribed by this act in the case of the formation of such corporations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 452, (House Bill No. 562), entitled:

An Act to amend the act approved the sixth day of April one thousand nine hundred and eleven (Pamphlet Laws fifty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" as amended further regulating the adulteration of sausages changing the penalties prescribed and providing for injunctions in certain cases

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 502, (House Bill No. 868), entitled:

An Act to prohibit the wilful and malicious breaking or destruction of certain milk bottles or other dairy product containers and prescribing fines or penalties therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 519, (House Bill No. 501), entitled:

An Act to amend section two hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by exempting farm wagons attached to tractors from registration in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 616, (House Bill No. 370), entitled:

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in and agreement of sale or lease of articles purchased or leased at different times.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 659, (House Bill No. 673), entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 761, (House Bill No. 662), entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the registration year and adjusting registration fees

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 851, (House Bill No. ———), on second reading, entitled:

An Act establishing a Code of Criminal Procedure.

be recommitted to the Committee on Judiciary General.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 896, (House Bill No. 1449), entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others provid-

ing for a system of civil service and collective bargaining and providing penalties and for other purposes

The first to the sixth sections inclusive of the bill were read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any county of the second class in this Commonwealth a County Public Utility Administration (hereinafter in this act called the "Administration") may be created as herein provided and when so created shall exercise an essential governmental function for the public purposes herein set forth and in accordance with the powers herein granted "Public Utility" or "Utility" as used in this act means any or all of the property facilities franchises rights and any other thing material or abstract of value used and useful within this Commonwealth for the transportation or conveyance by any means of passengers for hire as a common carrier or the production transmission distribution or furnishing of power light heat or water or the disposition of garbage sewage or refuse matter either directly or indirectly to or for the public

Section 2 The procedure for organizing and creating an Administration under the provisions of this act shall be as follows

(a) A resolution shall first be passed by the county commissioners of the county in which it is desired to create the Administration declaring that in their opinion public interest or necessity demands the creation and maintenance of an Administration to be known as "The County Public Utility Administration" Said resolution may state the kind of utility proposed to be first acquired but failure to acquire such utility shall not affect the validity of the Administration

(b) In lieu of said resolution a petition may be filed with the county commissioners of said county signed by not less than two thousand (2,000) qualified electors of said county who have been resident therein for a period of two (2) years immediately prior thereto Said petition shall declare that in the opinion of the petitioners public interest or necessity demands the creation and maintenance of an Administration Such petition shall be executed in ink or indelible pencil and each elector signing the same shall give his or her occupation place of residence and date of signing No signature shall be valid unless affixed thereto within thirty (30) days of the filing thereof Any number of such petitions may be circulated among the electors contemporaneously All separate original petitions when filed shall be treated together as one original petition Each separate petition so filed shall be verified by the affidavit of the person who circulated it certifying that each name signed thereto is the true signature of the person whose name it purports to be

(c) Upon the passage of the resolution aforementioned or the filing of a petition as aforesaid the county commissioner shall call an election for the purpose of determining whether the proposed Administration shall be created and established Said election shall be held not less than sixty (60) days nor more than six (6) months after the passage of the resolution of the filing of the petition The question shall only be submitted at a general or municipal election unless the resolution designates or the petition requests the holding of a special election on another day herein specified Provided however That a special election shall not be designated to be held within the thirty (30) days period immediately proceeding or following the day fixed for any primary general or municipal election Any request made for a special election in violation of the provisions hereof shall be disregarded and the petition shall be filed with the same force and effect as if no request had been made for the holding of a special election If definite times for a special election are set forth in the petition or petitions so filed the date contained in the petition first filed complying with the provisions hereof shall be the date chosen A special election may be held on the same day as a primary election In such case the special election shall be held and conducted during the same hours during which and by the same election officers by whom the primary is held and conducted and the votes shall be cast computed and returned in the manner and under the regulations provided by law for the submission of constitutional amendments or other questions to a vote of the people at a general or municipal election The ballot for said election shall contain such instructions as are required by law to be printed thereon in addition thereto shall appear thereon the following

Shall The ..... County Public Utility Administration be created and established?	Yes	
	No	

(d) In case such question is adopted by the electors of a county of the second class the county commissioners shall within thirty (30) days of said adoption deliver to the Secretary of the Commonwealth articles of incorporation together with a certificate showing the result of the vote on said question Said articles of incorporation shall set forth

(1) The name of the Administration

(2) A statement that an Administration is created under this act

(3) The name of the incorporating county together with the names and addresses of its county commissioners and the chief clerk of the board of county commissioners

Said articles of incorporation shall be executed by the county commissioners and under the county seal If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles The certificate of incorporation shall be conclusive evidence of the fact that such Administration has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Administration which shall have been formed without substantial compliance with the provisions of this act

Section 3 (a) The Administration shall be composed of three members who shall be known as Administrators who shall be designated and appointed by the county commissioners and each shall continue to hold office until his successor is appointed and qualified Each Administrator at the time of his appointment shall be a citizen of the United States and a resident and qualified elector in the county in which said Administrator is created and established for a period of at least two (2) years next preceding his appointment The Administrators shall not engage in any other business vocation or employment and shall profess a belief in the advisability and wisdom of this act.

(b) The Administrators shall have entire charge of the property services and affairs of the Administration and they shall determine all questions of policy Said Administrators shall for the purpose of doing business constitute a board but no action of the board shall be binding unless a majority of the Administrators shall vote in favor thereof.

(c) The salary or compensation of the Administrators shall be fixed and determined by the county commissioners The salary or compensation of all employes of the Administration shall be fixed and determined by the Administrators

(d) The county commissioners shall by appointment fill any vacancy in the office of Administrator The Administrators shall by election fill any vacancy in the office of president vice-president secretary or treasurer and shall appoint a general manager and such other subordinate officers and employes as they may deem necessary and fix and determine their compensation and duties

Section 4 No person shall be appointed as an Administrator general manager or other officer or employe to engage in the performance of any duties connected either directly or indirectly with the conduct of the affairs of the Administration who has any financial interest in any

public utility engaged in the business of the transportation or conveyance by any means of passengers for hire as a common carrier or the production transmission distribution or furnishing of power light heat or water or the disposition of garbage sewage or refuse matter nor any person having any interest in any business that may be adversely affected by the success of the Administration

Section 5 The Administration shall manage supervise and regulate every utility owned and operated by the Administration including the fixing and determining of rates rentals charges and classifications and the making and enforcement of rules regulations contracts practices and schedules for or in connection with any service product or commodity owned or controlled by such Administration

Section 6 Any Administration incorporated as herein provided shall have power

(a) To continue as a body corporate perpetually

(b) To sue and be sued complain and defend in its own name

(c) To adopt a corporate seal and alter it at pleasure

(d) To acquire purchase establish construct lease own hold or operate within or without or partly within or partly without the county works or parts of works and property and facilities used and useful for supplying the inhabitants of said county with transportation or conveyance by any means as a common carrier and the production transmission distribution or furnishing of power light heat or water and the disposition of garbage sewage or refuse matter and to do all things necessary or convenient to the full exercise of the powers herein granted Whenever there is a surplus of power light heat or water above that which may be required by the inhabitants within the county such Administration shall have authority to sell or otherwise dispose of such surplus outside of the county to persons firms and public or private corporations or municipalities outside of said county

(e) To do all things necessary and convenient for the purpose of carrying into effect the powers herein granted without the consent of any department bureau or commission and no certificate of public convenience from any commission or other department of the Commonwealth shall be required as a condition precedent to the construction by the Administration of any public utility where one engaged in the same service already exists

(f) To have and exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use To take any property necessary or convenient to the exercise of the powers herein granted whether such property be already devoted to the same use or otherwise In the proceedings relative to the exercise of such right the Administration shall have all the rights powers and privileges of a political subdivision of the Commonwealth or a municipal corporation and all the rights powers and privileges herein conferred

(g) To use in carrying out the powers herein granted any street or public highway or any lands which are now or may be the property of this Commonwealth and to have the same rights and privileges appertaining thereto as have been or may be granted to political subdivisions of the Commonwealth or to municipalities or any person copartnership association or corporation

(h) To enter into contracts and agreements with the United States or any department corporation or instrumentality thereof the Commonwealth of Pennsylvania or any department corporation or instrumentality thereof stipulating for the purchase transmission distribution or furnishing of electric power generated by a hydroelectric power plant or plants established in the interests of the National Defense or for agriculture or industrial development or to improve navigation or to control destructive flood waters in the rivers

(i) To borrow money for any or all of the purposes for which it is organized to issue its promissory notes bonds or other forms of certificates of indebtedness with interest as evidence thereof and to secure any of the obligations by mortgage pledge or deed of trust of or on any of its property and income to refund or retire any indebtedness that may exist against or be assumed by the Administration to pledge its rates rentals charges and other revenues or any part thereof either presently received or to be received in the future or both as security for the repayment with interest of any money borrowed by it or advanced to it for any of its authorized purposes and as security for the satisfaction of any obligation assumed by it in conection with such loans or advances

(j) To elect a president vice-president secretary and treasurer and to adopt suitable by-laws for the management of its affairs

(k) To have and exercise all of the powers and means necessary or convenient to effect the purpose or purposes for which the administration is organized and to make rules and regulations for the management of its affairs and in conection with its property and affairs and property within its control To exercise any and all powers which might be exercised by a natural person or private corporation in connection with similar property and affairs

(l) To enter upon any land or facilities of any public utility or any property within or without the county or examine the records papers books and ledgers of any public utility for the purpose of making such surveys maps or other examinations thereof as the Administration may deem necessary or convenient for the purposes set forth herein

(m) To enter into contracts and agreements with counties and with cities boroughs and townships within or without the county for the sale and furnishing of any service product or commodity owned or controlled by such Administration

The Seventh section of the bill was read as follows:

Section 7 Whenever an Administration shall adopt a resolution to acquire by purchase or to lease erect establish construct hold and operate as the case may be a public utility the Administration shall ascertain the fair and reasonable value of such public utility that it desires to purchase and shall submit the same to the owners of such utility If the Administration and the owners of such utility are unable to agree upon the price to be paid therefor the Administration shall transmit to The Public Service Commission of the Commonwealth a transcript of its entire proceedings concerning such purchase Such proceeding so certified shall be docketed as a cause pending before The Public Service Commission and The Public Service Commission shall issue to such utility a summons returnable within thirty (30) days from the date of such summons Upon the return of such notice showing service of thirty (30) days and The Public Service Commission or a commissioner thereof being satisfied with the regularity of the proceedings and the service The Public Service Commission shall appoint one of its members who shall view and make a fair appraisement of the properties sought to be purchased and report the same to The Public Service Commission The Public Service Commission shall then proceed to fix and determine the fair and reasonable value of such utility and enter a decree to that effect and upon payment of such compensation by the Administration to the owner or owners of such utility title to the utility shall vest in the Administration and all claims for compensation shall be deemed paid and satisfied Upon appeal of any interested party to the Superior or Supreme Court the Court shall accept the findings of fact and appraisement made by The Public Service Commission as conclusive and shall confine the appeal only to an examination into whether the proceedings were in conformity with this act

If any person or persons shall claim adversely to each other any estate or interest in the utility to be purchased the Administration shall pay into the Court of Common Pleas of the county where the utility is situated the whole of the appraisement money The court shall by rule process or motion require all said claimants to appear and may by an issue framed between them to be tried by a jury or by reference to a master determine the estates and interests of each claimant in said appraisement money Upon the final determination of such proceedings the court shall direct said appraisement money to be paid to

the person or persons ascertained to be entitled thereto After verdict and final judgment any party may have an appeal to the Superior Court or Supreme Court as in other cases

On the question,

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 7, page 11, lines 15 and 16, by striking out the following: "Public Service" and inserting in lieu thereof: "Public Utility"; amend sec. 7, page 11, line 19, by striking out the following: "Service" and inserting in lieu thereof: "Utility"; amend sec. 7, page 11, line 20, by striking out the following: "Service" and inserting in lieu thereof: "Utility"; amend sec. 7, page 11, line 23, by striking out the following: "Service" and inserting in lieu thereof: "Utility"; amend sec. 7, page 11, line 26, by striking out the following: "Service" and inserting in lieu thereof: "Utility"; amend sec. 7, page 11, line 29, by striking out the following: "Service" where it first appears in said line, and inserting in lieu thereof: "Utility"; amend sec. 7, page 11, line 29, by striking out the following: "service" and inserting in lieu thereof: "Utility"; amend sec. 7, page 12, line 9, by striking out the following: "Service" and inserting in lieu thereof: "Utility"

Mr. DANDO. Mr. President I second the motion.

On the question.

Will the Senate agree to the amendments?

It was agreed to.

On the question.

Will the Senate agree to the section as amended.

It was agreed to.

The eighth to the seventeenth sections inclusive of the bill were read as follows and agreed to.

Section 8 The Administration shall classify all the positions of employment in or under the Administration with reference to the examinations hereinafter provided for except such positions as general manager and heads of departments The positions so classified shall constitute the classified civil service of the Administration and no appointment to any such position shall be made except upon merit and according to the rules hereinafter mentioned The Administration shall make rules to carry out the purposes of this section and for examinations appointments promotions and removals and may from time to time make changes in existing rules

The examinations shall be practical in character and shall relate to those matters only which will fairly test the relative capacity of the person examined to discharge the duties of the position to which he or she seeks to be appointed and shall include appropriate tests of manual or professional skill

No person shall be appointed to any position in the Administration who holds office in any political party and election to such office shall be sufficient ground for his immediate removal

Section 9 Any person elected by the people or appointed according to law to any public office in this Commonwealth or any person having any financial interest in any public utility engaged in the business of the transportation or conveyance by any means of passengers for hire as a common carrier or the production transmission distribution or furnishing of power light heat or water or disposition of garbage sewage or refuse matter who shall in any manner influence or attempt to influence the Administration in the making of any appointment contract or agreement or in the purchase of supplies shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court and in the case of a public official either elected or appointed conviction under this section shall work a forfeiture of his office

Section 10 In the conduct of the policies of employment of the Administration the letter and spirit of the National Labor Relations Act enacted by the Congress of the United States shall be observed and it shall be the duty of the Administration to bargain collectively with the duly authorized representatives of the employes thereof with reference to wages hours and conditions of employment and to enter into contracts or agreements with said representatives with reference to matters of employment The Administration shall not organize or cause to be organized a company union but shall at all times recognize for purposes of collective bargaining such existing bona fide labor unions covering the trade or industry relating to such Administration No person shall be employed in any capacity by the Administration who is not a member of such labor union so recognized

Section 11 All contracts shall be let and purchases made by the Administration in the manner now provided by law relating to contracts and purchases by county commissioners in counties of the second class

Section 12 All bonds issued by the Administration shall be legal investments for all trust funds and for the funds of all insurance companies banks both commercial and savings and trust companies and for the State Workmen's Insurance funds and for the sinking funds of counties cities boroughs or townships and whenever any moneys or funds may by any law now or hereafter enacted be invested in bonds of counties cities or school districts in the Commonwealth such moneys or funds may be invested in the bonds of the said Administration and whenever bonds of counties cities or school districts may by any law now or hereafter enacted be issued as security for performance of any act or as security for the deposit of public funds of the Commonwealth or of any county city municipality or other public corporation or political subdivision in any state or national bank or banks bonds of said Administration may be so used

Section 13 The bonds and other securities and obligations issued by an Administration created and established under this act their transfer and the income therefrom the property and facilities used and useful in the operation of said Administration shall at all times be free from taxation within the Commonwealth of Pennsylvania

Section 14 The bonds and other securities and obligations of said Administration shall be a lien upon and payable solely and exclusively from the assets and revenues of said Administration and shall not be nor be deemed to be an indebtedness of the Commonwealth of Pennsylvania or of any county city borough township or other political subdivision or municipality within the Commonwealth The Administration shall have no power to pledge the credit or to create any debt of the Commonwealth or of any county city borough township or other political subdivision or municipality within the Commonwealth

Section 15 All matters and things necessary for the proper conduct of the affairs of said Administration which are not provided for in this act shall be provided for by the board of Administrators of the Administration

Section 16 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 17 All acts or parts of acts inconsistent with this act are hereby repealed

The title of the bill was read as follows:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power

of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county offiers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

On the question,

Will the Senate agree to the title?

Mr. KILGALLEN. Mr. President I move to amend title, page 1, line 9 of title, by striking out the following "Service" and inserting in lieu thereof: "Utility"

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 984, (House Bill No. 2001), as follows:

An Act to amend the title and sections one and two of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plan transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" by extending the provisions of the act to cities of the first class and by changing the provisions as to the number and qualifications of the personnel of the commission

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" is hereby amended to read as follows

A SUPPLEMENT

A Supplement to an act entitled "An act for the government of cities of the first and second class" approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street may providing penalties for the violation of this act and repealing certain statutes

Section 2 That section one of said act is hereby amended to read as follows:

Section 1 Be it enacted etc That an additional executive department in cities of the first and second class to be known as the department of city planning which shall be in charge of a city planning commission with the powers and duties herein set forth and to make adopt amend extend add to and carry out a municipal plan and municipal zoning as provided in this act is hereby created.

Section 3 That Section 2 of said Act is hereby amended to read as follows:

Section 2 Personnel of the Commission In cities of the second class the commission shall consist of 9 persons who shall be residents of the city or county within which such city is located at least seven of whom shall not be paid city employes to be appointed by the mayor subject to the approval of the council three of whom shall be designated to serve until the first day of January one thousand nine hundred and twenty-eight three until the first day of January one thousand nine hundred and thirty and three until the first day of January one thousand nine hundred and thirty-two Their successors shall be appointed on the expiration of their respective terms to serve six years Vacancies occuring otherwise than through the expiration of term shall be filled as original appointments are made and for the unexpired term All members of the commission shall serve as such without compensation.

In cities of the first class the commission shall consist of 12 persons who shall be taxpayers of such cities of the first class the majority of whom shall not be paid city employees to be appointed by the mayor subject to the approval of the council four of whom shall be designated to serve until the first day of January one thousand nine hundred and forty four until the first day of January one thousand nine hundred and forty-two and the remainder of the members until the first day of January one thousand nine hundred and forty-four Their successors shall be appointed on the expiration of their respective terms to serve six years Vacancies occurring otherwise than through the expiration of term shall be filled as original appointments are made and for the unexpired term All members of the commission shall serve as such without compensation

Section 4 That Section 6 of said Act is hereby amended by adding at the end thereof the following sentence

The plan shall take into consideration the possibility of stabilizing employment and industry by the execution

of important parts during periods of unemployment and depression and by reserving the necessary public credit

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

Section 6 This Act shall become effective immediately upon its final enactment provided however that in cities of the first class the present city planning and zoning commissions shall continue in office and perform their functions until the Mayor and City Council of such cities shall have put into operation the provisions of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1092, (House Bill No. 880), entitled:

An Act to prohibit the admission in criminal cases of evidence illegally secured or acquired.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1096, (House Bill No. 1357), entitled:

An Act limiting the questions to be decided in any new trial granted because of the inadequacy or excessiveness of a verdict.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1100, (House Bill No. 1476), entitled:

An Act to amend section one of the act approved the sixth day of May one thousand eight hundred and seventy-four (Pamphlet Laws one hundred twenty-five) entitled "An act regulating State tax on certain county offices" as amended regulating the payment over to the county of excess earnings of county officers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1127, (House Bill No. 1246), entitled:

An Act to prohibit the recruiting or the securing or offering to secure employment for persons to take the places of employes where a labor strike is pending or a lockout exists.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1128, (House Bill No. 1765), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such supervisors of special education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section twenty of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1101 For the superintendence and supervision of the public schools of this Commonwealth there shall be elected or appointed in the manner herein provided county superintendents district superintendents assistant county and district superintendents associate superintendents and supervisors of special education

Section 2 Section one thousand one hundred and two of said act as amended by section twenty-one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1102 Every person elected or appointed as county district or assistant county or district superintendent or associate superintendent or supervisor of special education must be a person of good moral character

Section 3 Section one thousand one hundred and twenty-six of said act as amended by section twenty of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1073) is hereby further amended to read as follows

Section 1126 Every county superintendent having more than one hundred and fifty (150) and not more than [three hundred and fifty teachers under his supervision shall have an assistant superintendent every county superintendent having more than three hundred and fifty and not more than six hundred teachers under his supervision shall have two assistant superintendents every county superintendent having more than six hundred and not more than eight hundred teachers under his supervision shall have three assistant superintendents and for each additional four hundred teachers or fraction thereof under his supervision a county superintendent shall have an additional assistant superintendent And the school directors of any county at their convention for electing a county superintendent may authorize the appointment of

additional assistant superintendents to those herein provided for] five hundred and fifty (550) teachers under his supervision shall have one assistant county superintendent Every county superintendent having more than five hundred and fifty (550) but not more than one thousand and fifty (1050) teachers under his supervision shall have two assistant county superintendents Every county superintendent having more than one thousand and fifty (1050) teachers under his supervision shall have one additional assistant county superintendent for each additional five hundred teachers or fraction thereof but no county superintendent shall have more than five assistants In addition to the assistant county superintendents herein provided for in each county in which there are 550 or more teachers under the supervision of the county superintendent there shall be appointed one supervisor of special education and in each county in which there are less than 550 teachers under the supervision of the county superintendent there shall be appointed a joint supervisor of special education who shall serve in two or more counties In no instance shall such supervisor of special education serve in more than three counties The State Council of Education shall have power and it shall be their duty to determine the counties which shall be served jointly by a joint supervisor of special education The time of the joint supervisor of special education shall be apportioned among the several counties on the basis of the number of teachers under the supervision of the county superintendent in each county

Section 4 Sections one thousand one hundred and twenty-seven one thousand one hundred and twenty-eight and one thousand one hundred and twenty-nine of said act are hereby amended to read as follows

Section 1127 The superintendent of each county entitled to an assistant superintendent or assistant superintendents shall within fifteen days after receiving his commission nominate to the [five officers of the school directors' association of the county] county board of school directors the assistant superintendent or superintendents who must furnish the president of said county board of school directors [the same evidence of eligibility as is required of candidates for county superintendents] evidence of eligibility in accordance with the regulations of the State Council of Education These nominations shall be appointments until the end of the county superintendent's term of office when confirmed by a majority vote of the [five officers of the directors' association of said county] county board of school directors The president and secretary of the [school directors' associations] county board of school directors shall certify to the Superintendent of Public Instruction the name and post-office addresses of the assistant county superintendents and supervisors of special education appointed as herein provided [thus appointed] and their salaries as fixed by the directors' convention and such assistant county superintendents and supervisors of special education shall be commissioned by the Superintendent of Public Instruction in the same manner and under the same conditions as in the case of county superintendents Should the county superintendent and the [officers of the School Directors' Association] county board of school directors of any county fail to nominate and confirm the assistant superintendent or superintendents or supervisor of special education for such county within thirty days after the county superintendent has received his commission the Superintendent of Public Instruction shall appoint such assistant superintendent or superintendents or supervisor of special education to serve until the end of the county superintendent's term of office

Any person who is certified to teach in the public schools of the Commonwealth and who is certified as a public school psychologist by the Department of Public Instruction shall be eligible for appointment as a supervisor or joint supervisor of special education

The superintendent of each county entitled to a supervisor of special education shall nominate to the county board of school directors the candidate for the office of supervisor of special education By a majority vote of the county board of school directors the candidate may be appointed to serve until the end of the term of office of the county superintendent

The county superintendents of the counties which are entitled to a joint supervisor of special education shall nominate to their county boards of school directors the candidate for the office of joint supervisor of special education By a majority vote of the several members the county boards of school directors the candidate may be appointed to serve until the end of the terms of office of the county superintendents

Section 1128 Any vacancy occurring in the position of assistant county superintendent or supervisor of special education shall be filled by the county superintendent and the [officers of the school directors' association] county board of school directors in like manner as at the beginning of a term [In all counties entitled to one or more assistant county superintendents the county superintendents elected in May one thousand nine hundred and eleven (1911) and the officers of the school directors' association therein shall before the first day of September one thousand nine hundred and eleven (1911) nominate and confirm the assistant county superintendents to which the several counties in this Commonwealth are entitled Such assistant county superintendents shall hold office subject to the provisions of this act until the first Monday of June one thousand nine hundred and fourteen (1914)]

Section 1129 Upon the written charges and recommendation of the county superintendent or of the majority of the members of each of three boards of school directors whose schools are under the jurisdiction of the county superintendent assistant county superintendents or supervisor of special education of any county may after a hearing be removed by the Superintendent of Public Instruction for the same cause and in like manner as a county superintendent is removed

Section 5 Section one thousand one hundred and thirty of said act as amended by section two of the act approved the twenty-seventh day of May one thousand nine hundred and nineteen (Pamphlet Laws 300) is hereby further amended to read as follows

Section 1130 The minimum salary of each assistant county superintendent or supervisor of special education [shall be eighteen hundred dollars ($1,800.00) per year which] as hereinafter in this act provided shall be paid out of the State appropriation for public schools in such payments and manner as the county superintendents are paid [The salaries of additional assistant county superintendents whose appointments may be authorized as herein provided shall be fixed by the convention of school directors which provides for their appointment and together with any additional salary granted by said convention to any required] Any additional salary granted by the school directors of any county at their convention for electing a county superintendent to any assistant county superintendent or supervisor of special education shall be paid from the school appropriation apportioned among the several school districts under the supervision of the county superintendent before the same is distributed The salaries of assistant county superintendents and of supervisors of special education shall be paid monthly

In addition to the said salary each assistant county superintendent and each supervisor of special education shall be entitled to receive annually a sum not to exceed five hundred dollars for the payment of actual and necessary expenses incurred in visiting schools within his district in attending educational meetings and in the performance of such other official duties as may be required by him by law Payments shall be made monthly on account of such expenses to any such assistant county superintendent or supervisor of special education by requisition of the Superintendent of Public Instruction upon the Auditor General upon the production to him of itemized vouchers in the usual manner

[This act shall take effect June first one thousand nine hundred nineteen]

Section 6 Section one thousand one hundred and thirty-one of said act is hereby amended to read as follows

Section 1131 Every assistant county superintendent shall diligently visit the schools assigned him by the county

superintendent and shall under his direction supervise and direct the work of the schools and see that each school is equal to the grade for which it was established and that there is as far as practicable uniformity in the courses of study of the several grades respectively and shall when so directed by the county superintendent the Superintendent of Public Instruction or a State Inspector of High Schools direct or conduct examinations for promotion or graduation He shall also inspect school property and see that the requirements of the law as to buildings grounds equipment and sanitary arrangements are fully observed and complied with During the school terms and vacations he shall assist the county superintendent in his work and perform such other duties in connection with the public schools of the county as may be assigned him by the county superintendent Provided however That the duties herein prescribed for the assistant county superintendent shall in no case be construed to lessen or limit the duty and responsibility of the county superintendent to visit all the schools under his jurisdiction as frequently as possible

It shall be the duty of each supervisor of special education to examine and investigate the abilities disabilities and needs of the exceptional children in the schools to make recommendations concerning the instruction of such children and to supervise such instruction It shall also be his duty to make reports to the judge of the juvenile court upon request by such judge concerning any child who is a resident of a school district that is under the jurisdiction of the county superintendent of schools

It shall also be his duty to assist the county superintendent in the preparation administration and interpretation of examinations for promotion or graduation when so directed by the county superintendent

Section 7 Section one thousand one hundred and thirty-two of said act is hereby amended to read as follows

Section 1132 Assistant county superintendents and supervisors of special education shall meet with boards of school directors for conference when they deem it necessary or when they are requested by the directors to do so and shall make to their county superintendents monthly reports concerning the condition and progress of the schools which they have visited and the needs of individual pupils together with any needed recommendations which reports shall be kept on file in the county superintendents' offices for not less than one year The county superintendents shall forward to the various boards of school directors the reports and recommendations of the assistant county superintendents and supervisors of special education concerning the schools and pupils in their districts or such portions thereof as they deem wise together with any additional suggestions or recommendations

Section 8 Clause eight of section one thousand two hundred and ten of said act as last amended by section one of the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1587) is hereby further amended to read as follows

8 County superintendents of counties having a population of less than twenty thousand (20,000) minimum annual salary three thousand dollars ($3,000) county superintendents of counties having a population of twenty thousand and more but less than forty-five thousand (45,000) minimum annual salary three thousand five hundred dollars ($3,500) county superintendents of counties having a population of forty-five thousand and more but less than one hundred and fifty thousand (150,000) minimum annual salary four thousand dollars ($4,000) county superintendents of counties having a population of one hundred and fifty thousand ($150,000) or more minimum annual salary four thousand five hundred dollars ($4,500) all assistant county superintendents and supervisors of special education minimum annual salary three thousand dollars ($3,000)

Section 9 The amendments to this act which pertain to supervisors of special education shall become effective on the first day of July one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1135, as follows:

An Act to amend sections two three and four section five as amended and sections six seven eight nine thirteen fourteen and sixteen and to repeal sections ten eleven and twelve of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by providing for the collection of the taxes therein imposed by the county commissioners boards of revision of taxes and boards for the assessment and revision of taxes further regulating returns the inspection of books and records and the attendance of witnesses providing that such taxes shall be recoverable in assumpsit and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two three and four of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" are hereby amended to read as follows

Section 2 [That the board of revision of taxes or the commissioners of every county in this Commonwealth shall annually furnish the assessors of the several townships boroughs and cities of the respective counties with blanks to be prepared by them and it shall be the duty of each of said assessors to furnish a copy of the same to every taxable person copartnership unincorporated association joint-stock association and company limited partnership and corporation in his respective ward district borough or township or to any officer agent or employe found at the place of business of any such limited partnership or corporation in his ward district borough or township upon which blank each taxable person copartnership unincorporated association company limited partnership joint-stock association and corporation shall respectively make return annually of the aggregate amount of all the different classes of personal property made taxable by the first section of this act held owned or possessed by said person copartnership unincorporated association company limited partnership joint-stock association or corporation either in his her or its own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership unincorporated association company limited partnership joint-stock association or corporation which return shall be made and sworn or affirmed to by such taxable person and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof Provided That any corporation joint-stock association or limited partnership

doing business in more than one county shall be liable to make such return only in the county in which its principal office within this Commonwealth is situated] That for the purpose of ascertaining the amount of tax payable under the first section of this act it shall be the duty of every resident person persons copartnership company unincorporated association joint-stock association and company limited partnership bank corporation trustee agent or attorney-in-fact of each county of this Commonwealth liable to pay such tax on or before the thirty-first day of January of each year to transmit to the board of revision of taxes the board for the assessment and revision of taxes or the county commissioners as the case may be of the respective counties wherein they are resident upon a form prescribed prepared and furnished by said boards or the county commissioners a return under oath or affirmation of the following Provided That any corporation joint stock association or limited partnership doing business in more than one county shall be liable to make such return only in the county in which its principal office within this Commonwealth is situated

(a) The aggregate value of each of the different classes of property made taxable by the first section of this act held owned or possessed by such resident person persons copartnership company unincorporated association joint-stock association and company limited partnership bank corporation as of the date fixed annually in the manner provided in section four of this act whether in his or its own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit and advantage of any other person corporation unincorporated association company limited partnership joint-stock association or corporation

(b) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year

(c) Such other information as may be required by the said boards or county commissioners concerning such property

Provided however That said boards or the county commissioners may grant to any applicant an extension of thirty days within which to file said return And provided further That the failure of any taxable resident person persons copartnership company limited partnership bank corporation trustee agent or attorney-in-fact to receive or procure a return form shall not excuse the making of a return

Section 3 [That the affidavit required to be made by the last preceding section shall be made before the proper assessor or other person authorized to administer oaths and shall set forth that the return is full true and correct to the best of his or her knowledge and belief and any person or officer who shall wilfully and corruptly make a false and fraudulent return as aforesaid shall be guilty of wilful and corrupt perjury and upon his or her conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and undergo an imprisonment by separate and solitary confinement at labor not exceeding seven years and thereupon be forever disqualified from being a witness in any matter or controversy] (a) That a return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in case of limited partnerships and corporations by the president chairman or treasurer thereof Such affidavit shall be made before any person duly authorized by said boards or the county commissioners or before any other person authorized to administer oaths and shall set forth that the return is full true and correct to the best of his or her knowledge and belief

(b) Any person or officer who shall wilfully and corruptly make a false and fraudulent return shall be guilty of wilful and corrupt perjury and upon his or her conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and undergo an imprisonment by separate and solitary confinement at labor not exceeding seven years and thereupon be forever disqualified from being a witness in any matter or controversy

(c) Any person duly authorized by the said boards or the county commissioners is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by the preceding sections for the taking of which oath or affirmation no charge shall be made Any such person who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo imprisonment not exceeding one year either or both in the discretion of the court

Section 4 [That the several assessors are hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by the preceeding sections for the taking of which oath or affirmation no charge shall be made by the assessor Any assessor who shall accept such return from any person or officer required to make the same without requiring the oath or affirmation of such person or officer as herein provided or who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to a fine not exceeding five hundred dollars] (a) That the said boards or the county commissioners shall on or before the fifteenth day of January of each year fix a day as of which the property made taxable by the first section of this act shall be listed and assessed The day so fixed shall be between the first and fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through inadvertence mistake or otherwise the boards or county commissioners fail to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

(b) The said boards or county commissioners as the case may be are hereby charged with the enforcement of the provisions of this act and are hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the adminstraton and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(c) The said boards and the county commissioners or any agent authorized by them in writing is hereby authorized to examine the books papers and records of every resident person persons copartnership company unincorporated association joint-stock association and company a limited partnership bank corporation trustee agent or attorney-in-fact in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the first section of this act Every such resident person persons copartnership company unincorporated association joint-stock association and company limited partnership bank corporation trustee agent or attorney-in-fact is hereby directed and required to give to the said boards the county commissioners or their duly authorized agents the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The said boards or the county commissioners are hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property

Any information gained by said boards or the county commissioners as a result of any returns investigations hearings or verifications required or authorized by this act shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars or to undergo imprisonment for not more than three years or both in the discretion of the court

(d) The powers conferred by this act upon the boards or the county commissioners relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the boards or the county commissioners by law

Section 2 That section five of said act as last amended by the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 544) is hereby further amended to read as follows

Section 5 That upon the refusal or failure of any taxable person copartnership unincorporated association limited partnership joint-stock association or corporation to make a return properly verified by oath or affirmation as required by this act within ten days after being notified so to do it shall be the duty of the [assessor] county commissioners or board of revision of taxes or board for the assessment and revision of taxes to make a return for such taxable person copartnership unincorporated association joint-stock association limited partnership or corporation from the best information [he can obtain] obtainable [he] the county commissioners or board shall examine the records and list of judgments and mortgages returned by the prothonotary and the recorder of deeds and mortgages under the seventh and eighth sections of this act in the commissioners' office or the office of the board of revision of taxes or board for the assessment and revision of taxes [or remaining in their respective offices] and assess such defaulting person copartnership unincorporated association joint-stock association limited partnership or corporation with the amounts of all such liens with interest thereon and add thereto the amount of all taxable property obtained from all other sources of information [which return the proper county commissioners or board of revision of taxes shall have power and it shall be their duty to revise and correct according to the best information they can command from the records in their office or other sources] and it shall be [their duty] the duty of the county commissioners or board of revision of taxes or board for the assessment and revision of taxes to send for a person persons and papers and to administer an oath or affirmation to him or them in such form as shall be prescribed to which [revised and corrected] estimated return the proper county commissioners or board of revision of taxes or board for the assessment and revision of taxes shall add fifty per centum and the agregate amount so obtained shall be the basis for taxation Provided That if such taxable person or copartnership or unincorporated association or company limited partnership joint-stock association or corporation on or before the day fixed for appeals from assessments shall present reasons supported by oath or affirmation satisfactory to the proper county commisioners or board of revision of taxes or board for the assessment and revision of taxes excusing a failure to make a return [such as should be made to the assessors] and shall then make such return the proper county commissioners or board of revision of taxes or board for the assessment and revision of taxes may substitute such return for that returned [by the assessor] and corrected as aforesaid to have like effect as if no failure to return had occurred Provided further That in cases where by the refusal or failure of any taxable person copartnership unincorporated association limited partnership joint-stock association or corporation to make return a return has been made by the [assessor] county commissioners or board or revision of taxes or board for the assessment and revision of taxes which is incomplete and a penalty has been added [by the county commissioners or board of revision of taxes] or a return so made and no penalty added or whereby such refusal or failure no return has been made either by him or it or by the [assessor] county commissioners or board of revision of taxes or board for the assessment and revision of taxes such action shall not estop the county commissioners or board of revision of taxes or board for the assessment and revision of taxes from the assessment and collection from him or it or from the estate of any deceased person so failing or refusing of any tax or additional tax due whenever the facts may become known and it shall be the duty of the county commissioners or board of revision of taxes or board for the assessment and revision of taxes to assess or reassess any such personal property for any former year or years not exceeding five years and collect the tax or the balance of the tax which hould have been paid together with interest thereon at the rate of six per centum per annum In ascertaining the balance found to be due no credit shall be given for any penalty formerly assessed and paid And provided further That in every case of a false or incomplete return it shall be the duty of the county commissioners or board of revision of taxes or board for the assessment and revision of taxes whenever the facts may become known to reassess the peronal property of any such taxable for any former year or years and to collect the balance of the tax found to be due together with interest at the rate of six per centum per annum And provided further That the executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the Orphans' Court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal property of such decedent for the purpose of determining the inheritance tax shall in addition thereto file an affidavit in duplicate setting forth the items included in such inventory or affidavit which may be liable to a tax during the last completed taxing period for county purposes or in cities coextensive with counties for county and city purposes under the provisions of this act

And the officer with whom the same is filed shall forthwith send one of said copies of such affidavit to the county commissioners or the board of revision of taxes or board for the assessment and revision of taxes as the case may be whose duty it shall then be to proceed as hereinbefore directed for the assessment and recovery of the taxes due from such decedent to the said counties or cities coextensive therewith with interest as above provided and for that purpose to present a claim therefor to the Orphans' Court to the proper county or to proceed by action or suit at law in any court of competent jurisdiction for such recovery thereof or to take any or all appropriate steps or procedure for the collection of said taxes

And provided further That it shall be the duty of the county commissioners or board of revision of taxes or board for the assessment and revision of taxes upon their making any assessment or reassessment where no return has been made or a false or incomplete return has been made as aforesaid to give notice thereof to the taxable or his or her executor or administrator of the assessment and when they will sit to hear an appeal therefrom

Section 3 That sections six seven eight nine thirteen fourteen and sixteen of said act are hereby amended to read as follows

Section 6 [That if any assessor and any taxable person or members of any copartnership unincorporated association or company officer or stockholder or member of any limited partnership joint-stock association or corporation shall agree or enter into any arrangement or understanding that upon the failure of such taxable person copartnership unincorporated association company limited partnership joint-stock association or corporation to make the return required by the second section of this act to be made such assessor shall return a less amount of property made taxable by the first section of this act than should have been returned by such taxable person copartnership unincorporated association company limited partnership joint-stock association or corporation the persons entering into such agreement arrangement or understanding shall be guilty of conspiracy and upon the conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars and undergo an imprisonment either at labor by separate or solitary confinement or to simple imprisonment not exceeding three years at the discretion of the court] (a) Any person required under this act to pay any tax or required by law or regulations made under authority thereof to make a return keep any records or supply any information for the purposes of the computation assessment or

collection of any tax imposed by this act who wilfully fails to make such return keep such records or supply such information at the time or times required by law or regulations shall in addition to other penalties provided bv this act be guilty of a misdemeanor and upon conviction thereof be fined not more than one thousand dollars or imprisoned for not more than one year or both in the discretion of the court

(b) Any person required under this act to collect account for and pay over any tax imposed by this act who wilfullv fails to collect or truthfully account for and pay over such tax and any person who wilfully acts in any manner to avoid or defeat any tax imposed by this act or the payment thereof shall in addition to other penalties provided by law be guilty of a felony and upon conviction thereof be fined not more than one thousand dollars or be imprisoned for not more than five years or both in the discretion of the court

(c) The term "person" as used in this section shall include any officer or employe of a corporation or a member or employe of a partnership who as such officer or employe or member is under a duty to perform the act in respect of which the violation occurs

Section 7 That from and after the passage of this act it shall be the duty of the recorder of deeds mortgages and other instruments of writing in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which said record shall set forth the following information to wit The date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgages and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record and for the purpose of obtaining with accuracy the precise residence of all mortgagees assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the said mortgage assignment or agreement has attached thereto and made part of said mortgage assignment of agreement a certificate signed by said mortgagee assignee or person entitled to interest or his her or their duly authorized attorney or agent setting forth the precise residence of such mortagee assignee or person entitled to interest said certificate to be recorded with said mortgage assignment or agreement and it shall be the further duty of the recorder on the first Monday of each month to file the aforesaid daily record in the commissioners' office or with the board of revision of taxes or the board for the assessment and revision of taxes of the proper county or city and one certificate appended thereto shall be all that shall be required

Section 8 That it shall be the duty of the prothonotary or clerk of the Court of Common Pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office which daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied and it shall be the further duty of the prothonotary or clerk of the Court of Common Pleas to file the aforesaid daily record of bills etc in the commissioners' office or with the board of revision of taxes or the board for the assessment and revision of taxes of the proper county or state on the first Monday of each month and one certificate appended thereto shall be all that shall be required

Section 9 That it shall be the further duty of the county commissioners or board of revision of taxes or board for the assessment and revision of taxes upon obtaining record of the existence within any county or city coextensive with a county of said mortgages and other obligations that shall be owned by a person copartnership association limited partnership joint-stock association or corporation resident or doing business within this Commonwealth and not a resident of said county or city or in the case of a corporation limited partnership or company not having its principal office within said county or city to transmit a certified statement of said record to the county commissioners or board of revision of taxes or board for the assessment and revision of taxes of the proper county or city wherein said person is domiciled or wherein said copartnership association limited partnership joint-stock association or corporation does business or maintains its principal office and also to further transmit to said commissioners or board of revision of taxes or board for the assessment and revision of taxes a certified statement whenever it shall appear from the record that said mortgages and other obligations are satisfied which upon its receipt shall be filed of record by the county commissioners or board of revision of taxes or board for the assessment and revision of taxes

Section 13 That any wilful failure on the part of the county commissioners board of revision of taxes board for the assessment and revision of taxes [borough township district and ward assessors] recorders of deeds prothonotaries and clerks of courts to carry out the duties imposed upon them by the several sections of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to a fine not exceeding five hundred dollars and imprisonment not exceeding one year

Section 14 That recorders of deeds and prothonotaries shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfactory thereof reported to the county commissioners or board of revision of taxes or board for the assessment and revision of taxes as required by law which fees shall be paid by the respective county treasurer on the presentation of proper vouchers and shall be applied in like manner as other fees received by such recorders and prothonotaries Provided however That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such report And provided further That the amount allowed any prothonotary or recorder of deeds under this act shall not exceed the sum of six hundred dollars per annum

Section 16 That the tax upon personal property imposed by the first section of this at together with all penalties and interest shall be collected by distraint or otherwise as other taxes for county purposes or in cities coextensive with counties for city and county purposes are collected under the laws of this Commonwealth and the said boards or county commissioners shall have the power and right to sue in assumpit in the respective Courts of Common Pleas of said counties for the recovery of all taxes penalties and interest imposed under the provisions of this act [Provided however That no tax by said first section imposed shall be collectible or collected for the year one thousand nine hundred and thirteen it

being intended that the tax upon such personal property for said year shall be collected by and for the State under existing legislation]

Section 4 That sections ten eleven and twelve of said act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1147, (House Bill No. 1325), entitled:

An Act to amend sections two three and four section five as amended and sections six seven eight nine thirteen fourteen and sixteen and to repeal sections ten eleven and twelve of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by providing for the collection of the taxes therein imposed by the county commissioners boards of revision of taxes and boards for the assessment and revision of taxes further regulating returns the inspection of books and records and the attendance of witnesses providing that such taxes shall be a lien on the real estate of the taxable and recoverable in assumpsit and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1178, (House Bill No. 717), entitled:

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred eighty-eight) entitled "An act relating to the jurisdiction powers and procedure of the Orphans' Court and the Court of Common Pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State have died refuse to act unreasonably without consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1199, (House Bill No. 1671), entitled:

An Act to amend clause A of section two hundred and two of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or offices to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended restricting the use of certain words in corporate names.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1205, (House Bill No. 1879), entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty) entitled "An act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induct the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties" correcting an error in said section

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1276, (House Bill No. 1049), entitled:

An Act providing for the creation of a legal holiday on April 8, 1938 to be known and observed as "Forefathers Day."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1277, (House Bill No. 1093), entitled:

An Act to amend clause XLIX of section one thousand two hundred of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to expend moneys for the purchase and planting of trees.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1283, (House Bill No. 1751), as follows:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value providing a procedure by which the actual value of such property when purchased by or for the holder of the mortgage may be determined and credited on the mortgage debt and providing a limitation of time within which such procedure may be invoked

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any case where a mortgage or holder of a mortgage or the attorney of either has purchased the mortgaged premises at a sheriff sale heretofore or hereafter held and such mortgagee or mortgage holder takes title to the mortgaged premises so purchased either directly or indirectly the price bid and paid for the mortgaged property so purchased shall not in any proceeding to collect the balance of the mortgage debt brought against the mortgagor or ny person secondarily liable on or for the obligation accompanying the mortgage be deemed conclusive evidence of the value of the mortgaged property but the same shall be prima facie evidence only of such value

Section 2 In any action or proceeding on or under the obligation accompanying said mortgage to collect the balance of the mortgage debt against the mortgagor or anyone secondarily liable therefor said mortgagor or person secondarily liable shall have the right to allege and show as a matter of defense and set-off that the property purchased at the sheriff sale was fairly worth the amount of the debt secured by it at the time and place of the sale or that the amount bid and paid therefor was substantially less than its true value The burden of so providing shall be upon the mortgagor or party secondarily liable and upon such proof said mortgagor or person secondarily liable shall be entitled to have the judgment satisfied or credit entered thereon against the debt to the full value of the mortgaged property so established Provided That where judgment has been entered by confession on the bond or obligation accompanying said mortgage the defendant in said judgment shall have a right to petition the court in which the judgment is entered to open judgment and be allowed to establish the actual value of the property and to have credit for such value as aforesaid duly credited against the amount of the judgment

Section 3 Either the mortgagee mortgage holder mortgagor or any person secondarily liable on the obligation accompanying the mortgage may at any time within five years from the date of the sheriff sale make application to the court in which a judgment on the obligation accompanying the mortgage has been entered by confession or if not entered in any court having jurisdiction over the person of the mortgagee or mortgage holder and to have said court find and decree the value of the property purchased by said mortgagee or mortgage holder at the sheriff sale as of the time and place of said sale and to deduct said value from any judgment that may have been entered by confession or enter on the bond such values so established as a credit or payment on account thereof Provided however That the burden of proof of establishing said value shall be upon the mortgagor or the person secondarily liable And provided also That the issue of the value of the property sought to be established under this act shall be determined by a jury And provided further That in any case in which the right to apply for relief herein granted shall be sooner barred the application to the court may be made within two years from the effective date of this act

Section 4 This act shall not be construed to effect the title to any real or personal property sold under any judgment prior to the effective date of this act or to the commencement of any proceedings herein authorized to be begun on the part of the mortgagor

Section 5 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1290, (House Bill No. 1963), entitled:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and

to make copies of such records available upon payment of prescribed fees and providing fees and penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1291, (House Bill No. 2029), entitled:

An Act to amend Article Five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties to make appropriations for the maintenance of short wave radio broadcasting stations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1292, (House Bill No. 2040), entitled:

An Act to amend section six hundred seventy-five of and to add section one hundred fifty-five to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for and prescribing the procedure for leasing of real property belonging to counties and for the taxation of such property and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 1297, (House Bill No. 1000), on second reading, entitled:

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1330, (House Bill No. 1173), entitled:

An Act to insure and protect fair trade practices in distribution defining such practices prohibiting the advertisement offer for sale or sale of merchandise at less than cost and fixing a penalty for such advertisement offer for sale or sale and investing the courts with jurisdiction to prevent and restrain violations of the act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1338, (House Bill No. 756), entitled:

An Act to amend section one of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws eighty-nine) entitled "An act granting authority to the Courts of Common Pleas in the several counties of this Commonwealth to issue writs of estrepement to stay waste upon lands sold for taxes during the time provided for redemption" by extending the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriffs sales under tax or municipal claims.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1346, (House Bill No. 1636), entitled:

An Act to amend section six hundred one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1001) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft and extending certain penalties to owners of aircraft.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1348, (House Bill No. 1858), entitled:

An Act to amend section two thousand five hundred fifty-three as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-

one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class and regulating the premiums thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 1353, (House Bill No. 1214), on second reading, entitled:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture making certain changes regarding the examination and registration of those who desire to engage in the occupation of beauty culture modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators and manicurists prescribing certain qualifications for examiners inspectors investigators and supervisors and making certain changes in the powers and duties of the Department of Public Instruction and in the procedure to be followed in the enforcement of the act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1363, (House Bill No. 946), entitled:

A Joint Resolution proposing an amendment to section eight Article Five of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1364, (House Bill No. 1363), entitled:

An Act making voidable releases of claims for personal injuries or death and providing for the avoidance of the same.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1366, (House Bill No. 1615), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania the property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1369, (House Bill No. 2113), entitled:

An Act providing for the reciprocal enforcement of violaticns of the fishing laws in boundary waters between Pennsylvania and the States of New York and New Jersey.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1378, (House Bill No. 558), entitled:

An Act authorizing the Water and Power Resources Board to make a survey and investigation to determine to what extent the beds of rivers lakes and streams title to which is in the Commonwealth have been and are occupied or encroached upon and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1392, (House Bill No. 2145), entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests of this Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1398, (House Bill No. 1086), entitled:

An Act to fix the compensation of the assistant custodians of the Senate chamber and the hall of the House of Representatives.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1399, (House Bill No. 1194), entitled:

An Act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1401, (House Bill No. 2242), entitled:

An Act to amend section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retin certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by making further provision regarding the discount allowed to distributors if reports are filed and taxes paid on time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1403, as follows:

An Act to amend the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by adding thereto section 18.1 providing that the Department of Health shall maintain a special file for he records of births of veterans of the World War and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" is hereby amended by adding thereto after section eighteen a new section to read as follows

Section 18.1 The Department of Health shall inaugurate and maintain a special file for receiving and registering the records of birth of all veterans of the World War Such records shall be received and filed upon presentation of documentary evidence in the form of affidavits baptismal or school records and proof satisfactory to the Department that the person whose record is submitted is a veteran of the World War If a record is accepted by the Department certified copies of the same shall be issued without cost to each such veteran upon request

Section 2 The sum of five thousand dollars or so much thereof as may be necessary is hereby appropriated to the Department of Health for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the purpose of carrying out the provisions of this act including the payment of salaries of any additional employes necessary for such purpose.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1405, as follows:

An Act to further amend section two hundred two of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing Laws' by authorizing stock insurance

companies other than life to transact any or all of the classes and kinds of insurance mentioned in said section subject to certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (e) of section two hundred two of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

(e) Domestic stock insurance companies other than life and if their charters permit foreign stock companies may transact in addition to the kind or kinds of insurance authorized in the subdivisions of this section applicable to their respective incorporation any or all of the other classes and kinds of insurance included in this section other than life upon compliance on a cumulative basis with the minimum capital and financial requirements to do business and with the deposit of securities requirements appertaining to the various classes and kinds of insurance Provided however That no such company shall exercise the powers conferred by this paragraph unless it shall have a capital of at least one million dollars ($1,000,000) and in addition thereto a surplus of at least fifty per centum (50%) of its capital

Domestic stock and mutual insurance companies other than life and if their charters permit foreign companies may transact any form of insurance not included in this section if such insurance is not contrary to law and is allied or in harmony with the classes of insurance herein provided Such additional insurance shall be transacted only on express license by the Insurance Commissioner and upon such terms and conditions as are from time to time prescribed by him

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensend with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1406, (House Bill No. 86), entitled:

An Act to establish as a State highway a certain section of public road in the County of Allegheny and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensend with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1407, (House Bill No. 486), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensend with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1408, (House Bill No. 638), entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensend with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1409, (House Bill No. 1141), entitled:

An Act making an appropriation to the Navigation Commission for the Delaware River and its navigable tributaries

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary is hereby specifically appropriated to the Navigation Commission for the Delaware River and its navigable tributaries for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the payment of the salaries or other compensation of such secretary statistician captains pilots engineers clerks stenographers harbor masters messengers firemen deckhands and cooks required for the proper conduct of the work of the commissioners including the operation of a steam tender for the cost of repairs maintenance supplies fuel insurance oil and equipment of such steam tender and for the payment of the rent and care of the offices stationery telephone services subscription to Maritime Exchange boks charts and official and incidental expenses of the commission

On the question,

Will the Senate agree to the section?

Mr. RICE. The President, I move to amend Section 1 by striking out on line 4 the word "fifty" and inserting in lieu thereof the following: "sixty"; amend by striking out on line 5 the following: "($50,000)" and inserting in lieu thereof the following: "($60,000)"

Mr. LAW. The President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act making appropriation to the Navigation Commission for the Delaware River and its navigable tributaries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensend with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1410, (House Bill No. 1153), entitled:

An Act making an appropriation to the Department of Property and Supplies for repairs alterations and additions to or replacements of existing buildings and equipment to eliminate fire and other hazards to safety at State institutions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensend with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1412, (House Bill No. 1372), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such Department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensend with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1413, (House Bill No. 1465), entitled:

An Act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1414, (House Bill No. 2330), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1416, as follows:

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any county has heretofore filed in the office of the prothonotary of the proper county any tax lien or tax lines and the said county has not within the period of five years after the date on which any such tax lien was filed or last revived filed a suggestion of non-payment and an averment of default to revive the same then in any such case any such county may within six months after the final enactment of this act file a suggestion of nonpayment and an averment of default on any such tax lien for the revival thereof and any suggestion of nonpayment and averment of default so entered shall constitute a valid revival of such lien and be a lien upon the real estate upon which it was a lien at the time the lien was first filed and said lien may be revived or further revived and collected as other tax liens are revived and collected Provided however that any such lien shall not reattach against any real estate transferred to any purchaser during the time when the lien of any such tax lien was not revived nor shall any such lien so revived impair or affect the priority of the lien of any mortgage or other lien which gained priority during the time such lien was not revived

This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1419, (House Bill No. 1690), as follows:

An Act regulating the mining of bituminous coal in counties of the second class prescribing duties for county commissioners and imposing penaltes

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any owner operator director or general manager superintendent or other person in charge of or having supervision over any bituminous coal mine or mining operation in any county of the second class so to mine bituminous coal or so to conduct the operation of mining bituminous coal as to cause the caving in collapse or subsidence of

(a) Any public building or any structure customarily used by the public as a place of resort assemblage or amusement including but not being limited to churches schools hospitals theatres hotels and railroad stations

(b) Any street road bridge or other public passageway dedicated to public use or habitually used by the public

(c) Any track roadbed right of way pipe conduit wire or other facility used in the service of the public by any municipal corporation or public service company as defined by the Public Service Company Law

(d) Any dwelling or other structure used as a human habitation or any factory store or other industrial or mer-

cantile establishment in which human labor is employed (e) Any cemetery or public burial ground

On the question,

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 1, page 1, line 7, by striking out the word "so" where it first appears in said line; amend sec. 1, page 1, line 7, by striking out the word "so" where it appears at the end of said line; amend sec. 1, page 1, line 8, by inserting after the word "coal" the following: "in such a negligent manner"

Mr. DANDO. Mr. President I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The second, third and fourth sections of the bill were read as follows and agreed to.

Section 2 Every owner operator lesor lessee or general contractor engaged in the mining of bituminous coal within any county of the second class of this Commonwealth shall make or cause to be made a true and accurate map or plan of the workings or excavations of such bituminous coal mine or colliery which shall be drawn to a scale of such size as to show conveniently and legibly all markings and numbers required to be placed thereon by the terms of this act Such maps or plans shall also show in detail and in markings of a distinctive color all contemplated workings which are intended to be undertaken or developed within the succeeding six months Such maps or plans shall be filed as often as once in six months with the county commissioners of the proper county Such maps or plans shall be considered public records and shall be open to the inspection of the public and copies or tracings may be made therefrom No mining shall be done which is not shown on the map or filed at least ten days previously

Section 3 Every owner operator lessor lessee or general contractor engaged in the mining of bituminous coal in any county of the second class or any president director general manager superintendent or other person in charge of or having supervision over any bituminous coal mine or mining operation in this Commonwealth shall be and is hereby required (a) To designate within a period of six months from the passage of this act and to keep designated by number each and every pillar of coal beneath the surface still remaining in place at the time this act goes into effect and all pillars thereafter created the number of each pillar to the place in a conspicuous position with white paint or some other equally durable and visible substance and (b) to designate or cause to be designated by numerals of convenient and legible size upon all maps or plans mentioned in section two of this act with the space on each map or plan designating any pillar of coal the number of such pillar

Section 4 The county commissioners of any county of the second class and such engineers and other agents as they may employ shall at all reasonable times be given access to any portion of any bituminous coal mines or mining operations which it may be necessary or proper to inspect for the purpose of determining whether the provisions of this act are being complied with and all reasonable facilities shall be extended by the owner or operator of such mine or mining operation for ingress egress and inspection

The fifth section of the bill was read as follows:

Section 5 The county commissioners of said counties shall have the power to prevent the mining of bituminous coal beneath the surface in any mine or mining operation in which the pillars of coal shall not have been numbered and the numbers thereof designated by maps or tracings as provided by this act and where mining operations are being conducted in violation of this act they shall have the power to prevent any minor or laborer other than those necessary for the protection of life and property from entering the mine or mining operation until such time as the provisions of this act have been complied with

On the question,

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 5, page 4, by striking out all of lines 1 to 10 inclusive.

Mr. DANDO. Mr. President I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows:

Section 6 The provisions of this act shall not apply to any area where in the surface overlying the mine or mining operation is wild or unseated land nor where such surface is owned by the owner or operator of the underlying bituminous coal and is distant more than one hundred and fifty feet from any improved property belonging to any other person.

On the question.

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 6, page 4, by striking out all of lines 11 to 17 inclusive.

Mr. DANDO. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The seventh section of the bill was read as follows:

Section 7 Any owner operator lessor lessee or general contractor engaged in the mining of bituminous coal or any president director general manager superintendent or other person in charge of or having supervision over any bituminous coal mine or mining operation who shall violate any provision of this act shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than five thousand dollars or undergo imprisonment for not more than one year both or either at the discretion of the coure.

On the question,

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 7, page 4, line 18, by striking out the figure "7" and inserting in lieu thereof "5"

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighth section of the bill was read as follows:

Section 8 The Courts of Common Pleas shall have power to award injunction to restrain violations of this act.

On the question,

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 8, page 4, line 28, by striking out the figure "8" and inserting in lieu thereof "6"; amend sec. 8, page 4, line 29, by striking out the words "to award" and inserting in lieu thereof "by"; amend sec. 8, page 4, line 29, by striking out the words "restrain violations" and inserting in lieu thereof "compel compliance with the provisions."

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninth section of the bill was read as follows:

Section 9 This act is intended as remedial legislation designed to cure existing evils and abuses and each and every provision thereof is intended to receive a liberal construction such as will best effectuate that purpose and no provision is intended to receive a strict or limited construction.

On the question,

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 9, page 5, line 1, by striking out the figure "9" and inserting in lieu thereof "7"; amend sec. 9, page 5, lines 4, 5 and 6, by striking out the words "and no provision is intended to receive a strict or limited construction."

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The tenth section of the bill was read as follows:

Section 10 It is hereby declared that the provisions of this act are severable one from another and if for any reason this act shall be judicially declared and determined to be unconstitutional so far as relate to one or more words phrases clauses sentences pragraphs or sections thereof such judicial determination shall not affect any other provision of this act It is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the validity in any respect of one or more of the provisions of this act.

On the question,

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 10, page 5, line 7, by striking out the figure "10" and inserting in lieu thereof "8"

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eleventh section of the bill was read as follows:

Section 11 This act shall go into effect three calendar months after its final enactment.

On the question,

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 11, page 5, line 17, by striking out the figure "11" and inserting in lieu thereof "9"

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twelfth section of the bill was read as follows:

Section 12 All acts and parts of acts inconsistent with this act are hereby repealed.

On the question,

Will the Senate agree to the section?

Mr. KILGALLEN. Mr. President, I move to amend sec. 12, page 5, line 19, by striking out the figure "12" and inserting in lieu thereof "10"

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act regulating the mining of bituminous coal in counties of the second class prescribing duties for county commissioners and imposing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1420, (House Bill No. 1390), entitled:

An Act making an appropriation to the General State Authority to defray the costs and expenses of the said Authority in connection with the organization administration and operation thereof.

And said bill having been read at length the second time

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1421, (House Bill No. 1640), entitled:

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1423, (House Bill No. 408), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1425, (House Bill No. 1894), entitled:

An Act relating to soil conservation, and soil erosion and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RUPP. Mr. President, I move that Senate Bill No. 1426, (House Bill No. 1959), on second reading, entitled:

An Act to provide for the conservation protection improvement and profitable use of argicultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer state plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation.

be recommitted to the Committee on Judiciary Special.

Mr. MUNDY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1426, (House Bill No. 1959), entitled:

An Act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer state plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title This act may be known and cited as Pennsylvania Agricultural Conservation and Adjustment Act

Section 2 Declaration of Purpose (a) It is hereby recognized and declared

(1) That the soil resources and fertility of the land of this Commonwealth and the economic use thereof the prosperity of the farming population of this Commonwealth and the navigability of the rivers and harbors of this Commonwealth and the prevention of floods in this Commonwealth are matters affected with a public interest

(2) That the welfare of this Commonwealth has been impaired and is in danger of being further impaired by destruction of its soil fertility by uneconomic use and waste of its land by exploitation and wasteful and unscientific use of its soil resources by floods and impairment of its rivers and harbors and of the navigability of its waters and water courses as a result of soil erosion and by the decrease in the purchasing power of the net income per person on farms in the Commonwealth as compared with the net income per person in the Commonwealth not on farms

(3) That said evils have been augmented and are likely to be augmented by similar conditions in other states and are so interrelated with such conditions in other states that the remedying of such conditions in this Commonwealth requires action by this Commonwealth in cooperation with the governments and agencies of other states and of the United States and requires assistance therein by the government and agencies of the United States and

(4) That the formulation and effectuation of this Commonwealth plans in conformity with the provisions of section seven of the Soil Conservation and Domestic Allotment Act is calculated to remedy said conditions and will tend to advance the public welfare of this Commonwealth

(b) Therefore in order to promote the welfare of the people of this Commonwealth by aiding in the preservation and improvement of soil fertility in the promotion of the economic use and conservation of land in the diminution of exploitation and wasteful and unscientific use of soil resources in the protection of rivers and harbors against the result of soil erosion and in the re-establishment at as rapid a rate as is practicable and in the general public interest of the ratio between the purchasing power of the net income per person on farms and that of the net income per person not on farms that prevailed during the five-year period August one thousand nine hundred and nine to July one thousand nine hundred and fourteen inclusive as determined from statistics available in the United States Department of Agriculture and the

maintenance of such ratio the Commonwealth of Pennsylvania hereby assents to and accepts the provisions of the Soil Conservation and Domestic Allotment Act and adopts the policy and purpose of cooperating with the governments and agencies of other states and of the United States in the accomplishment of the policy and purposes specified in section seven of said act subject however to the following limitations

(1) The powers conferred in this act shall be used to assist voluntary action calculated to effectuate such purposes

(2) Such powers shall not be used to discourage the production of supplies of foods and fibers in this Commonwealth sufficient when taken together with the production thereof in other states of the United States to maintain normal domestic human consumption as determined by the Secretary of Agriculture of the United States from the records of consumption in the year one thousand nine hundred and twenty to one thousand nine hundred and twenty-nine inclusive taking into consideration increased population quantities of any commodities that were forced into domestic consumption by a decline in exports of particular commodities and the quantities of substitutes available for domestic consumption within any general class of food commodities

(3) In carrying out the purposes specified in this section due regard shall be given to the maintenance of a continuous and stable national supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers

Section 3 Definitions (a) The term "person" as used in this act unless the context otherwise requires includes an individual corporation partnership firm business trust jointstock company association syndicate group pool joint venture and any other unincorporated association or group

(b) The expression "other States of the United States" as used in this act shall include Alaska Hawaii and Puerto Rico

Section 4 Establishment of Pennsylvania Agriculutral Conservation and Adjustment Committee (a) There is hereby established a committee of seven members which shall be known as the Pennsylvania Agricultural Conservation and Adjustment Committee and which shall be referred to hereinafter as the "State Committee"

(b) Three members of the State Committee shall be persons experienced in the production of agricultural commodities selected as provided in section eight hereof and shall be referred to hereinafter as "farmer members" No person shall be eligible for appointment as a farmer member of the State Committee unless he is of legal age a citizen of and resident in this Commonwealth Three persons shall be appointed as such farmer members who except in the case of temporary farmer members provided for in section eight hereof shall have been duly recommended to the Governor for such membership by the chairmen of county committees of agricultural producers in the Commonwealth as provided in section eight hereof No person shall be appointed as a farmer member if he is a resident in the same agricultural district established pursuant to section six hereof as any farmer member whose term includes any part of the term of such person

(c) The Secretary of Agriculture shall be a member of the State Committee ex officio

(d) One member of the State Committee shall be appointed by the Governor from not less than two representatives of Pennsylvania State College recommended to him by the Board of Trustees of such institution

(e) Two members of the state committee shall be farmers who shall be appointed by the Governor from among those farmers who are participating in the soil conservation program provided fo rby this act

Section 5 Designation of State Committee as State Agency The State Committee is hereby designated and authorized as the State agency of this Commonwealth to carry out the policy and purposes of this act and to formulate and administer state plans (hereinafter called "Agricultural plans") pursuant to the terms of this act

Section 6 Agricultural Districts and Communities (a) Within a reasonable time after its organization the State Committee shall designate within the Commonwealth five agricultural districts each of which shall be composed of one county or of two or more neighboring counties As far as practicable such districts shall be so constituted as to contain approximately equal numbers of agricultural producers Such districts shall include in the aggregate all of the land within the Commonwealth

(b) The State Committee shall also designate within each county of this Commonwealth such geographic units which shall be called "Communities" as it determines to be the most convenient for the administration of this act and of state plans adopted pursuant to this act and shall establish the boundaries of such communities

(c) The State Committee may revise the boundaries of such agricultural districts and of such communities in conformity with the respective standards prescribed herein at such time or times as it finds that such revision is necessary either to cause such district or communities or both to conform to said standards or to provide for the more substantial or more efficient accomplishment of the purposes of this act

Section 7 Community and County Committees As soon as practicable after its organization the State Committee shall by regulations provide

(1) For the organization within each community of a voluntary association in which all agricultural producers who are citizens of this Commonwealth and residents in such community shall be entitled to equal participation for the selection by each such association of a community committee composed of three members as such association and for the selection of a chairman of each such community committee

(2) For the selection by the member of such community committees within each county of a county committee for such county composed of three members of such community committees and for the selection of a chairman of each such county committee

Section 8 Appointment of Farmer Members of the State Committee (a) Within sixty days after the effective date of this act the Governor shall appoint five persons eligible under the terms of this act for appointment as temporary farmer members of the State Committee Each farmer member so appointed shall serve until the end of the calendar year and until his successor is appointed and qualified

(b) Prior to December first one thousand nine hundred and thirty-seven the chairmen of the county committees of the county association of agricultural producers established pursuant to section seven who are referred to hereinafter as the "chairmen of the county committee" shall recommend to the Governor in writing not less than ten nor more than twenty persons eligible for appointment under the provisions of this act as farmer members of the State Committee Prior to December thirty-first one thousand nine hundred and thirty-seven the Governor shall appoint five farmer members of the State Board including three from among the persons so recommended for terms commencing January first one thousand nine hundred and thirty-eight of one two three four and five years respectively and until their respective successors are appointed and qualify

(c) Prior to December first one thousand nine hundred and thirty-eight and each succeeding calendar year the chairmen of the county committees shall recommend to the Governor in writing not less than two persons nor more than four eligible for appointment under the provisions of this act as a farmer member of the State Committee to succeed a member recommended by the chairmen of such county committees and whose term expires at the end of the year then current Prior to December thirty-first of each such year the Governor shall appoint from among the persons so recommended one farmer member of the State Committee for a term of five years commencing January first of the next succeeding year and until his successor is appointed and qualified

(d) If a vacancy occurs in the office of any farmer member of State Committee recommended by the chairmen of the county committees such chairmen shall within thirty days after the occurrence of such vacancy recommend to the Governor in writing not less than two nor

more than four persons eligible under the provisions of this act for appointment to fill such vacancy for the remainder of the unexpired term Within thirty days of notice of such recommendation the Governor shall appoint one of the persons so recommended as a member of the State Committee for the remainder of such term

(e) The provisions of this section with respect to the time within which recommendations or appointments are to be made shall be construed as directory and not mandatory and no appointment made hereunder shall be held invalid by reason of being made after the time prescribed herein or because any recommendation was made in connection therewith after the time provided herein

Section 9 Formulation and Administration of State Agricultural plans (a) The State Committee after consultation with Pennsylvania State College is authorized and directed to formulate for each calendar year commencing with the year one thousand nine hundred and thirty-eight and to submit to the Secretary of Agriculture of the United States for and in the name of this Commonwealth a state plan (hereinafter called "agricultural plan") for carrying out the purposes of this act during such calendar year In formulating the provisions of such state agricultural plans the State Committee shall consult with such agencies of this Commonwealth as may be qualified to assist therein

(b) The State Committee is authorized to modify or revise any such agricultural plan in whatever manner consistent with the terms of this act it finds necessary in order to provide for more substantial furtherance of the accomplishment of the purposes of this act

(c) Each such agricultural plan shall provide for such participation in its administration by such voluntary county and community committees or associations of agricultural producers organized for such purposes as the State Committee determines to be necessary or proper for the effective administration of the agricultural plan

(d) Each such agricultural plan shall provide through agreements with agricultural producers or through other voluntary methods for such adjustments in the utilization of land in farming practices and in the acreage or in the production for market or both of agricultural commodities as the State Committee determines to be calculated to effectuate as substantial accomplishment of the purposes of this act as may reasonably be achieved through action of this Commonwealth and for payments to agricultural producers in connection with such agreements or methods in such mounts as the State Committee determines to be fair and reasonable and calculated to promote such accomplishment of the purposes of this act without depriving such producers of a voluntary and uncoerced choice of action

(e) Any such agricultural plan shall provide for such educational programs with the assistance of Pennsylvania State College and others as the State Committee determines to be necessary or proper to promote the more substantial accomplishment of the purposes of this act

(f) Each such agricultural plan shall contain an estimate of expenditures necessary to carry out such agricultural plan together with a statement of such amount as the State Committee determines to be necessary to be paid by the Secretary of Agriculture of the United States as a grant in aid of such agricultural plan under section seven of the Soil Conservation and Domestic Allotment Act in order to provide for the effective carrying out of such agricultural plan and shall designate the amount and due date of each installment of such grant the period to which each such installment relates and the amount determined by the State Committee to be necessary for carrying out such agricultural plan during such period

(g) The State Committee shall provide for such investigations as it finds to be necessary for the formulation and administration of such agricultural plans

Section 10 Receipt and Disbursement of Funds (a) The State Committee is hereby authorized and empowered to receive on behalf of this Commonwealth all grants of money or other aid made available from any source to assist the Commonwealth in carrying out the policy and purposes of this act All such money or other aid together with any moneys appropriated or other provisions made by this Commonwealth for such purpose shall be forthwith available to the State Committee as the agency of the Commonwealth subject in the case of any funds or other aid received upon conditions to the conditions upon which such funds or other aid shall have been received for the purpose of administering this act and may be expended by the State Committee in carrying out the provisions of this act

(b) Subject to any conditions upon which any such money or other aid is made available to the Commonwealth and to the terms of any applicable agricultural plan made effective pursuant to this act such expenditures may include but need not be limited to expenditures for administrative expenses equipment cost of research and investigation cost of educational activities reimbursement to other state agencies or to voluntary committees or associations of agricultural producers for costs of such agencies committees or associations of assistance in the administration of this act requested in writing by the State Committee and rendered to the State Committee payments to agricultural producers provided for in any agricultural plan made effective pursuant to this act salaries of employes and all other expenditures requisite to carrying out the policy and purposes of this act including compensation of fifteen dollars per diem for the members of said State Committee when engaged upon their official business in performance of their duties under this act and including traveling expenses of the members of said State Committee and the employes of said State Committee in connection with their said duties Provided That no member of the State Committee shall be entitled to receive compensation for more than sixty (60) days' service in any one calendar year

(c) The State Committee shall provide for the keeping of full and accurate accounts showing all receipts and expenditures of moneys securities or other property received held or expended under the provisions of this act and shall provide for the auditing of all such accounts and for execution of surety bonds for all employes entrusted with moneys or securities under the provisions of this act

Section 11 Additional Powers and Duties of the State Committee (a) The State Committee shall utilize such available services and assistance of other state agencies and of voluntary county and community committees and associations of agricultural producers as it determines to be necessary or calculated to assist substantially in the effective administration of this act

(b) The State Committee shall have authority to make such rules and regulations consistent with the provisions of this act and to do any and all other acts consistent with the provisions of this act which it finds to be necessary or proper for the effective administration of this act

(c) The State Committee shall have power and authority to obtain by lease or purchase such equipment office accommodations facilities services and supplies and to employ such technical or legal experts or assistants and such other employes including clerical and stenographic help as it determines to be necessary or proper to carry out the provisions of this act and to determine the qualifications duties and compensation of such experts assistants and other employes

(d) All other agencies of this Commonwealth are hereby authorized to assist the State Committee in carrying out the provisions of this act upon written request of the State Committee in any manner determined by the State Committee to be necessary or appropriate for the effective administration of this act

Section 12 Reports The State Committee shall compile or require to be made such reports as it determines to be necessary or proper in order to ascertain whether any agricultural plans provided for in this act are being carried out according to their terms The State Committee shall provide for compliance on the part of all persons and agencies participating in the administration of any such agricultural plan with such requirements and may make or cause to be made such investigations as it determines to be necessary or proper to assure the correctness of and to make possible the verification of such reports

Section 13 Current Appropriation The sum of ten thousand dollars ($10,000) is hereby appropriated to be avail-

able to said Agricultural Conservation and Adjustment Committee as such State agency in carrying out the purposes of this act during the two fiscal years beginning the first day of June one thousand nine hundred and thirty-seven

Section 14 Provisions for Separability The provisions of this act are severable and if any provision clause paragraph section or part of this act is held unconstitutional the decision shall not be construed to affect or invalidate any other provision of this act or the act as a whole It is hereby declared to be the legislative intent that the remainder of this act would have been adopted had such unconstitutional provision not been included herein

Section 15 Repeal of Inconsistent Legislation All acts and parts of acts inconsistent with this act are hereby repealed

Section 16 Time of Taking Effect This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1427, (House Bill No. 2057), entitled:

An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act the term "liquid fuels" shall include all distilates of and condensates from petroleum natural gas coal coal tar vegetable ferments and other oils including among others gasoline naphtha benzol benzine or alcohols which are ordinarily practically and commercially usable in internal combustion engines for the generation of power except kerosene fuel oil and gas oil Provided That petroleum naphtha which distil by American Society of Testing Materials Methods D 86-27 or United States Bureau of Mines Method 100.13 not more than nine (9) per centum at 176° F sold for any purpose other than use in internal combustion engines for the generation of power and which are not orinarily practically and commercially usable in internal combustion engines are not included in the definition of "liquid fuels" Provided further That kerosene fuel oil and gas oil used in internal combustion engines for the generation of power to propel vehicles of any kind or character which use the public highways in this Commonwealth shall be included within the definition of "liquid fuels"

The word "person" shall include natural persons copartnerships associations and corporations

The second section of the bill was read as follows:

Section 2 (a) On and after the effective date of this act it shall be unlawful for any person to use or operate a liquid fuels pump or outlet from which liquid fuels are sold within this Commonwealth unless a liquid fuels pump or outlet permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to use or operate any liquid fuels pump or outlet from which liquid fuels are sold within this Commonwealth shall file an application for a liquid fuels pump or outlet permit or permits with the department Every application for a liquid fuels pump or outlet permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth and the number and location of each pump or outlet whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar ($1.00) for each permit and a separate permit shall be required for each pump or outlet provided

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a liquid fuels pump or outlet permit for each liquid fuels pump or outlet at each place of business within the Commonwealth set forth in his application Liquid Fules pump or outlet permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed upon the pumps or outlets for which issued

All permits shall expire on the thirtieth day of June next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of July upon application made to the department and the payment of a renewal fee of one dollar ($1.00)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of fifty cents ($.50)

(d) The department may suspend or after hearing revoke a liquid fuels pump or outlet permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgate under this act Upon suspending or revoking any liquid fuels pump or outlet permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a liquid fuels pump or outlet permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded after such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to

Amend page 2, line 25, by striking out the entire line and all of lines 26, 27, and 28, and all of page 3, and page 4, and page 5, ending with the word "permit" at the end of line 27.

Mr. Law. Mr. President, I second the motion.
On the question,
Will the Senate agree to the Amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The third section of the bill was read as follows:

Section 3 (a) Every person engaged in the business of selling liquid fuels to the consumer shall at all times have posted at his place of business in a conspicuous place at or near the pumps or containers from which such products are dispensed a sign showing the price for which said liquid fuel is sold
(b) No person shall sell or offer to sell or cause to be sold any liquid fuels at a price different from the price thereof so posted as required by this act
(c) No person shall in an attempt to evade the provisions of this act give or offer to give any liquid fuels or any merchandise or anything of value or any service for which payment is ordinarily required to and purchaser or prospective purchaser of any liquid fuels.

On the question,
Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend page 5, section 3, line 28 by striking the figure 3 after the word "Section" and inserting in lieu thereof the figure 2.

Mr. LAW. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The fourth section of the bill was read as follows:

Section 4 It shall be unlawful for any person to sell offer to sell or cause to be sold any liquid fuel unless the price thereof is plainly posted as herein provided

On the question,
Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend
Page 6, Section 4, Line 15, by striking out the figure "4" after the word "Section" and insert in lieu thereof the figure 3

Mr. LAW. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The fifth section of the bill was read as follows:

Section 5 It shall be unlawful for any person to sell deliver cause or permit to be sold any liquid fuel manufactured under a specific trade mark or distinctive trade name unless there shall be attached to or near the point or outlet from which liquid fuel is drawn for sale or delivery a sign or label comprising the trade name or trade mark of said liquid fuel

On the question,
Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend
Page 6, Section 5, Line 19, after the word "Section" strike out the figure "5" and insert in lieu thereof the figure 4

Mr. LAW. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to,
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The sixth section of the bill was read as follows:

Section 6 It shall be unlawful for any person to sell offer to sell or cause to be sold any liquid fuels less than at the price posted in accordance with the requirements of this act

On the question,
Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend
Page 6, Section 6, Line 26, after the word "Section" strike out the figure "6" and insert in lieu thereof the figure 5

Mr. LAW. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to,
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The seventh section of the bill was read as follows and agreed to.

Section 7 It shall be unlawful for any person in an attempt to evade the provisions of this act to give or offer to give any liquid fuels or any merchandise or anything of value or any service for which payment is ordinarily required to any purchaser or prospective purchaser of any liquid fuels

On the question,
Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend
Section 7 of said Act, line 1, Page 7, by striking out after the word "Section' the figure "7" and inserting in lieu thereof the figure "6".

Mr. LAW. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to,
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The eighth section of the bill was read as follows

Section 8 Whenever any liquid fuel shall be designated by a trade mark or distinctive trade name it shall be unlawful for any person to sell deliver cause or permit to be sold any liquid fuel not made by the producer using said trade mark or trade name

On the question,
Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend Section 8, Line 7, Page 7, by striking out after the word "Section" the figure "8" and inserting in lieu thereof the figure "7".

Mr. LAW. Mr. President, I second the motion
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninth section of the bill was read as follows:

Section 9 It shall be unlawful for any person to sell or offer for sale any liquid fuel in any manner whatsoever which may deceive tend to deceive or have the effect of deceiving the purchaser of such products as to the nature quality or quantity of the products so sold exposed or offered for sale and where a branded product is offered for sale either by sign poster or advertisement it shall specify the name or trade name of such product and where the product is not of a particular brand such sign poster or advertisement shall designate the same as "unbranded"

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend Section 9, Line 12, Page 7, by striking out after the word "Section" the figure "9" and inserting in lieu thereof the figure "8."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The tenth section of the bill was read as follows:

Section 10 It shall be unlawful for any person to disguise or camouflage his own equipment by imitating the design symbol or trade name of the equipment under which recognized brands of liquid fuels are generally marketed

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 10, line 23, page 7, by striking out after the word "section" the figure "10" and inserting in lieu thereof the figure "9."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eleventh section of the bill was read as follows:

Section 11 It shall be unlawful for any person to mix blend or compound liquid fuels of any manufacturer or distributor with the products of any other manufacturer or distributor or to adulterate the same or to expose or offer for sale or sell such mixed blended or compounded products under the trade name trade mark or other distinguishing mark of either of such manufacturers or distributors or as the adulterated products of such manufacturer or distributor Provided however That nothing herein shall prevent the lawful owner thereof from applying its trade mark trade name or symbol to any product or material manufactured by him

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President. I move to amend section 11, line 27, page 7, by striking out after the word "section" the figure "11" and inserting in lieu thereof the figure "10."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twelfth section of the bill was read as follows:

Section 12 It shall be unlawful for any person or persons to aid or assist any other person in violating any of the provisions of this act by the depositing or delivering into any tank or receptacle or other container any liquid feuls other than those indicated by trade name trade mark or other distinguishing mark displayed on the container itself or on the pump or other distributing device used in connection therewith or by any other means to aid or assist another in the violation of any of the provisions of this act

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 12, line 10, page 8, by striking out after the word "section" the figure "12" and inserting in lieu thereof the figure "11."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The thirteenth section of the bill was read as follows:

Section 13 Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five thousand dollars ($5,000) or in the case of individuals the members of copartnerships and associations and the officers and managers of corporations to undergo imprisonment for not more than one year or both in the discretion of the court The Department of Revenue is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce the rules and regulations for any matter or thing pertaining to the administration and enforcement of the provisions of this act

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 13, line 20, page 8, by striking out after the word "Section" the figure "13" and inserting in lieu thereof the figure "12"; section 13, line 28, page 8, by striking out after the word "court" the balance of said line and the whole of line 29; section 13, beginning at line 1 on page 9 by striking

Mr. LAW. Mr. President, I second the motion.

out the balance of said section.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourteenth section of the bill was read as follows:

Section 14 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 14, line 5, page 9, by striking out after the word "Section" the figure "14" and inserting in lieu thereof the figure "13."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifteenth section of the bill was read as follows:

Section 15 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend Section 15, Line 12, Page 9, by striking out after the word "Section' 'the figure "15" and inserting in lieu thereof the figure "14".

Mr. LAW. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The sixteenth section of the bill was read as follows:

Section 16 This act shall become effective upon the first day of July one thousand nine hundred and thirty-seven.

On the question.

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend Section 16, line 14, page 9, by striking out after the word "Section" the figure "16" and inserting in lieu thereof the figure "15".

Mr. LAW. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The title section of the bill was read as follows:

An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

On the question.

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend Page 1, Line 4, of the title, after the word "to" strike out the balance of the sentence and the balance of the title ending with the word "Penalties" and insert in lieu thereof the following:

post at the place of sale a sign showing the price at which said liquid fuel is sold, prohibiting sales at less than such posted price, regulating the sale of liquid fuel manufactured under a specific trade mark or distinctive trade name, prohibiting the mixing, blending, compounding or adulteration of liquid fuels or imitating the design, symbol or trade mark of equipment under which recognized brands of liquid fuels are generally marketed and prescribing penalties.

Mr. LAW. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No. 1353 (House Bill No. 1214), on second reading, entitled:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture making certain changes regarding the examination and registration of those who desire to engage in the occupation of beauty culture modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators and manicurists prescribing certain qualifications for examiners inspectors investigators and supervisors and making certain changes in the powers and duties of the Department of Public Instruction and in the procedure to be followed in the enforcement of the act.

be recommitted to the Committee on State Boards.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

Mr. FREY. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed?

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED. Mr. President, I will.

Mr. FREY. Mr. President, I desire to ask the Senator from Washington, Mr. Reed, for what purpose he desires to have this bill recommitted?

Mr. REED. Mr. President, I am making this motion at the request of the sponsors of the bill, who want to offer some amendments.

Mr. FREY. Mr. President, why not have the amendments offered on the floor?

Mr. REED. Mr. President I do not have them and one of the sponsors, who was here, said the amendments would be ready.

However, if it is more satisfactory, I will ask that the bill go over in its order.

Mr. FREY. Mr. President, that would be more satisfactory.

Mr. REED. Mr. President, I withdraw my motion to recommit this bill.

The PRESIDENT. Will the seconder of the motion agree to the withdrawal?

Mr. CAVALCANTE. Mr. President, I agree.

The PRESIDENT. The motion is withdrawn.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 1353 go over in its order.

The PRESIDENT. Is there objection. The Chair hears none.

BILL RECOMMITTED

Mr. RUPP. Mr. President, I move that Senate Bill No. 1427 (House Bill No. 2057), on second reading, entitled:

An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties.

be recommitted to the Committee on Judiciary Special.

I make this motion with the consent of the Chairman of that committee.

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. RICE. Mr. President, I understand this bill, having been passed by the House, was considered by the Senate Committee. I ask the Senate not to recommit the bill.

Mr. RUPP. Mr. President, if I weren't at all convinced by the arguments put up by the floor leader of the Democratic Party, I should hesitate very much to rise to my feet; but knowing as I do that he is insincere in making these objections, I insist that we vote upon the motion.

And the question recurring,

Will he Senate agree to the motion?

The motion was not agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1427, (House Bill No. 2057), entitled:

An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale storage use or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties.

On the question.

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, going into the merits of this bill, this bill provides very simply, and is just another illustration of one of the departments of this Government, to make further regulations in regard to the retailing of oil and gasoline in the State of Pennsylvania. What they suggest is this: that if you want to establish an oil station, and put up a pump, you have got, first of all, to apply to the Department for permission to do that; you have got to fill out a form and after a lot of questions, and, for the privilege of answering those questions, you have got to pay the Department one dollar.

Let me tell you what they do now; in order to establish an oil station or erect a pump now in any city or borough, you first of all have got to get a permit from the city or borough to establish that pump—that is the first thing you have got to do now under our present regulations; and you have got to apply to a State Department—I think it is the Revenue Department, under the Fire Bureau or what ever name is given to it—for permission to establish the pumping station, and satisfy that department that you have complied with the fire department rules and so forth—you have got to do that now.

What this bill does is, it adds to that—for no reason at all that I can see—and have now to apply to another bureau and fill out some more forms, for which you have to pay another one dollar.

This bill affects the ordinary retailer—we have thousands of them down in my county, and the Senator from Fayette must have thousands in his county, too—

Mr. CAVALCANTE. Mr. President, I have two of them.

Mr. RUPP. Mr. President, two thousand. And I submit, Mr. President, this is a burden upon the ordinary retailer, who is now faced with so much red tape, as this is; he has, first of all, to satisfy his local authorities; then he has to satisfy the State authorities, now, before he puts up a single pump. I cannot see the reason for this new regulation—of which the ordinary citizen has to pay another $1.00 to another Department, and fill out some more forms and go through some more regulations.

The big oil companies are not interested in this bill, because they are not paying the dollar; it is the little fellow who is doing it, and it seems to me that in back of this there is something far more serious than a Department trying to control the little fellow. They are trying to control some few companies, in one section of this State, but that we do not know of. There is some reason behind this, outside of the mere provisions that are set forth in this bill, and I think that at this stage of the session, the legislature should not be called upon to pass its decision on a bill like this.

And, Mr. President, in line with that, I am going to offer the following amendments:

The amendments were read by the Clerk.

On the question.

Will the Senate agree to the amendment?

Mr. LAW. Mr. President, I want to say, in connection with this bill on the amendments offered, that this proposed fee here, is suggested by the Independent Gasoline Dealers of Pennsylvania as a means of financing the investigation which has been authorized by this legislature. It will be used towards the payment of the $50,000 appropriation that we made.

These men desire to have an investigation, to find out the cause of the present difficult situation in the gasoline and oil industry of Pennsylvania. To make any of the suggestive changes would destroy this money necessary for this investigation, and would disturb the function of the State of Pennsylvania. I therefore ask this Senate to defeat the proposed amendments.

And the question recurring,

Will the Senate agree to the amendments?

The amendments were not agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, that the bill be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1435, (House Bill No. 143), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1437, (House Bill No. 865), as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That an appropriation be made to the Elwyn Training School of Elwyn in the County of Delaware and Commonwealth of Pennsylvania for the maintenance of wards of the State at three hundred nd fifty dollars per capita per annum and that the sum of four hundred and twenty thousand dollars ($420,000) or so much thereof as may be necessary is hereby specifically appropriated to the said institution for the purpose stated to cover the two fiscal years beginning June first one thousand nine hundred and thirty-seven

Section 2 The appropriation made by section one of this act is made on the condition that each and every mental defective admitted to the Elwyn Training School after the effective date of this act as a ward of the Commonwealth shall have been previously investigated by the Department of Revenue for the purpose of determining the extent if any such mental defective or those legally liable for his or her support may be financially able to pay the cost of the maintenance of such person in the school

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1438, (House Bill No. 1135), entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration preservation development and maintenance of the Ephrata Cloisters Park.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 1439, (House Bill No. 1237), on second reading, entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred and nineteen (P. L. 1003) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licensees and making an appropriation therefor.

be recommitted to the Committee on Appropriations.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1442, (House Bill No. 1495), entitled:

An Act to amend clause (b) of section four hundred forty-eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended changing the personnel of the State Veterans Commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1444, (House Bill No. 2208), entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 1446, (House Bill No. 1781), entitled:

An Act to amend sections two and three of the act approved the fourteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended by providing further for the return of and fees for service.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1448 (House Bill No. 2012), entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred seventy-two) entitled "An act esetablishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" as amended by changing certain routes and adding certain new routes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 1448 (House Bill No. 2012), the bill just read, be recommitted to the Committee on Highways.

Mr. MUNDY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1451 (House Bill No. 2099), as follows:

An Act to further amend sections two hundred forty-six two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth seventh and eighth classes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred forty-six and two hundre" fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) are hereby further amended to read as follows:

Section 246 Qualifications Eligibility Compensation The district attorney shall be a person learned in the law who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth [at] for at least two years preceding the time of his election or appointment and who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county In counties of the third class the district attorney shall receive a salary of seven thousand five hundred dollars ($7,500) per annum

In counties of the fourth class the district attorney shall receive a salary of six thousand dollars ($6,000) per annum

In counties of the sixth class the district attorneys shall receive annual salaries depending upon the population of the county as follows:

(a) Fifty thousand and more but less than sixty thousand twenty-four hundred dollars ($2400)

(b) Sixty thousand and more but less than seventy thousand twenty-seven hundred dollars ($2700)

(c) Seventy thousand and more but less than eighty thousand three thousand dollars ($3000)

(d) Eighty thousand and more but less than ninety thousand thirty-three hundred dollars ($3300)

(e) Ninety thousand and more but less than one hundred thousand thirty-eight hundred dollars ($3800)

In counties of the seventh class the district atorneys shall receive annual salaries depending upon the population of the county as follows:

(a) Twenty thousand and more but less than thirty thousand fifteen hundred dollars ($1500)

(b) Thirty thousand and more but less than forty thousand eighteen hundred dollars ($1800)

(c) Forty thousand and more but less than fifty thousand twenty-one hundred dollars ($2100)

In counties of the eighth class the district attorneys shall receive annual salaries depending upon the population of the county as follows:

(a) Less than ten thousand seven hundred and fifty dollars ($750)

(b) Ten thousand and more but less than twenty thousand nine hundred dollars ($900)

In all other classes of counties the district attorney shall receive the salary now provided by law

No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the State excepting an office or commission in the militia of the State during his continuance in office

Section 256 Assistant District Attorneys Number Compensation In counties of the second third fourth fifth and sixth classes the district attorney may appoint such number of assistants learned in the law to assist him in the discharge of his duties as is fixed by this section

In counties of the second class the district attorney shall have authority to appoint one or more assistants learned in the law not exceeding sixteen in number One of said assistants district attorneys who shall be designated as the first assistant shall receive a salary of seventy-five hundred dollars ($7,500) per annum One of said assistant district attorneys who shall be designated as the second assistant shall receive a salary of sixty-five hundred dollars ($6,500) per annum Two of said assistant district attorneys shall receive salaries of six thousand dollars ($6,000) per annum each Four of said assistant district attorneys shall receive salaries of fifty-five hundred dollars ($5,500) per annum each Two of said assistant district attorneys shall receive salaries of five thousand dollars ($5,000) per annum each Two of

said assistant district attorneys shall receive salaries of forty-five hundred dollars ($4,500) per annum each and four of said assistant district attorneys shall receive salaries of four thousand dollars ($4,000) per annum each In the event of the appointment of a less number of assistants than sixteen the district attorney shall have the power to determine into which class as to salaries the appointee or appointees shall be placed Said salaries herein provided shall be paid out of the county treasury

For all counties of the third class the district attorney shall have authority to appoint a first ssistant district attorney at an annual salary of four thousand dollars ($4,000) and three assistant district attorneys at annual salaries of three thousand five hundred dollars ($3,500) each and two assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In all counties of the fourth class the district attorney shall have authority to appoint a first assistant district attorney at an annual salry of three thousnd five hundred dollars ($3,500) and three assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In counties of the fifth class [and in counties of the sixth class with the approval of the court] the district attorney shall have authority to appoint not more than two assistant district attorneys The first assistant district attorney shall receive a salary of two thousand five hundred dollars ($2,500) per annum and the second assistant district attorney shall receive a salary of two thousand dollars ($2,000) per annum

In counties of the sixth and seventh classes having a population of forty thousand or more with the approval of the court the district attorney shall have authority to appoint one assistant district attorney In counties of the sixth class having a population of eighty thousand or more such assistant district attorney shall receive a salary of two thousand dollars ($2,000) and in counties of the sixth class having a population of less than eighty thousand such assistant district attorney shall receive a salary of one thousnd two hundred and fifty dollars ($1,250) and in counties of the seventh class seven hundred-fifty dollars ($750)

The salary board of any county of the third class in case of an emergency or on account of increased business or unusual circumstances or conditions may authorize the district attorney to appoint such additional assistant district attorneys as may be approved by the court Provided however That the salary of said appointees shall not exceed the minimum salary provided for assistants in the respective offices

Section 2 Section two hundred sixty-two of said act as last amended by section one of the act approved the twelfth day of July on thousand nine hundred and thirty-five (Pamphlet Laws 657) is hereby further amended to read as follows

Section 262 Stenographers in Fourth Fifth Sixth Seventh and Eighth Class Counties In counties of the fourth and fith classes the district attorney may employ a stenographer or stenographers whose combined annual salaries in any one of said counties shall not exceed two thousand five hundred dollars ($2,500) Such salaries shall be fixed by the district attorney

In counties of the sixth class the district attorney may employ a stenographer as an assistant in his office at a salary of not less than seven hundred fifty dollars ($750) nor more than one thousand five hundred dollars ($1,500) a year Said salary to be fixed by the salary board of the county

In counties of the [seventh and] eighth [classes] class the district attorney may with [a] the consent of the county commissioners employ a stenographer as an assistant in his office at a salary not to exceed seven hundred and fifty dollars ($750.00) per year

In counties of the seventh class the district attorney may employ a stenographer as an assistant in his office at a salary of not less than five hundred dollars and not to exceed one thousand dollars ($1000) a year to be fixed by the county commissioners

The salaries of said stenographers shall be paid by the respective counties in the same manner as other county employes are paid.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No. 1353, (House Bill No. 1214), on second reading, entitled:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture and making certain changes regarding the examination and registration of those who desire to engage in the occupation of beauty culture modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators and manicurists prescribing certain qualifications for examiners inspectors investigators and supervisors and making certain changes in the powers and duties of the Department of Public Instruction and in the procedure to be followed in the enforcement of the act.

be recommitted to the Committee on State Boards.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. FREY. Mr. President, I would like to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED. Mr. President, I will.

Mr. FREY. Mr. President, I would like to ask the Senator for what purpose he is having this bill recommitted?

Mr. REED. Mr. President, at the request of the sponsor of the bill, who desires to offer some amendments.

Mr. FREY. Mr. President, why not have the amendments offered on the floor?

Mr. REED. Mr. President. I do not have them, and the sponsor said that the amendments could be read and the bill put over in order.

CONSIDERATION OF SENATE BILL NO. 1146, (HOUSE BILL NO. 1055)

Mr. RICE. Mr. President, for the purpose of amendment, I call up Senate Bill No. 1146, (House Bill No. 1055), on third reading page 3, of today's calendar.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1146, (House Bill No. 1055), entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish

and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. RICE. Mr. President, I ask unanimous consent to amend sec. 2, page 6, line 23, by striking out the words "thirty-seven" and inserting in lieu thereof: "thirty-eight."

The PRESIDENT. Is there objection?

Mr. McGINNIS. Mr. President, I would like the sponsor of the amendments to tell us what the effect of those amendments will be?

Mr. RICE. Mr. President, the amendments are offered on behalf of the Senator from Berks, Mr. Ruth, who had to leave; and I understand from Senator Ruth, that those amendments are correcting printer's errors in the bill. I have no personal information regarding them, myself, other than that.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

Mr. RUPP. Mr. President, I ask unanimous consent to offer additional amendments to this bill, as follows:

The PRESIDENT. Is there objection?

Mr. McGINNIS. Mr. President, I think we do not understand these amendments.

Mr. RUPP. Mr. President, let me explain them. These amendments were not given to me by any public utility in the State of Pennsylvania, they were given to me by the President of the Taxpayers League of the State of Pennsylvania; and the effect is—for the information of the Senator from Allegheny—that it permits the school districts to adjust their budgets so that they are in a position to take care of the finances. This bill provides hat they will be in a position to do it by 1938. It gives them a breathing spell until that time.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

RECONSIDERATION OF SENATE BILL NO. 488 (HOUSE BILL NO. 99)

Mr. DENT. Mr. President, I call up, for the purpose of amendment, Senate Bill No. 488, (House Bill No. 99), entitled:

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and 'providing procedure for the determination of liability and compensation thereunder" by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State treasury by certain employers and insurance carriers in death cases where they are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act.

Mr. DENT. Mr. President, I move to reconsider the vote by which this bill passed finally.

The PRESIDENT. How did the Senate vote?

Mr. DENT. Mr. President, I voted 'aye'.

Mr. RANKIN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. RANKIN. Mr. President, I voted 'aye'.

The motion was agreed to.

Mr. DENT. Mr. President, I move to reconsider that the vote by which this bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. DENT. Mr. President, I voted 'aye'.

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY. Mr. President, I voted 'aye'.

The motion was agreed to.

On the question,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to amend sec. 1 (sec. 306), page 19, line 14, by inserting a light-face bracket after the word "dollars" thus:]; amend sec. 1 (sec. 306), page 19, line 14, by striking out with heavy-face brackets the following: "[]"; amend sec. 1 (sec. 420), page 63, line 20, by striking out with heavy-face bracket the following: "[";; amend sec 1 (sec. heavy-face brackets the following: amend sec. 420), page 63, line 20, by insreting a heavy-face bracket after the word "fixed" thus: [; amend sec. 1 (sec. 420), page 63, lines 26 and 27, by striking out with heavy-face brackets all of said lines; amend sec. 1 (sec. 420), page 63, line 28, by striking out with heavy-face brackets the first word in the line "and"; amend sec. 1 (sec. 503), page 81, line 24, by inserting a heavy-face bracket after the word "alone" thus:]

The PRESIDENT. Is there objection?

Mr. DENT. Mr. President, I offer, as an explanation to these amendments, that we made certain amendments on the last evening the committee met, and decided upon certain amendments; I had only one copy of the amendments, and when they were inserted into the original copy of the bill, they placed—the brackets after the wrong words in most instances, and the whole meaning of the amendments was lost. Therefore, I ask you to accept the amendments as the proper amendments offered by the Senate Committee on Labor and Industry.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 892

Mr. DENT. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT offered the following resolution which was twice read:

In the Senate, May 27, 1937.

Resolved, (if the House of Representatives concur) That Senate Bill No. 892, Printer's No. 376, entitled:

An Act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction, on parents, guardians, nurses and physicians; and placing certain costs on school districts, and making an appropriation.

be recalled from the Governor for the purpose of amendment.

On the question,

Will the Senate agree to the resolution?

Mr. DENT. Mr. President, this resolution was offered at the request of the Governor's office, but due to the fact that a similar resolution has just been sent over from the House, I ask that it be withdrawn.

The PRESIDENT. Is there objection? The Chair hears none and the resolution is withdrawn.

REPORT FROM COMMITTEES

Mr. SIPE, from the Committee on State Boards reported as amended, Senate Bill No. 1454, (House Bill No. 1757), entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled, "An act to define real estate brokers and real estate salesmen and providing for the licensing, regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by further defining real estate brokers and real estate salesmen and further providing for the licensing, regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business.

HOUSE MESSAGES

HOUSE RECEDES FROM AMENDMENTS TO SENATE BILL NO. 1121

The Clerk of the House of Representatives being introduced informed the Senate that the House had receded from its amendments to Senate Bill No. 1121, entitled:

An Act providing for the erection, construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from the General State Authority, upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties, to the extent, and in the manner, provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

HOUSE RECEDES FROM AMENDMENTS TO SENATE BILL NO. 1122

He also informed the Senate that the House had receded from its amendments to Senate Bill No. 1122, entitled:

An Act providing for the erection construction and equipment of a Maximum Security State Penitentiary for the detention care maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries and conferring powers and imposing duties upon certain State departments boards commissions and officers.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 76

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 76, entitled:

An Act making an appropriation to the Saint Francis Hospital of the City of Pittsburgh, Pennsylvania

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 771

He also presented communication from the House of Representatives, informing the Senate that the House insists upon its amendments nonconcurred in by the Senate to Senate Bill No. 771, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing co-operative or non-profit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

SENATE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL NO. 771

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of cer-

tain existing cooperative or non-profit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

Mr. LAW. Mr. President, I move that Senate insist upon its nonconcurrence in the amendments made by the House to Senate Bill 771 and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. REED, LAW and EALY be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Executive Nominations with a favorable recommendation the following nominations made His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Clinton O'Shell, of Pittsburgh, Allegheny County, for appointment as Alderman of the thirty-first ward in the City of Pittsburgh, Allegheny County, vice William Faulkner, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 27, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BLAIR COUNTY

Miss Jean L. Harris, Altoona.

CAMBRIA COUNTY

Miss Helen R. Day, Johnstown.

LANCASTER COUNTY

Miss M. Frances Grissinger, Mount Joy.

MERCER COUNTY

Miss Mary Steckler, Grove City.

PHILADELPHIA COUNTY

Harry Lieber, 338 Catharine St., Phila.

WESTMORELAND COUNTY

Hayden R. Luther, New Kensington.

GEORGGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Henney,	Mallery,	Ruth,
Cavalcante,	Homsher,	McCreesh,	Shapiro,
Dando,	Jacobs,	McGinnis,	Sipe,
Dent,	Jaspan,	Mundy,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Huffman,
Gilson,	Lanius,	Rice,	Pres. Pro. Tem.
Haluska.	Law.	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 638, RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 638, entitled:

An Act to further amend section four of the act approved the eighteenth day of June, one thousand nine hundred nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools, and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth.

Said bill having been recalled from the House for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 851

He also presented communication from the House of Representatives informing the Senate that the House has

concurred in amendments made by the Senate to House Bill No. 851, entitled:

An Act relating to the regulation of public utilities, defining as public utilities certain corporations, companies, associations and persons; providing for the regulation of public utilities, including certain municipalities engaging in a public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers, in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission, the power and duty of supervising and regulating persons and corporations, including certain municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission, to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed or kept by persons or corporations subject to this act; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways, to appropriate properly for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons and corporations, including municipal corporations subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive jurisdiction over certain proceedings; prescribing penalties, fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by, or inconssitent with this act.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 307

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 307, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia, Pennsylvania, for medical education.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 1147

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1147, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1331

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1331, entitled:

An Act requiring all persons claiming damages from any county city, borough, town, township or school district, to file within sixty (60) days from the origin of such claim, a written notice with such county, city, borough, town, township or school district.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 1462

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1462, entitled:

An Act providing for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens, and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes; reviving such liens and restoring the treasurer's right to sell such lands in certain cases; and saving the rights of intervening purchasers, mortgagees, lien holders, and other encumbrance holders.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 793

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 793, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by changing the requirements for free transportation of pupils; removing certain exemptions from the compulsory attendance act; providing for standards for vehicles used; requiring public liability insurance coverage; and authorizing the withholding of reimbursement in certain cases.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 918

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 918, entitled:

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred two to the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," providing for and regulating the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways, and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 904

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 904, entitled:

An Act prohibiting municipal policemen from being employed or serving as industrial police; requiring their dismissal for so doing; and providing penalties.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 1504

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1504, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "Vocational Education Law" by further defining and extending the scope of vocational education, and enlarging the provisions for State subsidies.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 2136

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2136, entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring medical inspectors to make eye and ear tests annually providing for the use of scientific apparatus furnished by school districts and providing for certain instructions in State teachers' colleges for the appointment of certain experts in the Department of Public instruction and making an appropriation.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 1978

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to House Bill No. 1978, entitled:

A Supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL No. 1978

Mr. RICE. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 1835

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to House Bill No. 1835, entitled:

An Act to authorize the acquisition, improvement, construction, operation and maintenance of electric light and gas systems by cities of the third class and boroughs; authorizing the issuance of revenue bonds of such cities and boroughs, payable solely from earnings, to pay the cost of such systems; providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance, operation and repair of such systems; providing for condemnation, authorizing the issuance of revenue refunding bonds; and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL No. 1835

Mr. LAW. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. KILGALLEN. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. EROE. Mr. President, and members of the Senate, the purpose of this bill was to give the citizens the right to set up their own public utilities. The amendments that were inserted by the Senate said that if the Public Utilities Commission found that the service as has been provided was adequate, the municipality of the political subdivision could not set up its own public untility whatever it might be.

My colleague, from Beaver County, Mr. Caputo, thinks that this amendment has destroyed the purpose of the Act because the service may be adequate, but it may not be economical. Therefore, I ask the Senators to vote against this motion of the Senator from Mercer, Mr. Law, that the Senator's vote on these amendments.

Mr. LAW. Mr. President, I want to say that I believe the amendments the Senate placed in are necessary for a proper administeration of the law by the Public Utilities Commission, and it is dangerous in the extreme to permit municipalities, without the ruling of the Public Utilities Commission as to the adequacy of the present service, to go into business and competition with that service.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 563.

He also informed the Senate that the House has nonconcurred in amendments made by the Senate to House Bill No. 563, entitled:

An Act to amend the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 912), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises. stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties;" requiring licenses for all bakeries; further regulating bakeries and the importation of bakery products; providing for injunctions in certain cases; and changing the penalties prescribed.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 563.

Mr. PRICE. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURS TO AMENDMENTS TO HOUSE BILL NO. 947.

He also informed the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 947, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "Fire Safety Building Regulation Law," as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 947

Mr. RICE. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO 348.

He also informed the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 348, entitled:

An Act making an appropriation to the Glen Mills Schools situate in Delaware County, Pennsylvania.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 348.

Mr. RICE. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE BILLS FOR CONCURRENCE.

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 1629, (Senate Bill No. 1453), entitled:

An Act dedicating and setting aside certain lands in Lackawanna and Luzerne Counties as a public park and pleasure ground; and imposing certain powers and duties in connection therewith on the Department of Forest and Waters.

which was referred to the Committee on Forests and Waters.

House Bill No. 1757, (Senate Bill No. 1454).

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business" by further defining real estate brokers and real estate salesmen and further providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business.

Which was committed to the Committee on State Government.

House Bill No. 2379, (Senate Bill No. 1455).

An Act to amend section two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation" by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale.

Which was committed to the Committee on Finance.

CONSIDERATION OF SENATE BILL No. 1297, HOUSE BILL No. 1000.

Mr. DENT. Mr. President, I call up at this time, from page 24 of today's calendar, Senate Bill No 1297, House Bill No. 1000, on second reading entitled:

An Act concerning game and other wild birds and wild birds and wild animals and amending revising consolidating and changing the law relating thereto.

On the question.

Will the Senate agree to the bill on second reading?

Mr. DENT. Mr. President, I offer the following amendments:

On the question,

Will the Senate agree to the amendments?

Mr. LANIUS. Mr. President, I ask the privilege of interrogating the Senator from Westmoreland, Mr. Dent, on the amendments?

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. LANIUS. Mr. President, what is the nature of the amendments?

Mr. DENT. Mr. President, the nature of the amendments is this: the amendments pertain to the hunting code; we had certain feautres in the code that were objectionable to certain Senators, and they together with the Game Commissioner, succeeded in ironing out their difficulties.

Mr. LANIUS. Mr. President, I desire to ask what sections the Senator from Westmoreland proposes to amend?

Mr. DENT. Mr. President, the skunk section.

The PRESIDENT. There are quite a number of amendments to the code. Is there any Senator who desires to have them read in full? If not, the Chair recognizes the Senator from York, Mr. Lanius.

Mr. LANIUS. Mr. President, this is not a very sporting proposition; it was well known, without that section 101, relating to skunks—four-legged skunks. Now, this is a blanket amendment offered, and it does not give a person very much of a chance to keep in tact that section.

Now, this may seem to very trivial matter to my friends here in the Senate, but I want to say to you that we of out of Section 101, just destroys the nature of the present We proposed a bill in the House, which closes the season on skunks, and left out to petition the Game Commission for an, open season in counties where the animals grow were considered obnoxious. That bill passed the

House almost unanimously, and came over here to the Senate. It was reported out of the Game Committee unanimously and was recommitted to the Committee on Forests and Waters.

Now, we want to kill this skunk, we do not want to drown him,—and the bill stayed there.

Now, when this bill came over, the House had reversed the language and opened the season of Skunksoboro over the State, and permitted those counties that wanted the season closed, to do so by petition, and I cannot understand, for the life of me why we in the rural districts must be bullied and brow-beaten by city people, who do not understand our situation, and, this blanket amendment here does not give us a fair sporting chance. I submit to my friends, in the Senate that that amendment should be a separate amendment, and should be given a fair, full time for consideration. I am willing to take the short end of the stick if the Senate says so, but I do not like this kind of a deal, and I object to the amendments.

Mr. DENT. Mr. President, I assure the good Senator from York that I am no fonder of skunks han he is, either the four-legged kind or any other; but I want to say, the very thing he has in mind is accomplishing. However, if I can find out which wording the Senator desires to have in the bill, maybe I can cooperate with him on the skunk question. Is that satisfactory to the Senator from York, Mr. Lanius?

Mr. LANIUS. Mr. President, when I interrogated the Senator from Westmoreland, Mr. Dent, he did not seem very clear on the subject, and I do not believe he is very clear on it now. I insist on my position that the striking out of Section 101, just destroys the nature of the present act, and I say still that I object to the amendments.

Mr. DENT. Mr. President, I am going to ask the Senate to vote with me on these amendments. This is a very valuable bill.

And the question recurring,

Will the Senate agree to the amendments made by the House?

The PRESIDENT. The ayes seems to have it.

Roll call required by Mr. Rankin.

Mr. GELDER. Mr. President, will you please repeat the motion?

The PRESIDENT. The question before the Senate is on concurring in the amendments.

Mr. KILGALLEN. Mr. President, like many other Senators here, I do not understand this situation. About a month ago I opened up a letter which read, "Dear Senator, even a skunk has some good qualities, and that is the reason I am writing to you." And in that letter they tried to tell me, a 'City' Senator, just what this skunk problem was. I do not know yet what it is all about.

The PRESIDENT. The bill now provides that the skunks shall be included as a fur-bearing animal.

Mr. KILGALLEN. Mr. President, I want to vote as the Senator from York, Mr. Lanius, votes.

The PRESIDENT. That is against being included fur-bearing animals.

And the question recurring,

Will the Senate agree to the amendments?

A division having been called for, 19 Senators voted in the affirmative and sixteen in the negative. Whereupon the question was decided in the negative.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1207, (House Bill No. 1000), entitled:

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto

The table of contents of the bill was read as follows and agreed to.

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Article I	Preliminary Provisions	101- 104
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Article XIII	Deer Proof Fences Bear Damages	1301-1307
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Article XV	Acts of General Assembly Repealed Saving Clause	1501-1503

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the laws relating to game and other wild birds and wild animals are amended revised consolidated and changed as hereinafter provided

Section 101 of Article I of the bill was read as follows:

ARTICLE I

Preliminary Provisions

Section 101 Definitions Whenever used in this act unless a contrary intention is evident from the context the word "person" shall include individuals copartnerships associations and corporations the singular shall include the plural and the masculine and femine and neuter.

The word "commission" shall mean the Pennsylvania Game Commission

The word "director" shall mean the Executive Director of the Pennsylvania Game Commission

The term "game birds" shall include (a) the anatidae commonly known as geese brandt and river and sea ducks (b) the rallidae commonly known as rails coots mudhens and gallinules (c) the limicolae commonly known as shore birds plover surf birds snipe woodcock sandpipers yellowlegs tattlers and curlew (d) the gallinae commonly known as wild turkeys grouse pheasants partridges and quail (e) the birds belonging to the order columbae commonly known as doves and (f) the grackles commonly known as blackbirds

The term "game animals" shall include (a) The wapiti or elk (b) the deer (c) the bear (d) the wild rabbit and hare (e) the red gray black and fox squirrel (f) the raccoon and (g) the woodchuck commonly known as groundhog

The term "big game" shall include (a) the elk (b) the deer and (c) the bear

The term "small game" shall include all species of game birds and game animals not classed as big game

The word "game" shall include "game animals" and "game birds"

Except as modified by the resolution of the commission the term "fur-bearing animals" shall include (a) the mink (b) the muskrat (c) the opossum (d) the otter (e) the skunk commonly called polecat and (f) the beaver

The word "predators" shall include all wild animals not classed as game animals or fur-bearing animals and all wild birds other than game birds and protected birds

Except as modified by the resolution of the commission the term "unprotected birds" shall include (a) the blue jay (b) the English sparrow (c) the European starling (d) the kingfisher (e) the goshawk (f) the sharp-shinned hawk (g) the Cooper's hawk (h) the great horned owl (i) the snowy owl and (j) the crow

The term "protected birds" shall include all wild birds not included within the terms "game birds" and "unprotected birds"

The term "wild birds" includes all birds other than domestic birds

The word "wild-life" shall mean and include wild birds and wild animals regardless of classification whether protected or unprotected in a wild state in this Commonwealth

The commission may by resolution from time to time after investigation or information otherwise obtained remove any animal from the list of fur-bearing animals or add any bird to the list of unprotected birds in any part of the Commonwealth by giving notice of such action in the manner hereinafter specified

The term "open season" shall mean the time during which game or fur-bearing animals may be legally taken or killed and shall include both the first and the last day of the season or period designated by this act or by the commission

The term "close season" shall mean the time during which game or fur-bearing animals may not be legally taken or killed and includes all periods of time not included within the open season

The word "lands" as used in this act shall include land waters timber minerals oil gas and all other appurtenances ordinarily connected therewith

The word "lease" shall mean an agreement or contract by which the right to use real estate is granted or conveyed to or from the commission or the act of such conveyance

The term "hunting rights" shall mean the right to control the hunting taking killing wounding removal of game birds game animals fur-bearing animals and any other wild birds and wild animals on and within a specified area of land

The ownership jurisdiction over and control of wild animals and wild birds as herein defined are hereby declared to be in the Commonwealth in its sovereign capacity to be controlled regulated and disposed of in accordance with the provisions of this act

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to "1 amend Section 101, page 3, by striking out all of lines 28 and 29, and inserting in lieu thereof the following: "(e) the skunk commonly called polecat and (f) the beaver"; 2. amend section 101, page 4, by inserting after the bracket, following the word "or]" in line 22 "remove any animal from the list of fur-bearing animals or"; 3. amend section 101, page 4, lines 23 to 26, inclusive, by striking out, beginning after the word "Commonwealth" in line 23, the following: "or may upon petition from any county add any animal to the list of fur-bearing animals in said county for such period as the commission deems best"; 4. amend section 101, page 4, lines 27 and 28, by striiknng out after the word "specified" in line 27, the following: "When any animal is added to the list of fur-bearing animals in the manner"; 5. amend section 101, page 5, lines 1 to 4, inclusive, by striking out all of said lines.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Sections 102, 103, 104 of Article I of the bill were read as follows and agreed to.

Section 102 Short Title This act shall be known and may be cited as "The Game Law"

Section 103 Effect of Act on Existing Laws The provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such law and not as new enactments The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded nor shall such repeal affect any regulation adopted thereunder or any act done or liability incurred or any right accrued or vested or affect abate or prevent any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

Section 104 Constitutionality The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included herein

Sections 201 to 204 inclusive of Article II of the bill were read as follows and agreed to.

ARTICLE II

Pennsylvania Game Commission

Section 201 Appointment of Pennsylvania Game Commission An independent administrative commission to be known as the Pennsylvana Game Commission is hereby created The commission shall consist of eight competent citizens of this State who shall be appointed by the Govnor by and with the advice and consent of two-thirds of all the members of the Senate The members of the commission shall be so appointed that they shall fairly represent the several geographical sections of the State and shall be well informed on the subject of wild-life conservation and restoration

The members of the commission shall hold office for terms of eight years each and shall receive no compensation for their services

Five members of the commission shall constitute a quorum for the transaction of business

Except as otherwise provided by this act the Pennsylvania Game Commission shall have and possess all the powers generally conferred and perform all the duties generally imposed upon independent administrative boards and commissions by the Administrative Code of 1929 and its amendments

Section 202 Present Commission Continued The members of the Board of Game Commissioners in office at the date when this act becomes effectve shall constitute the Pennsylvania Game Commission created by this act and shall hold their offices as members of the Pennsylvania Game Commission until their successors are appointed as hereinafter provided

Within sixty days after the date of the approval of this act the Governor shall designate two commissioners toserve for a term expiring the third Tuesday of January

one thousand nine hundred and thirty-nine two commissioners for terms expiring the third Tuesday of January one thousand nine hundred and forty-one two commissioners for terms expiring the third Tuesday of January one thousand nine hundred and forty-three and two commissioners for terms expiring the third Tuesday of January one thousand nine hundred and forty-five Thereafter such appointments of commissioners shall be for terms of eight years

Section 203 Vacancies by Death Resignation or Removal Upon the death resignation or removal from office of any person so appointed as aforesaid the Governor shall appoint a competent person to serve for the unexpired term

Section 204 Meetings of Commission Election of Officers The commission shall have an office at the capitol and shall hold meetings at such office in January and July and at such other times and places within the State as the commission shall appoint for the transaction of business At the meeting held in January of each year the commission shall elect one of its members as President and one of its members as Vice-President Such officers shall hold office for a period of one year

Section 205 of Article II of the bill was read as follows:

Section 205 Executive Director Duties and Powers The commission shall select a competent person to be known as the Executive Director who shall be its chief administrative officer and have charge of all activities under the jurisdiction of the commission He shall remain such during the pleasure of the commission and shall take the oath of office prescribed by the Constitution and file the same with the Secretary of the Commonwealth

No member of the commission nor anyone who has served as a member thereof within one year shall be eligible for selection as Executive Director

The Executive Director shall be the Chief Game Protector and shall have charge of direct supervise and control all other game protectors and employes of the commission The compensation of the director shall be fixed by the commission The director shall give bond to the Commonwealth in the sum of forty thousand dollars conditioned for the faithful performance of the duties of his office

The director shall occupy as his permanent headquarters the rooms assigned to the commission and shall be supplied from time to time by the Department of Property and Supplies such furniture equipment and office supplies as may be necessary for the use of the commission

The director shall have authority to have printed the biennial report of the commission and such bulletins literature posters and other printing as may be necessary to the work of the commission including the magazine known as PENNSYLVANIA GAME NEWS the subscription rates of which shall be fixed by the commission from time to time. Such publication shall at all times be maintained as a non-partisan publication.

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to "1. amend section 205, page 9, lines 23, 24 and 25, by striking out, after the second word "time" in line 23, the words "Said magazine is hereby declared to be the official publication for publishing the rules and regulations of the commission either in full or in condensed form"

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Sections 206 to 213 inclusive of Article II of the bill were read as fololws and agreed to.

Section 206 Game Protectors and Employes The commission shall appoint such number of competent men as in its opinion may be needed to discharge properly the duties devolving upon said commission whose powers and duties are hereinafter defined and who shall be known as game protectors Such number shall include men appointed game protectors and detailed to such administrative or office duty as in the opinion of the commission may be advisable The commission shall also appoint such employes and stenographers as may be deemed necessary

The compensation and duties of such game protectors employes and stenographers shall be fixed by the commission All game protectors and such other employes as the commission may designate shall give a bond in the amount of one thousand dollars unless a larger amount is required by the commission

Game Protectors and all other employes shall be removable at the discretion of the commission or may be suspended without compensation by the director pending action of the commission provided however that prior to such removal all game protectors and other regular employes shall be given a fair and impartial hearing before the commission's established Trial Board unless the employe waives such hearing The Trial Board's findings and recommendations shall be given due consideration by the commission

Section 207 Political Activity Prohibited While retaining the right to vote as he may choose and to express privately his opinion on all political subjects no salaried employe of the commission shall take any active part in political management or in political campaigns nor shall he use his official authority or influence for the purpose of interfering with an election or affecting the results thereof or for the purpose of coercing the political action of any person or body nor solicit demand or receive contributions or assessments to be used for political purposes Violation of this provision shall subject such employe to immediate dismissal

Section 208 Deputy Game Protectors The commission may appoint competent men throughout the Commonwealth to be known as deputy game protectors in such numbers as the commission may deem necessary who shall possess the rights and powers given by law to game protectors and be subject to all requirements and regulations either of the law or of rules of the commission controlling the action of such game protectors

Such deputy game protectors shall not be entitled to recompense for either time or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the Executive Director in which the rate of compensation and allowance for expenses shall be stipulated The commission shall from time to time fix the rate of compensation for such services

Any deputy game protector while not specifically employed in writing for special duties as above stipulated shall be entitled to collect such fees as are now or may hereafter be paid to constables to be assessed and collected as costs of prosecution for services legally rendered in the performance of any duties in the enforcement of the several provisions of this act

All deputy game protectors shall give a bond in the amount of three hundred dollars

Section 209 Present Game Protectors And Other Employes Continued All game protectors and deputy game protectors and other employes holding office at the date of the approval of this act shall remain in office until removed by the commission and the commissions of said officers shall continue in force under the provisions of this act with the same effect as prior to the passage of this act

Section 210 Duties of Commission It is the duty of the commission or his agent shall pay over all moneys reserve the game fur-bearing animals and protected birds of the State and to enforce by proper action and proceedings the laws of this Commonwealth relating thereto

The commission shall collect classify and preserve all such statistics data and information as in its judgment will tend to promote the objects of this act to take charge of and keep all reports books papers and documents which shall in the discharge of its duties hereunder come into its possession or under its control

Section 211 Biennial Report It is the duty of said commission on or before the first day of October of each even-numbered year to prepare and present to the Governor of this Commonwealth a biennial report showing what has been done by it during the two fiscal years immediately preceding the amount of money received by it and from what sources and the amount expended by it and for what purposes with such recommendations for legislative action as the commission may deem wise

Section 212 Director to Make Return to State Treasurer Through Department of Revenue The director to the commission or his agent shall pay over all moneys received and collected under the provisions of this act to the State Treasurer through the Department of Revenue for deposit into the game fund

Section 213 Reports by Protectors Each game protector shall keep a record of his official acts receipts and expenditures and at the close of each month make summary of such record with such statements in detail as shall be necessary and report the same to the director At such intervals as the director may direct not to exceed a period of six month each game protector shall file an affidavit covering the correctness of all accounts and reports rendered during the intervening period The director shall report to the commission any negligence or dereliction of duty or incompetency on the part of any protector with the facts relating thereto and shall make such further reports as may be required by the commission

Section 214 of Article II of the bill was read as follows:

Section 214 Powers of Members of Commission Director and Game Protectors Each member of the commission the director and each of its lawfully qualified representatives shall have the power

(a) To enforce all laws relating to game and other wild birds and wild animals and to go upon any property outside of buildings posted or otherwise in the performance of his duty

(b) To execute all warrants and search warrants for the violation of the laws relating to game and other wild birds and animals

(c) To serve subpoenas issued for the examination investigation and trial of all offenses against the laws relating to game and other wild birds and animals or other requirements of this act

(d) To carry firearms or other weapons concealed or otherwise in the performance of his duties

(e) To purchase and re-sell game fur-bearing animals and protected birds or any part thereof for the purpose or securing evidence

(f) To arrest without warrant any person found in the act of violating any of the provisions of this act or in pursuit immediately following such violation

(g) To call upon any citizen of this Commonwealth for assistance in making arrests

(h) To stop and inspect or search at any time without warrant any vehicle or conveyance and its occupants or contents any time or place within this Commonwealth provided however such officer shall be in uniform and display his badge or other insignia of identification and shall state to the person in charge of said vehicle or conveyance the purpose of the inspection or search

(i) To inspect or search at any time without warrant and examine any clothing worn by any person or any boat conveyance or vehicle of any type or kind whether attached or detached to another conveyance or vehicle or any game bag game coat or other receptacle for game when such officer has made known his official identity and the cause for such inspection or search

(j) To inspect or search at any time without warrant any hunting party roster or any camp tent cabin or detached automobile trailer or truck being used in whole or in part as a permanent or temporary abode for the purpose of hunting or trapping or the dwelling house or outbuildings of a cartaker of a camp or boarding house being used in whole on in part either temporarily or permanently for the purpose of hunting or trapping or harboring hunters or trappers when such officer has made known his official identity and the cause for such inspection or search to the person or persons in charge of such property

(k) To secure and execute search warrants and in pursuance thereof to enter any building dwelling house tavern hotel boarding house enclosure or car and to break open any apartment chest locker box trunk crate basket bag package or container and to examine the contents thereof

(l) When making an arrest or an investigation to seize and take possession of all birds or animals which have been caught taken or killed or had in possession or control or which have been shipped or about to be shipped at any time in any manner or for any purpose contrary to the laws of this Commonwealth

(m) When making an arrest or when found in the execution of a search warrant to seize all guns shooting or hunting paraphernalia traps dogs boats decoys automotive equipment or any unlawful device implement or other appliance used in violation of any of the laws relating to wild birds or wild animals the use of which expressly is forbidden by this act

(n) To administer any oath required by the provisions of this act or relative to any violation of any law relating to game or other wild birds or wild animals and where game is found in a camp or in possession or under control of any individual or hunting party to question such person or persons under oath relative to the taking ownership or possession of the same

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to "2. amend section 214, page 15, lines 12 and 13, by striking out after the word "trapping" the words "or a dwelling house tavern boarding house or hotel"; 3. amend section 214, page 16, line 3, by striking out after the word "arrest" the words "or an investigation"

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Section 215 of Article II of the bill was read as follows and agreed to.

Section 215 Act Not to Apply in Certain Cases None of the provisions or requirements of this act shall be construed to apply to any member of the commission or any of its lawfully qualified representatives or duly authorized agents when acting in any manner for the Commonwealth or to prevent such persons from capturing or destroying birds or animals of any kind when acting for the Commonwealth

Article III of the bill was read as follows and agreed to.

ARTICLE III

Hunting Licenses

Section 301 Residents of State For the purpose of this article any person who has been a bona fide resident of this Commonwealth for a period of sixty days next preceding his application and was born in the United States of America or was fully naturalized under the laws of the United States or who is a citizen of the United States of America and regularly enrolled in the United States Army

the United States Navy or the United States Marine Corps and officially stationed within the Commonwealth thirty or more days next preceding his application shall be entitled to the license herein referred to as the Resident Hunter's License upon the further fulfilment of the requirements of this article

Section 302 Resident License Fee Each such resident as provided in the preceding section upon application made in writing to any agent authorized to issue such licenses within the Commonwealth the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this article and the establishment of his identy to the satisfaction of the justice of the peace magistrate or notary public or any agent designated to receive applications for licenses when taking such applications as hereinafter authorized by producing a bank book letters lodge cards police cards a motor vehicle driver's license or some other positive means of identification and in the case of naturalized foreign-born applicants the production of such applicant's naturalization papers unless any such person has been disqualified for a license in the manner hereinafter specified and the payment to said agent or the Department of Revenue of two dollars ($2.00) shall be entitled to a Resident Hunter's License and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided

Section 303 Non-resident and Alien Non-resident License Fees Every non-resident of this Commonwealth upon application made in writing to any agent authorized to issue such licenses or to the Department of Revenue and the presentation of proof that he is a citizen of the United States unless any such person has been disqualified for a license in the manner hereinafter specified and upon payment to said agent or commission of fifteen dollars ($15.00) shall be entitled to the license herein designated as a Non-resident Hunter's License and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided

Every alien non-resident of this Commonwealth who is also non-resident of the United States upon written application made to the Department of Revenue setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms unless any such person has been disqualified for a license in the manner hereinafter specified and upon the payment to the Department of Revenue of the fees above designated for non-residents shall be entitled to a non-resident hunters' license and the proper tag issued therewith but the Department of Revenue shall indicate on the face of the license that the holder is an alien non-resident

Section 304 Complimentary Non-Resident Licenses The commission is hereby authorized to issue annually not to exceed twenty-five complimentary hunting licenses with either a tag or a button bearing the same number as the license to any of the following persons (a) The Chief Executive of the United States (b) the governor of any state (c) to authorized representatives of the conservation department of other states (d) to federal officials engaged in conservation work (e) to authorized officials of national conservation organizations and (f) to conservation officials of any foreign country or major subdivision thereof

Such licenses shall be issued without fee and shall be in such form as the commission may determine

Section 305 License Issuance Supervision The issuance of all hunting licenses shall be under the direct supervision of the Department of Revenue which shall designate the several county treasurers and such other issuing agents throughout the Commonwealth or otherwise as it may find essential to control the lawful issuance thereof

The Department of Revenue may recall the appointment of any county treasurer or other agent at any time with or without cause and shall recall the appointment of any county treasurer or other agent either upon receipt of evidence that such county treasurer or other agent has not complied with the requirements of this act or upon receipt of a recommendation from the commission that such county treasurer or other agent be recalled because of carelessness or negligence in the issuance of licenses

It is unlawful for any issuing agent or any of his employes or representatives or the Department of Revenue or its employes to issue any license to hunt to any applicant or for any justice of the peace magistrate notary public or other agent authorized to receive applications to accept an application for such a license from any applicant who has not established satisfactory identification as hereinbefore required or to any person physically or mentally unfitted to carry or use firearms or who has been denied the right to secure a license in any manner hereinafter specified by revocation

Section 306 The License Certificate Said licenses shall be issued on a form prepared and supplied by the Department of Revenue Such licenses shall bear a description of the person applying for the same setting forth the occupation the color of hair and eyes any marks or scars peculiar to the applicant and such other description as the Department of Revenue may require with the date of its issue In the case foreign-born applicants such license shall contain the nationaity of the person and all dates and numbers of the naturalization papers

All licenses legally issued shall authorize the person named therein to hunt for and kill or trap wild animals or wild birds as specified on the license subject to the restrictions and requirements of existing laws and the regulations of the commission regarding close seasons additional hunting or trapping removal of protection or special deer seasons during the period for which the license is issued the date of which is inscribed thereon Said certificate before being valid must be countersigned in ink by the licensee

The license certificate issued with any hunter's license shall be carried on the person of the licensee at all times while hunting or trapping and shall be shown immediately upon demand by any officer whose duty it is to protect wild animals and birds or upon demand by any owner or lessee or by an employe or representative of such owner or lessee upon whose lands such person may be found In addition to showing the license certificate upon demand by any such officer the holder thereof shall upon demand establish his further identity to the satisfaction of said officer by producing some other positive means of identification

Section 307 License Period All licenses shall be issued for the year beginning the first day of September and ending the thirty-first day of August of the year following In all cases however application for such license may be made and a license issued prior to the date upon which such license is in force

Section 308 License Tag The Department of Revenue shall also furnish free of charge and there shall be issued with each license a tag as hereinbefore specified All license tags shall bear the license number in figures at least one inch in height which tag said licensee is required to attach and display on the outer garment on the back between the shoulders in such manner that all figures are plainly visible at all times while hunting The license tag for the current year only shall be displayed

The tag or button issued with complimentary non-resident licenses shall be of such size and form as the commission may determine which tag or button the licensee is required to wear in plain view on an outer garment at all times while using it in such manner that the tag or button and the numerals thereon are plainly visible

Section 309 Persons Authorized to Take Applications for Licenses It is lawful for any justice of the peace magistrate or notary public to take applications for such licenses in writing for which service the applicant shall pay not to exceed fifteen cents in addition to the license fee prescribed said amount to be retained by said official or agent as his fee for taking such application and remitting payment therefor to the issuing agency of the county in which said official is located or to the Department of Revenue Such application and remittance shall be forwarded to the issuing agency or to the Department of Revenue within twenty-four hours with a certification thereon that the applicant has properly established his

identity by producing a bank book letters lodge cards police cards a motor vehicles driver's license or by some other positive means of identification

Section 310 Issuing Agents to Deep Record and Make Report Each issuing agency of this Commonwealth shall keep a correct and complete record of all resident and non-resident hunters' licenses issued by him Each issuing agent shall at the close of each week forward a weekly report to the Department of Revenue on blanks furnished to him a complete list of licenses granted during the previous week in correct numerical sequence with names and addresses of licensees and such other information and data as the Department of Revenue may require A duplicate copy of said report shall be forwarded to the director and a triplicate copy of the report shall be retained in the office of the issuing agent which shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth or to any landowner or his representative to any representative of the Department of Revenue or to any representative of the Department of the Auditor General

Section 311 Agents to Collect and Remit License Fees Reports Compensation The agents designated by the Department of Revenue for the collection of said license fees for their services rendered in collecting and paying over the same shall as long as they continue to be agents of the Department of Revenue be allowed to retain not to exceed the sum of ten cents from the amount paid for each resident hunter's license and not to exceed twenty-five cents from the amount paid for each non-resident hunter's license which amount shall be full compensation for services rendered by them under the provisions of this act such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law Each issuing agent shal remit al balances arising from this source at the end of each week to the State Treasurer through the Department of Revenue upon a form to be supplied by the Department of Revenue which weekly remittance shall be accompanied by a copy of the list of licenses issued during the previous week Al such moneys shall be placed in the game fund by the State Treasurer

Every agent designated to issue hunters' licenses unless already under bond to cover the handling of public funds shall give bond to the Commonwealth in the sum of one thousand dollars ($1000.00) before the annual supply of licenses is delivered to him

Any issuing agent who shall fail to comply with any of the provisions of this act relating to hunters' licenses shal not be entitled to retain the sum hereinbefore fixed for his services but such sums shall be paid to the State Treasurer and if not so paid may be recovered by the Commonwealth by suit in the same manner as like amounts are now by law recoverable

Section 312 Replacement of Lost Licenses and Tags Any holder of a hunter's license who shall lose either the license or the tag issued therewith or both the license and tag upon application to the Department of Revenue or other agent who issued the same accompanied by a sworn statement setting forth the pertinent facts relative thereto and the remaining portion if any of the original and the payment of one dollar shall be entitled to a new license and tag of the same kind and value as the original

The issuing agent shall indicate on the face of the license so issued also on the stub or carbon copy thereof that it is a replacement with the number of the original license The affidavit so filed and any remaining portion of the orignial license also shall be fastened to the stub or carbon copy of the replacement license for the information of the auditors

For such services the Department of Revenue may authorize any issuing agent to retain not to exceed the sum of ten cents and remit the balance of the replacement license fee as hereinbefore provided

Section 313 Power to Administer Oaths Each agent who may be authorized or designated by the Department of Revenue to issue hunting licenses and each agent who may be authorized or designated by the Department of Revenue to receive applications for such licenses in accordance with the provisions of this act is hereby empowered to administer any oath that may be required in connection with the issuance of such licenses or receiving applications therefor

Section 314 Seizure of Licenses and Tags Any regular salaried officer of the commission is hereby empowered except where birds or animals are killed by mistake and reported as hereinafter required to seize the hunting license and the tag issued therewith of any person apprehended in the act of violating any game law or any rules or regulations of the commission and who has either been convinced or signed an acknowledgment of violating any game law or rules or regulations of the commission or if such licensee is found using firearms to hunt while under the influence of intoxicating liquor or narcotics

All licenses so seized shall within twenty-four hours be forwarded to the division game supervisor for transmittal to the office of the commission with a report relative thereto The director may upon application of the owner return the license and tag to the owner if he is satisfied that the license should not be recommended to the commission for revocation in the manner hereinafter stipulated

Section 315 Revocation of Licenses Right to Hunt or Trap Denied (1) The Commission may revoke any hunter's license and deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license if said licensee or person has either been convicted or signed an acknowledgment of violating any provision of this act or if such person has been adjudged guilty in the manner hereinafter provided of any of the acts enumerated below for such periods as hereinafter specified

(2) Whether or not legal proceedings have been taken for the arrest and conviction of the offender the director through a referee appointed by him shall have authority to hold a hearing and shall have the power to subpoena witnesses expert and otherwise to administer oaths and to require and receive sworn or affirmed written statements in any case where any person who according to information received while hunting or trapping is alleged

(a) To have been guilty of mutilating or carrying away notices posted by the Commonwealth

(b) To have done damage to real or personal property of any kind

(c) To have caused a forest fire

(d) To have been found under the influence of intoxicating liquor or narcotic drugs while carrying or using firearms or a bow and arrow

(e) To have committed an assault upon a landowner or lessee or employe of such landowner or lessee

(f) To have injured a human being by gunfire or with a bow and arrow

(g) To have inflicted an injury upon himself or otherwise been guilty of carelessness or negligence with firearms or with a bow and arrow

(h) To have upon request failed or refused to render assistance where any person was injured in a hunting or trapping accident

(i) To have caused such an accident and fled or failed to render assistance in hunting or trapping accident

(j) To have violated any other safety provision of this act not specifically above designated

The person so charged shall be given written notice by registered mail addressed to his last known post office address or by personal service upon him stating the time and place of such hearing and shall have the right to appear and to testify or to present witnesses and evidence in his own behalf

Any person who shall be subpoenaed before such referee and shall fail to appear before him without furnishing satisfactory reason for failure to do so or any person who shall appear and furnish false testimony shall likewise be subject to the penalties hereinafter provided

In all such hearings the duly authorized referee shall submit to the commission through the director a certified stenographic transcript together with the findings of facts and recommendations and upon such findings the commission is hereby authorized to revoke the license of the offender and to deny him the right to hunt or trap within this Commonwealth with or without a license for the periods hereinafter provided

(3) Such license revocations shall be for the following periods

(a) For the first offense any person convicted or having signed an acknowledgement of violating any of the provisions of this act may be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of not to exceed two years Any person convicted or having signed an acknowledgment of a second or subsequent offense of violating any of the provisions of this act may be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of not less than two or more than three years For the third offense of violating any of the provisions of this act such person shall be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for such period as the commission shall determine

(b) For the first offense any person who shall have been convicted or adjudged guilty after a hearing as hereinbefore provided of any act enumerated in clause two of this section may be denied the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license for a period of not to exceed five years Any person convicted or having been adjudged guilty after a hearing as hereinbefore provided of a second or subsequent offense of any of the above-mentioned provisions shall de denied the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license for a period of not to exceed ten years and in addition thereto shall be subject to such other penalties as may be provided in this act

(c) Any court of record having jurisdiction in any case coming before it involving any of the offenses contained in this section shall have authority to revoke a hunter's license and to deny the right to secure a license or to hunt or trap anywhere in this Commonwealth with or without a license for the several periods herein indicated Certified notice of such revocation shall be submitted to the commission within thirty (30) days following such order

(4) Any person who shall be convicted or denied the right to secure a license or to hunt or trap in this Commonwealth with or without a license where personal injury has resulted shall furnish satisfactory proof to the commission that all hospital and medical bills have been satisfactorily adusted before such license shall be restored

(5) To revoke a license then in force or to deny any person the right to secure a license or to hunt or trap anywhere in this Commonwealth for any period the commission shall send a written notice to that affect to such person at his last known address either by registered mail or have it delivered in person by a representative of the commission The commission shall furnish in writing to the Department of Revenue and its license issuing agents the name address and the term for wihich such person has been denied the right to secure a license or to hunt or trap in this Commonwealth

(6) Any person whose license has been revoked by the commission for any of the aforesaid offenses pursuant to a hearing before a referee of the commission shall have the right to file a petition within thirty (30) days after being notified of such revocation for a review of the matter in the Court of Common Pleas of Dauphin County which court is hereby vested with jurisdiction and whose duty it shall be to set the matter down for hearing upon thirty (30) days written notice to the director and to determine whether the petitioner is subject to revocation of license The commission when such appeal is taken shall file with the prothonotary a certified record of the complete proceedings in the matter including a certified excerpt of the resolution of the commission The matter shall be heard by a judge or judges of the court without a jury and the proceedings before the commission and its referee conducting the investigation shall be given similar weight force and effect as are accorded to the findings and reports of a referee selected or appointed under the provisions of the act approved the fourteenth day of May one thousand eight hundred and seventy-four entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" and its supplements

Section 316 Certain Acts Declared Unlawful It is unlawful for any person

(a) Except in the defense of person or property to hunt chase shoot at take or kill or pursue with intent to take kill or wound any wild birds or wild animals by any method including the use of dogs without first securing a license and license tag as hereinbefore required and wearing such tag and showing or displaying such licenses as required by the provisions of this article but nothing in this clause shall be construed to prevent any person under the age of eighteen years to trap for fur-bearing animals or predators without securing a license

(b) Under the age of twelve years to receive a hunting license under any circumstances whatsoever

(c) Under the age of sixteen years to receive a hunting license without presenting a writtten request therefor bearing the signature of his father or mother or legally constituted guardian

(d) Under the age of sixteen years to use firearms of any kind or a bow and arrow for the purpose of hunting any wild birds or wild animals unless accompanied by a parent or guardian or some other member of his family twenty-one years of age or older unless such hunting is done on the premises whereon such person resides

(e) To procure a license under an assumed name or in which an address other than his legal place of residence is given or to make any false statement whatsoever in securing a license

(f) To lend or transfer a license or tag to another

(g) To issue or aid in securing a license under the provisions of this act for himself or any other person not legally entitled thereto

(h) After a license has been seized by a regular salaried officer of the commission to procure another license under his own or an assumed name or to hunt or trap anywhere pending the decision of the director or the commission

(i) After being denied the right to hunt or trap by action of the commission or a court to hunt or trap anywhere within the Commonwealth during the period such right has been denied with or without a hunter's license

Section 317 Legal Hunting or Trapping by Residents Without License Nothing in this article shall be construed to prevent any citizen of the United States residing within this Commonwealth from having a gun in his home or from using such gun in defense of either person or property or from shooting at targets or to prevent any bona fide owner or any bona fide lessee of lands within this Commonwealth or any member of the family or household or regularly hired help of such owner or lessee if such person is a citizen of the United States actually residing upon and cultivating such lands from hunting or trapping thereon or by and with the consent of the owner thereof from hunting or trapping upon the lands immediately adjacent and connected with his own lands without securing the license provided for by this article unless the commission has denied or this act does deny to such person the right to hunt or trap anywhere

Section 318 Prima Facie Evidence of Hunting For the purpose of this act the fact that any person shall be found in possession of a gun trap or other device of any description useable for the purpose of killing or taking wild birds or wild animals or in the possession of the dead body of any wild bird or wild animal either in the field in the forests on the public highways or on the waters of this Commonwealth shall be considered "prima facie evidence" that such person is hunting and shall require him at all times to display his license tag for the current year as provided in this article and to show immediately upon demand his resident or non-resident hunter's license to any officer whose duty it is to protect the wild animals and birds or to show his license immediately upon demand by any owner or lessee or by any employe or representative of such owner or lessee upon whose lands such person may be found

In all cases of arrest for violation of any of the provisions of this section except where the dead body of any wild bird or wild animal is found in possession of the accused the affidavit of the person charged with such violation and satisfactory proof of his innocence shall re-

but what is termed "prima facie evidence" in this section

Section 319 Deposit and Return of Penalties Any person displaying his license tag properly but unable to produce immediately upon demand his hunter's license may at once sign a proper acknowledgement and deposit with the officer accosting him the fine of twenty dollars stipulated in this article for which such officer shall give an official receipt Such fine shall as soon as possible be forwarded by the officer in question to the commission with a report covering the case If the defendant desires a return of a fine so paid he shall file at the office of said commission at Harrisburg within twenty days an affidavit stating fully the reasons why he was unable to display said license immediately and give his description place of residence license number where same was secured and its date or attach the license itself whereupon said commission if satisfied that the purpose was not to violate the provisions of this article shall return such fine to the defendant otherwise it shall be deposited as hereinafter provided and the case considered closed

Section 320 Report of Game Killed Not later than January fifteenth following the date of issuance or such other date as the commission may fix of any resident or non-resident hunter's license issued under the provisions of this article it shall be the duty of the licensee to forward to the commission at Harrisburg on a form attached to such a license or on a substitute form containing like information if the original form has been mislaid or lost a report of all game birds and game animals and fur-bearing animals if the form provides space therefor killed by such licensee during the previous open season

Section 321 Penalties Any non-resident of this Commonwealth who shall hunt chase trap take shoot at wound or kill or attempt to hunt chase trap take shoot at wound kill or have in possession any wild birds or animals without a non-resident hunting license having been lawfully issued to him shall be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense and each day shall be considered a separate offense

Any person who shall fail to sign his license certificate as hereinbefore provided shall be sentenced to pay a fine of one dollar and costs of prosecution

Any licensee who shall fail to submit to the commission the report of game birds or animals or fur-bearing animals as required by this act shall be sentenced to pay a fine of two dollars and costs of prosecution

Any person who violates any of the provisions of this article except as above provided shall upon conviction be sentenced to pay a fine of twenty dollars and costs of prosecution for each offense Provided That an additional fine of twenty dollars and costs of prosecution shall be imposed when any person is convicted of

(a) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission or by this act and each day shall be considered a separate offense

(b) Securing a hunter's license either in his own or an assumed name during any period of time that he has been denied such privilege by the commission

(c) Hunting or trapping anywhere during any period of time that such right has been denied him by the commission or any court of record because of inflicting bodily injury upon himself or any other person while hunting or trapping shall upon conviction in addition to the penalties provided be sentenced to suffer imprisonment for a period of thirty (30) days

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Article IV of the bill was read as follows and agreed to.

ARTICLE IV

Special Permits

Section 401 Commission Empowered to Grant Permits Under the conditions and limitations hereinafter prescribed the commission may grant permits at its discretion to citizens of the United States who unless otherwise specified shall be residents of the Commonwealth and twenty-one years old or over which permits shall be in such form as the commission may determine and shall expire on May thirty-first of each year and which may be revoked or suspended at any time at the discretion of the commission Such permits shall not be transferable Such permits may be issued

(a) To any person of known scientific attainment in ornithology or mammalogy or to any agent of any public museum in this Commonwealth

(b) To any person desiring to practice taxidermy who shall have served a regular taxidermy apprenticeship for a minimum of four months under the supervision of a museum of recognized standing or under the supervision of a qualified and licensed taxidermist and to any person holding a taxidermist license which expires on the thirty-first day of May one thousand nine hundred and thirty-seven provided the commission may by resolution set up a system of examinations to determine the fitness of all applicants for such permits including the establishment of appropriate fees covering the cost of such examinations

(c) To fur dealers or their authorized employes operating from their established place of business purchasing or receiving raw furs for commercial purpose

(d) To any person within the Commonwealth desiring to propagate the game in captivity for commercial purposes

(e) To any person desiring to operate regulated shooting grounds

(f) To any person desiring to possess propagate or sell ferrets or the European member of the ferret family known as the fitch

(g) To any person within the Commonwealth desiring to propagate fur-bearing animals for commercial purposes

(h) To any person within the Commonwealth desiring to maintain a roadside menagerie for the purpose of exhibition or attracting trade and

The commission also may issue permits under other articles of this act as therein provided for and such other permits with or without charge as it may find essential to control the taking or possession of wild birds or wild animals or any part thereof

No person so long as he is legally acting under the authority of a permit issued by the commission shall be liable to any of the penalties provided for in this act

Section 402 Applications for Permits Any person firm association or corporation desiring a permit as provided for in this article shall present an application therefor on forms supplied by the commission and shall pay to the director five dollars except in the following cases Taxidermists desiring to practice taxidermy for profit shall pay twenty-five dollars fur dealers who have resided permanently in this Commonwealth for the preceding twelve months or more purchasing or receiving raw furs for commercial purposes shall pay ten dollars non-resident fur dealers purchasing or receiving raw furs for commercial purposes in this Commonwealth shall pay fifty dollars persons desiring to operate regulated shooting grounds shall pay twenty-five dollars for the first one hundred acres in the tract so used and five dollars for each additional one hundred acres or fraction thereof and breeders and dealers in ferrets or fitches shall pay twenty-five dollars

The application shall be accompanied by the written statement of at least two well known citizens of the community in which the applicant resides certifying to his good character and to his fitness to be intrusted with the authority granted by such special permit

In the case of applications for permits by firms associations or corporations the application shall bear the name of the president or general manager and the permit shall be issued in his name All applications for propagating permits and regulated shooting grounds permits shall be accompanied by a written description and a map or sketch of the premises to be used for such purposes with the location thereof

Section 403 Reports by Holders of Permits Inspections Within sixty days after the expiration of any permit the holder thereof shall file a sworn statement on blanks supplied by the commission whether an application is submitted for a renewal thereof or not covering all his transactions thereunder No renewal permit shall be granted unless such report has been submitted

The holder of each permit shall keep a record of all transactions thereunder and such record together with all plants and premises shall be open to inspection upon demand of any member or officer of the commission The permittee also shall answer without evasion any question relative to the ownership of any bird or animal or part thereof found in his possession or under his control or that has passed through his hands that may be asked by any member or officer of the commission

(a) Permits for Scientific and Museum Collecting

Section 404 Collecting Permits authorizing the holder to collect birds their nests with eggs found therein and animals protected by this act for exhibition in public museums or scientific study or school instruction may be issued to (a) person of known scientific attainment in either ornithology or mammalogy for scientific study whether residents of this Commonwealth or not or (b) agents of public museums for exhibition purposes whether residents of this Commonwealth or not During the period covered by such permits unless the commission by resolution in special cases authorizes the taking of a larger number of birds and animals may be taken in numbers not to exceed the following

	Number of Specimens of each Species	Number of nests of each species and eggs found therein
(a) Scientists in ornithology or mammalogy		
Protected birds	20	4
Game birds	15	4
Game and fur-bearing animals	15	
(b) Agents of public museums		
Protected birds	10	2
Game birds	5	2
Game and fur-bearing animals	5	

The permit shall indicate the classification of said permit and the number of specimens that may be taken thereunder

It is unlawful for the holder of a collecting permit to sell or exchange or ship from or remove out of this Commonwealth without the written consent of the director any birds or nests or eggs or animals collected It is unlawful for the holder of any collecting permit to take in one year more than the number of birds nests with eggs or animals of any species than herein stipulated except as authorized by resolution of the commission

(b) Permits to Practice Taxidermy for Profit

Section 405 Permits to Taxidermists Permits issued to persons residing within this Commonwealth desiring to practice taxidermy for profit shall authorize the holder thereof to receive from any person any bird or animal that has been legally or accidentally killed and to keep such specimen or any part thereof in possession indefinitely and to tan or cure or mount the same either himself or through any legitimate employe to sell or disperse of any unclaimed specimen to any person for the mounting charge only and to mount and sell any bird or animal which was raised under authority of a propagating permit Before any such specimen is sold shipped or transported to a non-resident of this Commonwealth a permit shall be obtained from the director

No taxidermist shall mount or tan any bird or animal or part thereof protected by the game law which was not lawfully killed during the open season or under the authority of a propagating permit until the owner thereof presents a permit obtained from the commission

It is unlawful for any person within this Commonwealth to practice taxidermy for profit without a permit issued by the commission It is lawful for the holder of any such permit to ship from or remove or permit the removal out of the Commonwealth of any specimen of a bird or animal or part thereof protected by this act which was legally taken or is otherwise legally possessed by a non-resident of this Commonwealth and shipped or delivered to the holder of such taxidermy permit for mounting or tanning or to any person or firm lawfully engaged in fur-dressing tanning or taxidermy in other states solely for the purpose of dressing tanning or mounting and return to such permittee

(c) Permits to Fur Dealers

Section 406 Permits to Fur Dealers Permits issued to persons to act as fur dealers shall authorize the holder thereof to receive or to purchase and to re-sell raw furs for commercial purposes

Regular authorized employes of fur dealers who hold a resident fur-dealer's permit and operate from the established place of business of such permittee may be issued by a special employe's permit upon application submitted by the employer the cost of which shall be the minimum fee hereinbefore fixed which shall authorize said employe to receive or purchase raw furs for his employer anywhere in the Commonwealth No such permit shall be required when the employe is purchasing furs only at his employer's regularly established place of business

A permit issued to a non-resident firm or corporation authorizing such firm or corporation to receive or to purchase and to re-sell raw furs in this Commonwealth for commercial purposes shall authorize not to exceed three members of said firm or corporation or one employe thereof to use said permit for the purpose of purchasing raw furs in this Commonwealth The names and addresses of such persons shall be clearly indicated on the face of the permit which shall at all times be carried by the person using it

It is unlawful for any person to purchase or receive or re-sell or to aid or assist in the purchase or re-sale of raw furs for commercial purposes without a permit as herein required issued by the commission

(d) Permits to Propagate Game for Commercial Purposes

Section 407 Permits to Propagate Game Permits to propagate game issued to persons and to associations and corporations shall authorize the holder thereof and his or its assistants to have in possession and to breed or raise game of any kind and to sell or barter or give away the same dead or alive or the eggs of game birds at any time under the regulations hereinafter provided

It is unlawful to have in possession for the purpose of breeding or to raise game of any kind in captivity and to sell or otherwise dispose of the same or to sell eggs of game birds so produced without a propagating permit except game bred or raised and released for stocking purposes in a wild state or sold to the commission or bred and raised for home consumption on the premises only

Section 408 Premises used by Propagating Permittees For raising small game the premises used by holders of propagating permits may be of such size as the operator thereof deems best suited to his purposes so long as the premises so used are surrounded by a tight woven wire fence with a minimum mesh of two inches and not less than six feet high

For raising elk or deer the premises shall be surrounded by a wire fence of approved pattern with a height of not less than eight feet so constructed and maintained as to absolutely prevent wild elk or deer from entering in any manner into said premises Before the fence surrounding any such premises shall be closed all wild elk and deer that may be upon said territory shall as far as possible be driven thereupon by the owner under the direction of an officer of the commission

Section 409 Disposing and Removing Game From Propagating Premises Where game of any kind is raised or eggs of game birds are produced on premises under

authority of a propagating permit such game or eggs may be sold or given away and such game may be shipped alive from said enclosure for propagating purposes or may be killed in any manner within said enclosure for sale or gift without regard to sex or numbers at any time of the year under the following regulations but no small game may be killed by shooting within such enclosure except in accordance with the provisions of this act or regulations adopted by the commission governing the taking of such game in a wild state

Before any live game of any kind raised under authority of any propagating permit is shipped out of the Commonwealth it must be offered to the commission for propagating purposes and the director shall within ten days advise the permittee whether it desires to purchase the same If not purchased by the commission it may be shipped to any other state or nation if properly tagged as hereinafter provided Game so raised when dead may be shipped anywhere if tagged properly

Before any game propagated or eggs produced under authority of any propagating permit are shipped or removed from any premises the permittee shall apply to the commission for a tag which shall be supplied at cost Said tag shall be composed of two parts and when detached one part thereof containing the name and address of the purchaser and the kind and manner of game or eggs shipped or removed shall be attached to the container or the bird or animal The other part of the tag containing the information required shall immediately be returned to the commission by the permittee

The tag attached to a container or a bird or animal shall so remain until the eggs are removed from the container or the living bird or animal is released from the container or the dead body of any bird or animal is cut up for retail purposes or final consumption at which time the tag shall be removed by the person receiving the eggs or finally disposing of the bird or animal and shall at once be forwarded to the commission

It is unlawful for any permittee or his agent or employe to neglect to return to the commission any tag with the information thereon required or to kill sell give away remove or ship any game bred or so raised or eggs of game birds produced under the authority of any propagating permit except in compliance with the provisions of this section

It is unlawful for any person to neglect to remove and return to the commission any tag attached to any container or to any bird or animal except in compliance with this section

It is unlawful for any person wilfully or wantonly to remove or mutilate or destroy any tag attached to any container or bird or animal according to the provisions of this section except in the manner and at the time and place provided for in this section

It is unlawful for any person to wilfully use any tag of the kind provided for in this section for the carrying removal or shipment of game or the eggs of game birds taken or killed outside of premises used for propagating game under authority of a permit or for the purpose of a second shipment of game or eggs from any such premises

(e) Permits to Operate Regulated Shooting Grounds

Section 410 Permits to Operate Regulated Shooting Grounds Any person association or corporation desiring to operate regulated shooting grounds upon which to propagate and release annually a minimum of one hundred of any of the following species of game birds namely pheasants chukar partridges or mallard or black ducks or upon which to release such numbers and species of birds when legally propagated or purchased for shooting and other purposes on lands owned or leased by him or it shall first secure a regulated shooting grounds permit from the commission The application in addition to other information required by the commission shall state the approximate number of each of the foregoing species of game birds to be reared or purchased and released for shooting purposes on said property during the ensuing year

No regulated shooting grounds permit shall be issued for less than one hundred (100) acres in one tract of land or land and water combined nor shall such permit be issued until the commission has satisfied itself that said shooting ground will not be inimical to the public interest and until the owners have agreed to make available an open public hunting area contiguous thereto which shall be an area equal to at least one-half of the area of the regulated shooting grounds with public hunting and access assured thereto provided however the holder of such permit shall not be required to make available an open public hunting area if during any year such person prior to the shooting season turns over to the commission twenty-five per centum of the propagated or purchased birds for stocking purposes elsewhere as herein after stipulated

The boundary of the premises so licensed shall be marked by a single strand of wire or other fence and shall be posted with printed notices not more than one hundred yards apart and containing such working as the commission may prescribe

Section 411 Shooting Restrictions on Regulated Grounds Such permits shall entitle the holder or holders thereof and their guests to kill or take by shooting only (a) not to exceed sixty per centum of the pheasants and chukar partridges and ninety per centum of the mallard or black ducks propagated or purchased and released on the premises each year said propagation or release to be established to the satisfaction of the commission or (b) if prior to the shooting season the holder or holders of such permits turn over to the commission for stocking purposes elsewhere twenty-five per centum of the birds ready to be released for shooting purposes such birds being full-winged first quality stock and in equal numbers as to sex the permittee shall be entitled to take by shooting only all of the remaining seventy-five per centum of the birds propagated or purchased for shooting purposes

All game birds released on said regulated shooting grounds shall be full-winged and fully able to care for themselves in a wild state and wherever the commission deems it desirable all mature birds released shall bear a metal leg band of a type approved by it Such propagated or released birds may be taken without regard to sex or age or daily or season bag limits so long as not more than the specified percentages herein enumerated are taken during the shooting period below authorized but no shooting for pheasants chukar partridge or mallard or black ducks shall be done on said premises prior to the date and hour of the general state-wide open season for small game as fixed by this act or the commission nor after December thirty-first of any year

All species of game other than those specified found on the premises covered by such regulated shooting grounds permits may be taken on said premises only under the general provisions of the law governing seasons bag limits etc

Every person hunting on such regulated shooting grounds or participating in a shoot held under a regulated shooting grounds permit shall be possessed of a resident or non-resident hunter's license for the current year as required by law

Section 412 Tagging Birds Killed Retriever Trials Before any propagated or released game killed under the provisions of a regulated shooting grounds permit shall be consumed on the premises or removed therefrom the permittee shall attach a tag to each bird killed such tags to be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require Said tags shall remain attached to the individual birds until prepared for consumption and shall not be used more than once

Dogs may be trained or field trails may be held at any time of the year upon the premises covered by a regulated shooting grounds permit and retriever trials may be conducted thereon but not game birds shall be killed while so training dogs or conducting retriever or field trials except during the open season for shooting as fixed by the preceding section A special permit as required elsewhere in this act shall first be obtained to conduct a retriever trial thereon at any other period All pheasants

chukar partridges and mallard or black ducks killed while training dogs or conducting a retriever or field trial on premises licensed as a regulated shooting grounds shall be included as part of the allowable kill thereon for that year and shall be tagged accordingly

It is unlawful for any person to take any of the game birds which may be killed under authority of a regulated shooting grounds permit contrary to the provisions of this act relating thereto or to remove from the premises covered by a regulated shooting grounds permit or to consume thereon any propagated or released pheasants chukar partridges or mallard or black ducks killed in accordance with the provisions of this section which have not been tagged as herein required

(f) Permits to Possess or Propagate Ferrets or Fitches

Section 413 Permits to Possess Breed and Sell Ferrets and Fitches It is unlawful for any person to breed or to sell ferrets or fitches or to offer to sell ferrets or fitches either for himself or as the agent of another or to hav eany ferret or fitch in his possession except by virtue of a permit issued by the commission which permit when issued for the possession only of ferrets or fitches shall indicate the number of such animals the permittee is authorized to possess A separate fee shall be required for each animal covered by a possession permit

It is unlawful for any breeder or dealer in ferrets or fitches to sell or for any common carrier or the agent of any common carrier to deliver any ferret or fitch to any person within this Commonwealth unless the person to whom such ferret or fitch is to be sold or delivered shall possess a proper permit to have such animal in possession Proof to the satisfaction of the person selling or delivering any ferret or fitch of the possession of any such permit must be required by the production of the permit or by inquiry made to the commission and a record shall be made of all sales by dealers showing the name address ferret or fitch permit number and date of such permit before the sale is consumated

(g) Permits to Propagate Fur-Bearing Animals for Commercial Purposes

Section 414 Permits to Propagate Fur-Bearing Animals Any person association or corporation resident within this Commonwealth desiring to propogate animals classed as fur-bearing animals in an enclosure or pen for commercial purposes shall first secure a permit from the commission

Section 415 Disposing and Removing Fur-Bearing Animals from Fur Farm Where fur-bearing animals of any kind are raised in pens or approved fenced enclosures under the authority of a fur-propogating permit they may be sold or given away and shipped alive or may be killed and pelted within said enclosures without regard to sex or numbers at any time of the year under the following regulations

Before any fur-bearing animals may be removed from the enclosure the permittee must secure from the commission a tag which shall be supplied at cost Said tag shall be composed of two parts and when detached one part thereof containing the name and address of the purchaser and the kind and number of animals either alive or dead or pelts shall be attached to the container of the animals or pets The other part of the tag containing the information required shall be immediately returned to the commission The tag attached to the container of the animals or pelts shall remain attached until the animals or pelts are delivered to the consignee when said tag shall at once be returned to the commission

Section 416 Marshes Not Fenced The owner or owners or bona fide lessee or lessees of marshes or other land and water areas naturally inhabited or stocked with muskrats who may desire to operate a fur farm without fencing may obtain a permit as provided in this article and therefore shall comply unless otherwise provided with all provisions of this act

Upon making application for a permit to operate a fur farm on a marsh land or water area not fenced the applicant shall give the approximate area and location of such proposed farm The permittee shall post such areas with notices setting forth that this is a licensed fur farm such notices to be posted at conspicuous places and not to be more than one hundred and fifty yards apart Fur-bearing animals raised under a permit on a marsh or other area not fenced cannot be killed or pelted except during the open season for the taking of fur-bearing animals A permit may be issued by the commission to the permittee to take alive for exchange or breeding purposes not more than ten muskrats of both sexes in any one year

(h) Permits to Maintain Roadside Menageries

Section 417 Permits for Roadside Menageries The commission may grant permits for roadside menageries which are hereby defined as any place where one or more wild animals are kept in captivity upon any street or highway or upon land public or private adjoining any street or highway or upon land public or private in the vicinity of any commercial establishment for the evident purpose of exhibition or attracting trade

The term "roadside menagerie" shal not include the exhibition of any animal by any educational institution or in any zoological garden or in connection with any theatrical exhibition or circus The term "wild animal" as used in this section shall mean any animal wild by nature as distinguished from the common domestic animals whether or not such animal was bred or reared in captivity

No permit shall be granted by the commission until it is satisfied that the provisions for housing and caring for such wild animals and for protecting the public are proper and adequate and in accordance with the standard therefor established by the commission

The commission shall adopt and enforce rules and regulations for the housing care treatment feeding and sanitation of wild animals kept in roadside menageries and for the protection of the public from injury by such wild animals

It is unlawful for any person to keep any wild animal in captivity upon any street or highway or upon land public or private adjoining any street or highway or upon land public or private in the vicinity of any commercial establishment for exhibition or the evident purpose of attracting trade or to have any wild animal in his custody or control for such purpose unless a permit has been issued by the commission

Section 418 Act Not to Apply to Certain Cases This act shall not be construed to apply to or prohibit the taking or possession of birds and animals by any public zoological garden of the State or any public institution within the State maintained for scientific purposes or receiving appropriations from the State wherein animals or birds are maintained alive for educational purposes or for the purpose of scientific study or experiment

Section 419 Penalties Any person violating any of the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

(a) For the sale or exchange or shipment or removal out of this Commonwealth of birds or nests or eggs or the taking of birds or eggs or nests contrary to the provisions of this article by agents of museums or persons of scientific attainment in ornithology or mammalogy acting under the authority of any permit twenty-five dollars

(b) For the practice of taxidermy for profit without a permit as provided in this article twenty-five dollars and in addition thereto twenty-five dollars for each specimen of a bird or animal protected by this act mounted or in possession for mounting

(c) For the mounting sale or shipment or removal from or permitting the removal from the Commonwealth by the holder of any taxidermy permit of each specimen of a bird or animal protected by this act contrary to the provisions of this act twenty-five dollars

(d) For a resident of the Commonwealth purchasing or receiving or re-selling raw furs for commercial pur-

poses without a permit as provided in this article twenty-five dollars

(e) For a non-resident of the Commonwealth purchasing or receiving or re-selling raw furs for commercial purposes without a permit as provided in this article one hundred dollars

(f) For the breeding or propagating of game or fur-bearing animals in captivity without a propagating permit contrary to the provisions of this article twenty-five dollars for each bird or animal so bred or propagated.

(g) For neglecting to return to the commission the part of the tag not attached to the container or bird or animal with the information thereon required or for the killing or selling or giving away or removing or shipping of game or fur-bearing animals bred or propagated or eggs produced by the holder of any propagating permit or his agent or employe contrary to the provisions of this article twenty-five dollars

(h) For neglecting to remove and to return to the commission as provided in this article the tag attached to any container or to any bird or animal ten dollars

(i) For wilfully or wantonly removing or mutilating or counterfeiting or altering or destroying a tag attached to a container or bird or animal contrary to the provisions of this article twenty-five dollars

(j) For wilfully using any tag for the carrying or removing or shipping of game or fur-bearing animals or the eggs of game birds taken or killed outside of premises for progagating game or fur-bearing animals under authority of permit or for the purpose of a second shipment of game or fur-bearing animals from any such premises contrary to the provisions of this article twenty-five dollars

(k) For taking any game birds on premises covered by a regulated shooting grounds permit in excess of the numbers fixed by the provisions of this article or for taking or capturing such birds by any method other than by shooting or for consuming on the premises or removing therefrom any propagated or released pheasants chukar partridges or mallard or black ducks killed in accordance with the provisions of this article with reference to regulated shooting grounds which have not been tagged as herein required or for attempting to operate such regulated shooting grounds contrary to any other provisions of this article fifty dollars

(l) For the breeding or selling or offering for sale or having in possession or delivering any ferret or fitch contrary to the provisions of this article twenty-five dollars for each ferret or fitch

(m) For maintaining a roadside menagerie for the purpose of exhibition or attracting trade contrary to the provisions of this article or for failure to comply with the regulations of the commission relative to the housing and care of such animals twenty-five dollars

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and cost of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Sections 501 to 504 inclusive of Article V of the bill were read as follows and agreed to.

ARTICLE V

Hunting Seasons Bag Limits

Section 501 Open Seasons After investigation or information otherwise obtained by the commission as to the annual game supply the commission may by appropriate rules and regulations a summary of which shall be published as hereinfater specified fix seasons shooting hours and daily season and possession limits or remove protection and declare an open season or increase reduce or close seasons or increase or reduce bag limits for all species of game birds and game animals throughout the Commonwealth or in any part thereof or limit the number of hunters in any designated area and prescribe the methods of hunting therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such species or when an unbalanced sex ratio exists which in its opinion should be corrected or when in the opinion of the commission such additional open season will not jeopardize the future supply of game

If in any year the commission fails to establish such seasons or bag limits the open seasons and bag limits for game Sundays excepted unless otherwise provided by this act shall be as below indicated

Kind of Game	Open Season
Raccoon	Oct 15th to Dec 31st
Wild turkey ruffed grouse male pheasant bobwhite quail gambel quail valley quail grackles commonly known as blackbirds rabbit hare and gray black and fox squirrel	Nov 1st to Nov 30th
Hungarian partridge and Chukar partridge	No open season except as fixed by resolution of the commission
Red Squirrel	Nov 1st to Aug 15th next following
Woodchuck commonly known as groundhog	Nov. 1st to Sept. 15th next following
Bear over one year old .	Nov 10th to Nov 25th
Male deer with two or more points to one antler	Dec 1st to Dec 15th
Deer without visible antlers or horns of such minimum weight or age as shall be fixed by resolution of the commission ...	No open season except as fixed by resolution of the commission
Elk	No open season except as fixed by resolution of the commission

It is unlawful for any person to kill or attempt to kill or to hunt for or take or have in possession any game bird or game animal at any time of the year other than the open season fixed by resolution of the commission in the manner above provided or as set forth in this section except as elsewhere provided in this act

(a) Hunting at Certain Periods Unlawful If in any year the commission by resolution fixes a later hour than that fixed by this act to begin hunting for game on the first day of any open season it shall be unlawful for any person except in defense of person or property to hunt for chase disturb or take or to attempt to hunt for chase disturb or take any wild bird or wild animal game or otherwise through the use of firearms or a bow and arrow or with dogs on such first day of the season prior to the opening hour so fixed

During the five days preceding the open season for deer as fixed either by this act or by resolution of the commisison it shall be unlawful for any person except in defense of person or property to hunt for pursue or take or attempt to hunt for pursue or take wild birds or wild animals of any kind through the use of a rifle or any other firearm discharging but one ball or pellet at a single discharge or to have in possession while hunting any rifle cartridges or single-ball shotgun shells during such five day period

(b) Raccoons Not To Be Trapped Exceptions Except in defense of person or property it is unlawful for any person to take or attempt to take raccoons through the use of traps or deadfalls except in such county or counties as the commission may by proper resolution public notice of which shall be given as hereinafter provided declare open to trapping when in its opinion raccoons are sufficiently abundant to justify such trapping In counties so declared open to the use of traps and deadfalls raccoons shall not be taken through such devices prior to the open season for the trapping of muskrats

(c) Special Permits for Antlerless Deer In any year during which the commission by resolution declares an

open season for deer without visible antlers it is hereby empowered to issue special permits to hunt for or kill such deer at a fee of two dollars under such rules and regulations as it may deem necessary to limit the number of persons who may hunt for such deer in any portion of the Commonwealth provided public notice of such action is given as hereinafter required When the commission adopts and promulgates such rules and regulations it is unlawful for any person to hunt for any deer without visible antlers without such a special antlerless deer permit or to take such deer contrary to the rules and regulations adopted by the commission

Section 502 Bag Limits It is unlawful for any person to kill or attempt to kill or have in possession in any one day or in any one season unless otherwise provided in this act or by resolution of the commission more game birds or game animals than fixed by resolution of the commission or in lieu thereof as hereinafter enumerated

Kind of Game	In One Day	In One Season
Raccoons (by individual or hunting party the shooting or trapping day for which is hereby fixed from 12 o'clock noon eastern standard time of one day to 12 o'clock noon of the following day)	3	10
Wild turkey	1	1
Ruffed Grouse	3	12
Male Pheasants	2	10
Quail of the combined kinds	8	24
Grackles	Unlimited	Unlimited
Rabbits	5	20
Hares	3	12
Squirrels including the fox black and gray combined	6	20
Red Squirrels	Unlimited	Unlimited
Woodchucks	Unlimited	Unlimited
Bear (by individual or hunting party)	1	1
Deer (by individual)	1	1
Deer (by hunting party)	6	6

Except as otherwise provided by regulations of the commission every deer taken shall be a male deer having two or more points to one antler and every bear taken shall be not less than one year old

Sections 503 Seasons and Bag Limits for Migratory Game Birds It shall be unlawful for any person to hunt capture kill take or attempt to take possess buy or sell any migratory game bird or part thereof except during such time and in such manner and numbers as may be prescribed by regulations promulgated under the provisions of the Federal Migratory Bird Treaty Act which regulations are hereby made a part of the game law of this Commonwealth provided however that such Federal regulations shall not apply if the commission or other provisions of this act may prescribe further restrictions for the taking of migratory game birds

Section 504 Trapping Certain Game Birds It is lawful with the written approval of the commission or one of its regular salaried field officers to trap quail of any kind and ringneck pheasants from the first day of December to the first day of April next following for the purpose of keeping them alive during the winter or for the purpose of separating a covey to increase the chances of propagation but for no other purpose whatever Every person so trapping game birds shall attach his name and address in plain English to all traps so used and shall report the number and species thereof so trapped to the district game protector or to the commission at the end of each month

It is unlawful for any person to trap quail or pheasants for the purposes stipulated in this section without the written approval herein required or to transport from one locality to another locality in this State any such quail or pheasant except by written permission of the director All birds thus taken shall be liberated in the spring as soon as the weather will permit

Section 505 of Article V of the bill was read as follows and agreed to.

Section 505 Action of Commission to be Advertised To fix seasons shooting hours and daily season and possession limits or to remove protection and declare an open season or to increase reduce or close seasons or to increase or reduce bag limits for any species of game birds game animals or fur-bearing animals or to permit the taking of raccoons with traps or deadfalls or to limit the number of hunters in any designated area and prescribe the methods of hunting therein or to remove any animal from or add any animal to the list of fur-bearing animals or to add any bird to the list of unprotected birds throughout the Commonwealth or in any part thereof a notice to that effect shall be published by the commission in not less than two newspapers of general circulation in each county affected one time each week for at least two consecutive weeks setting forth either in full or in summarized form the action of the commission and the rules and regulations adopted relative thereto The commission shall also whenever feasible publish a summary of the seasons and bag limits and designate any counties that may be closed and name the species of game birds and game animals or fur-bearing animals for which there is no open seson on the back of the hunter's licenses each year and shall prepare and distribute such additional posters or notices as in its judgment may be necessary

It is unlawful for any person to violate any of the rules and regulations adopted by the commission and published as herein required for the preservation of game birds game animals or fur-bearing animals or to take or be possessed of such birds or animals at a time or in any number or manner or of any kind or sex contrary to such rules and regulations.

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to 4, amend section 505, page 68, lines 6 to 9, inclusive, by striking out beginning in line 6, after the word "commission" "in the Pennsylvania Game News which magazine is hereinbefore declared the official publication for publishing the rules and regulations of the commission" and inserting in lieu thereof "in not less than two newspapers of general circulation in each county affected one time each week for at least two consecutive weeks"; 5. amend section 505, page 68. line 12, by inserting after the word "also" the words "Whenever feasible"; 6. amend section 505, page 68, lines 19 to 28, inclusive, by striking out all of said lines; 7. amend section 505, page 69, lines 1 to 5, inclusive, by striking out all of said lines.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Section 506 of Article V of the bill was read as follows and agreed to.

Section 506 Penalties Any person violating any of the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

For taking killing wounding possessing or transporting from one locality to another within this State or for attempting to take kill or wound contrary to this article or any rules and regulations relative to the taking of game or fur-bearing animals adopted by the commission

(a) Each elk two hundred dollars and in the discretion of the court six months' imprisonment

(b) Each deer or bear one hundred dollars

(c) Each wild turkey ruffed grouse ringneck pheasant quail partridge or woodcock twenty-five dollars
(d) Each raccoon twenty-five dollars
(e) For each other bird or animal ten dollars

For violating any of the provisions of this article not above specifically provided for or for violating any of the rules and regulations of the commission adopted under the provisions of this article twenty-five dollars and costs of prosecution for each offense

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Section 601 of Article VI of the bill was read as follows:

ARTICLE VI

Fur-Bearing Animals

Section 601 Open Season for Fur-Bearing Animals After investigation or upon information otherwise obtained by the commission as to the annual supply of fur-bearing animals the commission may by appropriate rules and regulations a summary of which shall be published as thereinbefore specified fix seasons trapping hours and daily season and possession limits or remove protection or increase or reduce seasons and bag limits for any or all species of fur-bearing animals throughout the Commonwealth or in any part thereof or limit the number of trappers in any designated area and prescribe the methods of trapping therein when in its opinion such action is necessary to assure the maintenance of an adequate supply of such animals or to reduce the numbers thereof to safeguard game birds and animals

If in any year the commission fails to establish such seasons and bag and possession limits in the manner herein specified the seasons and bag and possession limits for fur-bearing animals shall be as follows

Kind of Fur-Bearers	Open Season	Bag Limits Day	Bag Limits Season
Muskrat Mink and Opossum Skunk in counties where the commission has not removed such animal from the list of fur-bearing animals.	Nov 1st to Feb 28th	Unlimited	Unlimited
	Nov 1st to Feb 28th	Unlimited	Unlimited
Beaver	Feb 15th to Mar 15th	3	6
Otter	No open season except as fixed by resolution of the commission		

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President I move to 6. amend section 601, page 71, line 11, by striking out the word "added" and inserting in lieu thereof "not removed"; 7. amend section 601, page 71, line 12, by striking out the word "to" and inserting in lieu thereof the word "from"

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Section 602 of Article VI of the bill was read as follows and agreed to.

Section 602 Unlawful Taking Killing Possession Etc of Fur-Bearing Animals Except as otherwise provided in this act it is unlawful for any person to take kill wound capture or have in possession or attempt to take kill wound or capture any fur-bearing animal except during the open season and in such numbers as fixed by regulations adopted by the commission or fixed by this act or to have in possession the green pelt of any fur-bearing animal or any part thereof except during the open season therefor and for ten days thereafter

It is unlawful to stake out or set traps for fur-bearing animals prior to the date and hour fixed as the open season for taking such animals

It is unlawful to take or attempt to take raccoons through the use of traps or deadfalls in any county which has not been declared open to such trapping by resolution of the commission or to take such animals in counties so declared open to trapping prior to the day and hour fixed as the open season for trapping muskrats

It is unlawful to buy or sell or offer to buy or sell or to ship out of this Commonwealth any fur-bearing animals or any part thereof which have been unlawfully taken

This section does not prohibit the possession at any time of fur-bearing animals killed or taken outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of fur-bearing animals not unlawfully killed or the possession of live fur-bearing animals legally taken within this Commonwealth during the open season Green pelts of fur-bearing animals which were lawfully taken in another state except when in the hands of a licensed fur-dealer shall have attached thereto positive identification and proof of the locality where taken

Section 603 of Article VI of the bill was read as follows:

Section 603 Illegal Methods of Taking Fur-Bearing Animals Exceptions In the taking or killing of fur-bearing animals or predators it is unlawful to set steel traps closer than five feet from any hole or den which may be occupied by a fur-bearing animal or predator or to take muskrats and beavers except through the use of steel or live traps and deadfalls or to use a snare poison explosives chemicals a steel trap with teeth on the jaws or with a jaw spread exceeding six and one-half inches measured in any direction or a deadfall or to smoke out or dig out any den or house of any kind or to cut den trees or to use any trap or deadfall of any kind unless visited at least once every thirty-six hours except when prevented by sickness or storm

All traps or deadfalls so used must be marked with a metallic plate or tag attached to the deadfall trap or trap chain bearing in plain English the name and adress of the owner and must be taken up or sprung at the end of the season

Nothing contained in this section shall prevent the killing of any muskrat or beaver with a firearm after it has been legally trapped or prevent persons residing upon cultivated lands from digging out dens or houses of any wild animals excepting beavers during the close season in fields which are under cultivation or from preventing any person from killing or capturing alive any fur-bearing animals excepting beavers at any time in any manner when found in the act of destroying personal property or in the immediate pursuit thereafter but in no case shall the pursuit be carried beyond the limits of the property upon which the damage is done

The person killing or capturing any such fur-bearing animal or accidentally killing or capturing and injuring a fur-bearing animal during the close season while legally hunting or trapping for other animals in season shall immediately notify a game protector or the director at Harrisburg and such animal or the pelt thereof shall be disposed of as may be specified by the director Failure to notify such officer or the director as herein provided shall constitute prima facie evidence of the unlawful killing or capturing of fur-bearing animals

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to 8. amend section 603, page 73, line 1, by inserting between the words "set" and "traps" the word "steel"; 9. amend section 603, page 73 lines 8 and 9, by striking out, beginning after the word "deadfall" in line 8, the following: "with an opening exceeding six and one-half inches in height and six and one-half inches in width"

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Sections 604 to 610 inclusive of Article VI of the bill were read as follows and agreed to.

Section 604 Special Regulations Relative to Beavers In addition to complying with the requirements of this act relative to taking fur-bearing animals the trapping of beavers shall be restricted to bona fide residents of Pennsylvania holding a lawfully issued resident hunter's license Owners and lessees of land and members of their families actually residing thereon and cultivating such land may trap beavers thereon if open to public trapping but not on any adjacent or other lands without first securing a resident hunter's license

No person having the right hereunder to trap and kill beavers shall be permitted to use and set to exceed ten traps If such person shall unintentionally trap more than the number of beavers hereinbefore stipulated or fixed by regulation of the commission the excess beavers shall be reported within twenty-four hours and delivered to any salaried employe of the commission to be disposed of as hereinafter provided

Before the hide of any beaver lawfully trapped may be possessed beyond the ten day limit hereinbefore fixed or sold or otherwise disposed of by such person each kin shall be presented to a salaried officer of the commission for examination and tagging which tag shall remain attached to the skin until it has been tanned and made up into commercial fur The cost of each such tag shall be ten cents

It is unlawful for any person to take or attempt to take or have in possession a beaver or the green pelt thereof contrary to the provisions of this section

Section 605 Tags Required Before Shipping Raw Furs to Other States Except as otherwise provided by this act it is unlawful for any person to ship transport or deliver by parcel post common carrier or otherwise the raw or untanned skin of any fur-bearing animal raccoon or predator to a point outside of this Commonwealth unless each shipment shall have attached a shipping tag obtained from the commission or one of its regular salaried officers

Such tags shall be supplied at a cost of twenty-five cents each and shall be composed of two parts One part thereof giving the name and address of the consignee and the kind and number of skins contained in the package shall be attached to the container in which the raw or untanned skins of the before-mentioned animals are shipped The other part of said tag containing the information required shall immediately be returned to the commission at Harrisburg

The consignee of any such shipment shall remove the tag attached to the container and after indicating thereon the amounts paid by him for the skin or skins contained in the shipment shall return said tag to the commission at Harrisburg

The provisions of this section shall not be construed to require the holder of a fur-dealer's permit in this Commonwealth to secure and attach such special shipping tags before making or delivering a shipment of raw or untanned skins to any point outside of this Commonwealth so long as such permittee indicates on the shipping tag or label the number of his fur-dealer's permit for the current year nor shall the provisions of this section be construed to prevent any holder of a taxidermist's permit from shipping the raw or untanned skins of fur-bearing animals raccoons or predators to any person or firm lawfully engaged in fur-dressing tanning or taxidermy in other states solely for the purpose of dressing tanning or mounting and return to such permittee

It is unlawful for any common carrier or his agent to receive raw or untanned skins for shipment to any point outside of this Commonwealth unless tagged as hereinbefore required

It is unlawful for any person to wilfully or wantonly remove mutilate or destroy any tag attached to a container in which such skins are shipped except in the manner and at the time and place provided for in this section

It is unlawful for any consignee to fail or neglect to remove and return to the commission a tag attached to any container in which raw or untanned skins are shipped except in compliance with the provisions of this section or for any consignor to return immediately to the commission the portion of the tag hereinbefore required

Section 606 Beavers and Their Dams Protected It is unlawful to destroy or disturb or in any manner interfere with the dams or houses of beavers except upon special permit from the commission

Section 607 Disturbing Traps of Another It is unlawful for any person to disturb the traps of another or to take a fur-bearing animal raccoon or predator from the traps of another unless specifically authorized by the owner

Section 608 Commission Authorized to Remove Animals When it is proven to the satisfaction of the commission that fur-bearing animals are excessively destroying property or otherwise becoming a nuisance in any section the commission may at any time remove protection or have such animals removed from that locality or direct the killing and disposition of same in such manner as the case may require

Section 609 Skunks in Cities and Boroughs Nothing contained in this act shall be construed to prohibit the killing of skunks at any time and in any manner within all boroughs and cities in this Commonwealth and two hundred yards adjacent to the boundary or limits of such cities or boroughs regardless of any provisions of this act This provision shall not be construed to abrogate any local ordinances prohibiting the discharge of firearms or the use of explosives or chemicals within municipalities The carcasses and skins of skunks so killed may be disposed of in such manner as the person killing them may see fit

Section 610 Penalties Any person killing or capturing or possessing or attempting to kill or capture any beaver or otter or destroying or disturbing or interfering with beaver or otter dams o rhouses or dens or killing capturing possessing or disposing of any beaver contrary to the provisions of this article or the regulations of the commission shall upon conviction be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense

Any person violating any rule or regulation of the commission relative to the taking of fur-bearing animals not covered in the preceding paragraph or disturbing the traps of another or removing a fur-bearing animal or raccoon or predator from the traps of another without specific authority from the owner shall upon conviction be sentenced to pay a fine of twenty-five dollars for each offense

Any person violating any of the provisions of this article except as otherwise provided for shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution for each offense

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of

prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Sections 701 and 702 of Article VII of the bill were read as follows and agreed to:

ARTICLE VII

General Hunting Regulations Protected Birds

Section 701 Unlawful Taking Killing Possession Etc of Game Except as otherwise provided in this act it is unlawful for any person to take or kill or wound or attempt to take or kill or wound any game except during the open season or to have in possession either livir g or dead any game or any part thereof except game lawfully taken during the open season which may be had in possession during the open season therefor and for thirty days thereafter without a permit

Persons desiring to retain lawfully taken and possessed game for a longer period than thirty days after the close of the open season for such game shall apply to the director for a permit which may be issued without charge and shall authorize possession of such game for an additional period not to exceed six months

The burden of proof that game or any part thereof found in possession of any person after the close of the open season was lawfully taken shall be upon the person in whose possession such game or part thereof is found

This section does not prohibit the possession at any time of game killed outside of this Commonwealth or the possession of the tanned or cured skins or any parts thereof of birds or animals not unlawfully killed or the possession of live raccoons when lawfully taken during the open season provided the owner thereof applies to the director for a permit within five days after the close of the season which shall be issued without charge

It is unlawful for any person to use any game that has been unlawfully killed or taken or to aid or assist in the taking possession concealment or transportation of any game unlawfully killed or to have in possession for any purpose whatsoever or conceal the same any game or any part thereof that has been unlawfully killed or taken

Section 702 Hunting on Sunday and at Night It is unlawful for any person to hunt for shoot at chase catch or kill or attempt to shoot at chase catch or kill with or without dogs any game except in defense of person or property upon the first day of the week commonly called Sunday except for dog training or trial purposes as hereinafter provided or to hunt for shoot at catch or kill or attempt to hunt for shoot at catch or kill any game between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following or during such hours as shall be further restricted by resolution of the commission on the first day of any open season for game of any kind except that raccoons may be hunted for and killed any time during the open season day or night Sunday excepted This section shall not prohibit the removal of racoons or fur-bearing animals from traps or deadfalls on Sunday when lawfully caught

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 703 of Article VII of the bill was read as follows:

Section 703 Lawful Methods of Hunting It is lawful to hunt for catch take wound or kill game of any kind only through the use of a gun pistol revolver or bow and arrow of a kind the use of which is not hereinafter prohibited except

(a) That raccoons may be killed or captured in any manner if complying with the provisions of this act when using traps except that such animals may not be taken through the use of automatic firearms or magazine shotguns which contain more than three shells at one time in the magazine and chamber combined or snares poisons explosives or chemicals or by smoking out or digging out dens or houses or cutting den trees nor may traps or deadfalls be used to capture raccoons in any county which has not been declared open to trapping for such animals and in such open counties raccoons shall not be trapped prior to the trapping season for muskrats

(b) That blinds and decoys may be used in hunting wild waterfowl as permitted under Federal regulations

(c) That it is lawful to use steel traps baited or otherwise with a spread of jaws not exceeding six and one-half inches measured in any direction provided the trap does not have teeth on the jaws and it is lawful to use a deadfall baited or otherwise if a metallic plate or tag is attached to each trap or chain or deadfall bearing in plain English the name and address of the owner for the purpose of taking predators and fur-bearing animals so long as such traps or deadfalls are not set closer than five feet from any den or hole or where any game may be caught and such traps or deadfalls are visited at least once every thirty-six hours unless prevented by sickness or storm and at the end of the trapping season all traps are sprung or removed but it shall be unlawful to use snares of any kind to capture wild birds or wild animals and

(d) In any manner for scientific purposes pursuant to a permit issued by the commission

(a) Unlawful Methods and Devices

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to 10. Amend section 703, page 82, lines 6, 7 and 8, by striking out beginning after the word "otherwise" in line 6, the words "with an opening not exceeding six and one-half inches in height and six and one-half inches in width"; 1. Amend section 703, page 81, lines 18, 19 and 20, by striking out, beginning in line 18, after the word 'which' the words 'have not been so manufactured altered or adjusted as to hold not more than three shells' and inserting in lieu thereof "contain more than three shells at one time in the magazine and chamber combined"

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Section 704 of Article VII of the bill was read as follows:

Section 704 Unlawful Methods of Hunting It is unlawful for any person to shoot at or to shoot for any wild bird or wild animal unless it is plainly visible to him or to dig cut or smoke or in any other manner take any live wild bird or wild animal other than a predator out of its den or place of refuge

Except as otherwise provided it is unlawful to hunt, for catch take kill or wound or attempt to catch take kill or wound any wild bird or wild animal of any kind through the use of (a) what is commonly known as an automatic gun or an automatic firearm of any kind (b) or a magazine shotgun to hunt for any bird or animal other than big game which has not beer so manufactured altered or adjusted as to hold at one time a total of not more than three shells contains more than three shells at one time in the magazine and chamber combined or a swivel gun or an air-rifle or the apparatus known as a silencer (c) or from an automobile or vehicle or boat or craft of any kind propelled by any mechanical power (d) or to set lay or prepare for use or to use any bait hay grain or other food or any trap snare set-gun net bird-lime deerlick pitfall turkey blind or turkey pen the term "set-gun" as herein used meaning any contrivance device or firearm capable of discharging or projecting a deadly charge or missile which is set to operate in the absence of the owner (e) or to make use of or take advantage of any artificial light battery or other contrivance or device

(f) or to make use of any method or device not specifically permitted by this act for the purpose of catching taking wounding or killing wild life or wild animals It is unlawful to hunt for catch take kill or wound or attempt to catch take kill or wound raccoons except in the manner provided in this act

(b) Unlawful Manner of Hunting Big Game

It is unlawful to kill or attempt to kill any big game except through the use of a gun propelling one all-lead or lead alloy or soft-nosed or expanding bullet or ball at a single discharge or through the use of a bow and arrow or to take an elk in any manner except through the method known as still hunting

It is unlawful for any person or one or more of a group of persons together to throw or cast the rays of a spotlight headlight or other artificial light on any highway or in any field woodland or forest upon any big game while having in his or her possession or under their control a firearm or other implement whereby any bi ggame could be killed even though such animal be not shot at injured or killed The provisions of this paragraph shall not apply if it shall be proven that the headlights of a motor vehicle operated by the defendant or defendants while traveling on a highway in the usual way cast a light upon such animal on or adjacent to such highway and there was no attempt or intent to locate such animal

(c) Unlawful to Kill Big Game in Water

It is unlawful for any person at any time to shoot at or kill wound or capture or attempt to kill wound or capture any big game while taking refuge in or swimming through the waters of any of the streams ponds dams reservoirs or lakes

(d) Use of Dogs in Hunting Big Game or Turkeys

It is unlawful for any person to make use of a dog in hunting big game or wild turkey and every person who takes a dog into the woods or who has possession or control of a dog in the woods and every person in a camp which has a dog in their possession or control or in which a dog is harbored shall be liable to the fines prescribed in this article for the unlawful chasing taking or killing of big game or wild turkey as the case may be if such dog runs after pursues or follows upon the tracks of any big game in such close pursuit as to endanger the life of the animal or does pursue or scatter wild turkeys

(e) Hunting with Ferrets or Fitches

Except as otherwise provided in this act it is unlawful for any person to hunt for catch or kill or cause or permit the hunting of hares or rabbits with or through the use of a ferret or a fitch The fact that any person shall place a ferret or a fitch in any hole or opening outside of buildings in which a rabbit might be found or shall be caught in the act of using a ferret or a fitch in taking hares or rabbits or shall have a ferret or fitch in possession or under control in either the fields or forests or highways or in or on any vehicle or trailer upon the highways or on railroad or railway cars shall render such person liable to the penalty prescribed in this article Any ferret or fitch found running at large or found in the possession or under the control of a person not possessed of a ferret or a fitch permit or of a person convicted of violating any provisions of this act shall be forfeited to the Commonwealth and shall be immediately killed by the officer or citizen into whose hands such animal may come

(f) Unlawful Crafts and Vehicles

It is unlawful to hunt for or pursue or to follow after with intent to kill game of any kind from or with or through the use of any boat or craft propelled by any means other than oars or pole or handpaddle Any person using a craft or boat for such purposes contrary to this section or the captain or owner or other person in charge of such boat or craft who shall allow or permit the same to be used contrary to this section shall be liable to the fine provided for in this article

It shall be unlawful to hunt for or pursue or to follow game of any kind with any vehicle or conveyance other than a boat as above or to use any vehicle or trailer or part thereof or its lights or equipment for the killing wounding or catching of game of any kind or to use any vehicle or trailer for the transportation of game illegally killed

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to 2. amend section 704, page 83, lines 7 to 10, inclusive by striking out beginning after the word "which" in line 7, the words "[is capable of holding at one time a total of] has not been so manufactured altered or adjusted as to hold at one time a total of not more than [three] [six] three shells" and inserting in lieu thereof 'contains more than three shells at one time in the magazine and chamber combined"

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Sections 705 to 731 inclusive of Article VII of the bill were read as follows and agreed to:

Section 705 Unlawful Killing of Big Game It is unlawful for any person at any time by standing on watch or otherwise to kill or attempt to kill a second big game animal of the same species in one season It shall not be unlawful for a member of a camp or body of men hunting together who has killed a legal big game animal to cooperate with the members of such camp or body of men hunting together only in the manner known as driving while acting as a member of such camp or body of men hunting together so long as the number of big game animals killed by such camp or body of men hunting together shall not exceed the legal limit

It is unlawful for any person at any time to shoot at or wound or kill or attempt to shoot at or wound or kill or have in possession a female elk or a deer without visible antlers or horns less than such weight or age as shall be fixed by resolution of the commission or any part thereof or a male elk or a male deer or a bear of either sex found in a wild state or any part thereof that may not be lawfully taken except as otherwise provided by the laws of this Commonwealth

Section 706 Possession of Big Game Without Head Attached The possession or control of any big game animal or of any portion of such animal shall be prima facie evidence that it was killed unlawfully in this Commonwealth unless the head is attached in a natural way Each person in whose possession or under whose control the same may be found or who may be proven to have had such animal or part thereof in possession or under control shall be liable to the penalty provided in this article for the unlawful killing of such big game unless such person shall immediately upon demand made by an officer of the Commonwealth whose duty it is to protect game produce the head or other satisfactory evidence that the flesh in question found in his possession or proven to have been under his control is a part of a big game animal legally killed in the Commonwealth

Section 707 Regulations for Parties Hunting Big Game Each group of five or more persons who hunt together or who in any manner cooperate with others while hunting for big game shall at all times maintain upon the person of the captain or leader in charge of the entire cooperating group a roster on a form supplied or approved by the commission and containing the names of all cooperating persons and such other information as may be required In addition thereto a duplicate copy of

such roster shall be posted at the headquarters or camp of such party in such manner as to be plainly visible for inspection from the outside The term "headquarters" as herein used shall mean any hunting camp lodge hotel boarding house private residence tent automobile truck trailer or other place of abode either temporary or permanent

Each such roster shall at all times be open to inspection by any officer whose duty it is to enforce the game laws of this Commonwealth and shall be produced in the field upon demand of any such officer

A copy of the roster so posted at a permanent camp lodge boarding house hotel or residence shall remain posted at such headquarters for thirty days following the close of the open season

A copy of such roster containing the information required by the commission shall be forwarded to the offices of the commission at Harrisburg not later than fifteen days after the close of the open season for the big game hunted by such party

For failure to maintain post produce or return the required roster or record each member of the hunting party shall be liable to the penalties provided in this article

It is unlawful for any body of men either camping together or hunting in unison or in any manner cooperating with each other to kill or be possessed of in one season more than the number of legal big game animals fixed by this act

Every person in a camp or body of men hunting together or in any manner cooperating with others in hunting for big game shall be individually liable to the full penalty imposed in this article for each big game animal killed in excess of the number provided by this act after the time the various members of such party than the lawful number of big game animals are killed the close of said day and ascertain that the legal limit of such animals has been killed In any case where more than the lawful number of big game animals are killed unintentionally by any hunting party any excess animals shall be turned over to the nearest salaried representative of the commission within eighteen hours after killing for disposition as hereinafter provided

Every person who may hunt individually or with another camp or party hunting in unison for big game or in any manner cooperating with others hunting for such animals after having participated in any manner in killing during the season the number of such animals prescribed in his act for hunting parties shall be liable to the full penalty and costs of prosecution prescribed in this article for killing such animals contrary to the provisions of this article and such penalty shall be imposed for every day such person shall hunt contrary to the provisions of this section

Section 708 Tagging Big Game Each person killing a big game animal found in a wild state shall within four hours attach thereto the big game tag supplied with his hunting license both parts of which shall be properly completed If such animal has been lawfully killed by a person not required to secure a license or by a person who has previously killed another legal big game animal or by a person who has lost the tag supplied with his license such person shall make and attach a tag within four hours after such killing bearing in plain English his name address and if holding a license the license number and county number if the license bears such number with the location where such game was killed

Every failure to have said tag attached as herein provided shall subject the person so neglecting to the penalties provided in this article and if the person responsible for such neglect to tag any such game cannot be located each member of the camp or party shall be individually liable to such penalty

Any game found in the possession of any person and not tagged as herein provided shall be forfeited to the Commonwealth to be disposed of as hereinafter provided and may be seized by any officer whose duty it is to enforce the game laws

Section 709 Killing Game for Hire It is unlawful for any person to kill game for wages or hire or in evasion of this provision and to that end it shall be unlawful for any person acting as a guide to deliver or in any manner cause to be delivered to the benefit of his employer or the person he may be guiding game killed by him or for the employer of any employe acting in the capacity of a guide to receive game killed by such employe or guide while in his employ

Nothing in this act shall be construed to prevent any person from using a dog or dogs belonging to him or under his control to locate or chase legal small game while acting as a guide for others or from acting as a guide when not carrying a rifle or shotgun after such person has killed his limit of big game or participating in killing the lawful limit of big game as prescribed for camps or parties hunting in unison

It is unlawful for any salaried employe of the Commonwealth whose duty it is to enforce the game laws to act as a guide for hunters

Section 710 Killing Game by Mistake Each individual who may by mistake kill any wild bird or animal contrary to the provisions of this act or any rules and regulations of the commission may within twenty-four hours pay one-half of the penalty imposed by the law for the illegal killing of any big game animal and two-fifths of the penalty imposed by law for the illegal killing of any other bird or animal to a legally authorized representative of the commission of such individual to the best of his ability shall at once remove the entrails and deliver the carcass of the bird or animal so killed to any game protector for disposition as hereinafter provided and shall within twenty-four hours after such killing make and deliver to such officer a statement in writing under oath explaining when and where and how such mistake was made

Said portion of the penalty and the sworn statement together with the officer's report shall be forwarded to the director as quickly as possible for review If after investigation the director is not satisfied said killing was done by mistake but was caused by negligence or carelessness he shall order the defendant to be prosecuted in the regular manner and the amount so deposited shall be applied toward the payment of the full penalty and any costs of prosecution as provided in this act

Section 711 Shipping Game by Parcel Post Except as in this act otherwise provided it is unlawful for any person to ship game or any part thereof killed in a wild state in this Commonwealth by parcel post Nothing contained in this section shall be construed to prevent the shipment of skins of raccoons or bears legally killed if marked properly to show the contents

Section 712 Shipping Game to Taxidermists Nothing contained in this article relative to the shipment of parts of game within or out of the Commonwealth shall apply to the shipment of a bird or animal or part thereof either legally or accidentally killed that the holder thereof may desire to preserve as a trophy or as a specimen and shall send to a licensed taxidermist for tanning or mounting when the package is properly marked showing the contents thereof Provided That all such shipments out of the Commonwealth shall be legal only pursuant to a permit secured from the director

Section 713 Transporting Small Game It is unlawful for any person to ship or transport by common carrier of any description or by vehicle or craft of any kind or its attachment any small game or part thereof killed in a wild state in this Commonwealth or for any common carrier or his or its agent to transport small game of any kind from one point to another point within this Commonwealth unless such small game is accompanied by the owner thereof or is caried upon the same train or conveyance with such owner in the following manner

Such game shall be carried upon the person in the hunting coat or game bag or openly as hand-baggage without cover in such manner as to be easily seen and inspected When such game is carried in baggage or boxed for shipment each package or box or receptacle of any description containing such game shall have attached thereto a card or marker bearing in English the name of the person owning same with the place of his residence the name of

the county wherein such game was killed and the number of each species of small game contained in said package

It is unlawful for any person to have in possession or to transport or attempt to transport any species of game in excess of the legal possession limits fixed by this act or established by regulation adopted by the commission

Section 714 Transporting Big Game It is unlawful for any person or for any common carrier or his or its agent to ship or transport big game of any kind unless the carcass shall in all instances have attached thereto a card or marker bearing in English the name and address of the owner his license and county number if the license bears such number with the name of the county wherein the same was killed

It is unlawful for any person to cut up big game and ship transport carry or convey any part thereof or for any common carrier or his or its agent to transport any such part unless each division thereof shipped uncovered or each package container or baggage of every description containing any part of such game shall have attached a card or marker bearing in English the name of the owner of such game with his home address his license and county number if the license bears such number and the character of the contents of such package so that such contents may be determined by an outside inspection thereof

Section 715 Transportation of Game Outside of State Except as otherwise provided in this act it is unlawful for any person at any time to ship transport or remove or attempt to assist to ship transport or remove or cause or attempt to have shipped or transported or removed out of this State any game animal or game bird or protected bird or to have in his possession or under his control any game bird or animal or protected bird with intent to allow or aid in the shipment or removal thereof out of this State and it is unlawful for any person acting in the capacity of a common carrier or his or its agent or as the operator of a conveyance of any kind or in control of a conveyance of any kind to receive for transportation or to transport remove or aid or assist in removing or atempt to remove beyond the limits of the State any game animal or game bird or protected bird

Nothing contained in this section shall be held to impose any penalty upon the transportation of game in unbroken packages in transit through this State from another State nor upon the shipment out of the State at any time of game legally killed or taken in another State whether the same be in original packages or otherwise nor upon the shipment of game legally killed in this Commonwealth which is delivered in good faith to a common carrier for transportation from one point to another point in this State if necessary carried out of this State to reach its destination but actually delivered at the point of destination within this State and in the case of small game is accompanied by the owner thereof nor upon the removal from the State at any time of mounted specimens of game lawfully taken if such specimens are being transferred as part of the personal effects of the owner thereof

Any non-resident licensed hunter may take with him personally when leaving the State in the manner prescribed by law relating to the shipment of game from one point to another in this Commonwealth and the tagging of game any game except elk that such licensee has lawfully taken or killed not exceeding during the season the number that any one person may lawfully take or kill in any three days

Section 716 Buying and Selling Game Except as otherwise provided by this act it is unlawful for any person at any time to buy sell or barter or offer for sale or barter or have in possession for sale or barter any game or parts thereof no matter where such game has been killed excepting deer or rabbits killed in another State or Nation or the skins of raccoons and bears no matter where killed and other game legally killed and imported from another State or Nation when tagged as herein required

Except as otherwise provided by this act it is unlawful for any person at any time to sell or barter or offer for sale or barter for human consumption any species of game or parts thereof protected by this act or similar thereto imported either dead or alive from another State or Nation except deer or rabbits unless the carton containing such birds or animals or the individual carcasses shall have attached a tag identifying the birds or animals in plain English and giving the state or nation from which originally shipped. Before any such game may be offered for sale there shall first have been attached to each bird or animal by a representative of the commission a metal seal the cost of which is hereby fixed at five cents which seal shall remain attached until the carcass is prepared or finally cut up for consumption

Nothing in this section shall be construed to prevent the purchase or sale of game raised under authority of a propagating permit in this Commonwealth and properly tagged or the purchase or sale of live raccoons legally possessed for release or propagating purposes within the Commonwealth or the purchase or sale or introduction into this State at any time of live birds or animals for propagation liberation or for any other purpose that has been inspected and legally passed in accordance with the conditions hereinafter stipulated or to prevent at any time the sale within the State or the shipment out of the State without a license of any kind of any animal raised in captivity and not found in a wild state in this Commonwealth or the purchase or sale of the tanned cured or mounted heads or skins or parts thereof of any game not killed in a wild state in this Commonwealth

Section 717 Dogs Pursuing Elk or Deer Liability of Owners Any dog pursuing or following upon the track of an elk or deer is hereby declared to be a public nuisance Such dog may be killed by any person when in such close pursuit as to endanger the life of any deer or elk found in the act of killing any deer or elk or by any officer whose duty it is to protect the game of the State upon affidavit made by any person acquainted with the facts that said dog is in the habit of pursuing elk or deer or did kill or injure an elk or deer within a period of three months before the date of such affidavit

The owner or person harboring or in control of a dog either killed in conformity with the law or proven to have pursued or injured or killed an elk or deer contrary to the provisions of this section shall be liable to penalty of fifty dollars for each elk and twenty-five dollars for each deer pursued or injured or killed

When the owner or person harboring or in control of a dog shall neglect or refuse to take such action as may be necessary to prevent such dog from running elk or deer after notice in writing from an officer whose duty it is to protect game to the effect that the dog in question is in the habit or pursuing elk or deer he shall be liable to double the amount as fixed before for the first offense

Section 718 Dogs Pursuing Small Game in Close Season Any dog pursuing or following upon the track of any small game during what is known as the close season for game is hereby declared to be a public nuisance and may be killed by any officer of the Commonwealth whose duty it is to protect the game or wild birds or the owner or lessee of land whereon it is found or by an employe of such owner or lessee unless such dog shall wear a collar having attached thereto a metalic tag or plate upon which shall be plainly inscribed in English the name and address of the owner of such dog and also a dog license tag as provided by the laws of the Commonwealth

Any dog thus wearing a collar inscribed and tagged as before mentioned pursuing small game during the close season may be killed by any officer of the State whose duty it is to protect the game of the State or by the owner or lessee of any land upon which such dog may be found or by any employe of either the owner or lessee when such dog is seen upon the track of such game or is in the act of injuring or killing or has injured or killed such game after notice in writing from that particular person or from the director has been given to the owner or reputed owner or person in contol of such dog to the effect that the dog in question is in the habit of destoying or pursuing or following upon the track of game contrary to this section

Any person who shall permit his dog or a dog under his control to pursue small game during the close season shall be liable without notice of any kind to a penalty of ten dollars and costs of prosecution for each day small

game may be pursued in violation of this section and to an additional penalty of five dollars for each animal or bird injured or killed by such dog without the aid or direction of its master

Section 719 Training of Dogs on Certain Game Exception For Fox Hunting Except as otherwise provided in this act or in defense of person or property it is unlawful for the owner of any dog or dog under his control to permit such dog to chase pursue or follow upon the track of any wild bird or wild animal either day or night between the first day of April and the ninteenth day of August next following provided however that the commission upon receipt of a petition signed by two hundred and fifty (250) or more residents of a county who held hunting licenses of the previous year or who are farmers or sheep raisers whether licensed to hunt or not shall by resolution notice of which shall be published as required by this act designate any county or part thereof in which hunting foxes with dogs at any time either day or night shall be lawful throughout the entire year except for such sixty-day period as the commission may designate when complying with the provisions of this act relative to hunting licenses or permits

During the hours from sunrise to nine o'clock post meridian eastern standard time dogs when accompanied by and under controll of their owner or handler may be trained upon any game in this Commonwealth except elk deer or bear or wild turkey from the twentieth day of August to the thirty-first day of March next following unless said period be further restricted by resolution of the commission so long as no firearms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds except that during the foregoing periods and under the conditions stipulated it shall be lawful to train dogs upon raccoons from sunrise to midnight eastern standard time Provided however That it shall be unlawful to train dogs on Sunday unless the consent of the owner of the land where such training is being done has first been secured but no such consent shall be required in the case of State and National forest lands

"Under control" is hereby defined to mean within call except when actually on a trail or track of legal game

Any person who shall train a dog or dogs or permit a dog or dogs under his control to pursue or follow upon the track of any small game or other bird or animal except elk deer or bear contrary to the foregoing provisions shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution for each offense

Section 720 Permits for Field Trials It shall be lawful to hold field meets or trials where dogs are permitted to work on liberated or native wild game in exhibition or contest provided due diligence is exercised by those directing such meet or participating therein to prevent the injury or killing of the game being pursued at any time during daylight hours from the twentieth day of August to the close of the training season as fixed by this act or by resolution of the commission without first securing a permit and from the close of such training season to the fifteenth day of April after having secured a permit as hereinafter required

It shall also be lawful to hold field meets or trials for dogs with led game animals or with drags at any time between the sixteenth day of April and the nineteenth day of August next following having secured a permit as hereinafter required

Such permits may be issued by the director upon proper application and the payment of a fee of five dollars for each such trial held on not to exceed five consecutive days A representative of the commission shall supervise all such meets and enforce any rules and regulations of the commission governing the same

It is unlawful for three or more persons to hold or participate in a field trial or meet without first securing the permit required by this section Participants in a recognized field trial or meet shall not be required to be possessed of either a hunter's license or a tag while participating in such field trials

Any person who shall violate any provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution for each offense

Section 721 Permits for Retriever Trials It shall be lawful to hold field meets or trials for retrieving dogs where the skill of such animals is demonstrated by retrieving dead and wounded game birds or animals which have been propagated or otherwise legally acquired and released on the day of the trials on premises owned or controlled by the club or individual conducting same and shot for such purpose at any time during daylight hours Sundays excepted from the fifteenth day of October to the thirty-first day of December next following after having secured a permit as herein required

Such permits may be issued by the director upon proper application and the payment of a fee of ten dollars for each day upon which such trials shall be conducted A representative of the commission shall supervise all such trials and enforce any rules and regulations of the commission governing the same

Such permits shall authorize the holders thereof to kill all of the birds or animals specifically released by the permittee on the day of the trials or from the hand while the trials are in progress under the observation of an official representative of the commission

The person or persons designated by the committee in charge to do the shooting for such trials shall be known as the official gun or guns and no other person shall be permitted to kill or attempt to kill any of the birds or animals released for such trials Birds or animals so released may be killed during the above period without regard to sex or numbers

Before any game killed under the provisions of this section shall be consumed on the premises or removed therefrom the official representative of the commission shall attach a tag to each bird or animal killed such tags to be numbered consecutively and supplied by the commission at reasonable cost and shall contain such information as the commission may require Said tags shall remain attached to the individual birds or animals until prepared for consumption and shall not be used more than once

It is unlawful for any person to hold conduct or to participate in a retriever trial before the permit required by this section has been secured or for any person to possess or remove from the shooting grounds any birds or animals killed which have not been tagged as herein required or for any person to sell or purchase or attempt to sell or purchase any birds or animals killed in conformity with the provisions of this section

Participants in such a recognized retriever trial shall not be required to be possessed of either a hunter's license or a tag while participating in such trial

Any person who shall violate any provisions of this section shall upon conviction be sentenced to pay a fine of fifty dollars and costs of prosecution for each offense

Section 722 Permits for Fox Hunting Clubs It is lawful for any fox hunting club fox hunting organization or individual owning and hunting an organized pack of twenty or more fox hounds to hunt foxes for sport from the twentieth day of August to the thirty-first day of March next following unless the commission shall fix a different period for fox hunting in any county as otherwise provided in this act if such club organization or person shall first secure a permit as hereinafter required

Permits to hunt organized packs of fox hounds may be issued by the director upon proper application and the payment of an annual fee of fifty dollars but no such permit shall be required of individuals or groups of individuals hunting foxes for sport from the twentieth day of August to the thirty-first day of March next following unless the commission shall fix a different period for fox hunting in any county asotherwise provided for in this act so long as they do not hunt with what is commonly known as an organized pack of twenty or more fox hounds but all such persons shall be possessed of a hunter's license and tag as required by this act

It is unlawful for any fox hunting club fox hunting organization or individual or groups of individuals to hunt an organized pack of twenty or more fox hounds without complying with the provisions of this section Persons participating in a hunt conducted with an organized pack of

fox hounds under permit shall not be required to be possessed of either a hunter's license or tag

Any person who shall violate any provision of this section shall upon conviction be sentenced to pay a fine of one hundred dollars and costs of prosecution for each offense

Section 723 Importing Selling and Releasing Certain Birds Eggs and Animals It is unlawful for any person to bring or in any manner to have transported into this Commonwealth from any other state or country any living animal or any bird or the eggs of any bird the importation of which is prohibited by the Secretary of Agriculture of the United States under the provisions of any law of the United States or that may hereafter be prohibited by regulation of the commission or to release within this Commonwealth any fox wild cat domestic cat mink weasel ferret or fitch brought into this State from another state or country or reared in captivity or in a domestic state in this Commonwealth or any other bird or animal the importation of which has been prohibited

It is unlawful to bring into or sell within this Commonwealth living birds or animals of any kind or the eggs of any bird which have been imported from any other state or nation or to release within this Commonwealth for any purpose imported birds or animals of any kind contrary to such rules and regulations as the commission may adopt to safeguard the native wild game or fur-bearing animals of this Commonwealth

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay the fine provided for in this article

Section 724 Killing Game Destroying Property (1) Nothing in this act shall be construed to prevent any person as hereinafter defined and restricted from killing in any manner except through the use of poison or explosives or snares or steel traps raccoons and woodchucks excepted any of the animals or birds hereinafter stipulated which he may find actually engaged i nthe material destruction of cultivated crops fruit trees vegetables livestock poultry or beehives or in the case of red squirrels or blackbirds destroying either the eggs or young of protected or game birds or from destroying said animals or birds anywhere on the property under his control immediately following such destruction or where the presence of said bird or animal on any such cultivated lands or fruit orchards is just cause for reasonable apprehension of additional imminent destruction

The word "person" as used in this clause shall mean any person actually residing upon and cultivating as a means of gaining a livelihood any lands for general farm crop purposes commercial trucking or fruit orchard or nursery being regularly maintained for commercial purposes as either the owner or lessee of such lands or a member of his family actually residing upon and regularly assisting in the cultivation thereof or an employe of such owner or lessee hired on a monthly or annual basis and regularly assisting in the cultivation thereof and where such owner or lessee shall upon request of any representative of the commission produce satisfactory evidence that material damage has been done within fifteen (15) days and that there was just cause for reasonable apprehension of additional imminent destruction provided that such lands are open to public hunting and that no saltlick bait or other artificial means have been used to lure said animals or birds onto such lands

(2) Any elk deer or bear may be legally killed only through the use of a firearm which discharges a single ball or bullet not smaller than a twenty-five calibre under the foregoing provisions provided a report is made as hereinafter required and other conditions stipulated are complied with and

(3) Any rabbit squirrel raccoon woodchuck or the birds commonly known as blackbirds may be legally killed under the foregoing provisions provided a report is made as hereinafter required and other conditions stipulated are complied with

(4) The provisions of this section shall be construed to permit the killing of those birds or animals enumerated herein upon detached lands being cultivated for like purposes in common with lands upon which the actual residence of the operator is maintained provided the killing thereof is reported and the carcasses are cared for as hereinafter stipulated but no such birds or animals killed on any such detached land shall be retained for food

(5) The person killing any such animal or bird except woodchucks and red squirrels and the birds commonly known as blackbirds shall within twelve (12) hours after killing either orally or in writing report such killing to the nearest game protector or the office of the commission at Harrisburg setting forth the date and time of killing the species killed and in the case of elk or deer or bear the sex thereof and shall except in the case of red squirrels or the birds commonly known as blackbirds immediately after killing remove the entrails and transfer the carcass to a place of safe keeping to be turned over to any game protector upon demand except as hereinafter specified

(6) One elk or deer or bear so killed and reported in accordance with the foregoing provisions may be retained for food provided all portions of the carcass generally considered edible shall be consumed only within the household of a person residing upon such lands and having a legal right to kill the same No additional animals shall be retained for food until the entire carcass of the animal previously retained has been entirely consumed under the foregoing provisions Any additional elk or deer or bears legally killed under the provisions of this section so long as there is any unconsumed or edible portion of an elk or a deer or a bear retained within the household of any person legally entitled to possess the same under the provisions of this section shall be turned over to a game protector as hereinbefore specified

(7) It is unlawful for any person not legally entitled under the provisions of this section to hunt for chase kill or attempt to kill or to deliver or transport ship purchase barter exchange or give away any bird or animal or any portion thereof killed under the provisions of this section or to fail or refuse to report such killing within the specified time or to fail to remove the entrails and properly care for the carcass of an animal so killed

Any person violating any of the several provisions of this section shall be liable for the fines hereinafter provided

Section 725 Possession or Interference with Nests or Eggs of Birds Except as otherwise provided in this act it is unlawful for any person to take or have in possession or under control either the nest or any egg or young found therein of any game bird or protected bird or to wantonly interfere with or destroy any such nest or egg or the young found therein Any person violating any of the provisions of this section shall be liable to the fines hereinafter provided

Section 726 Unlawful Killing and Possession of Protected Birds Except as otherwise provided in this act it is unlawful for any person at any time to shoot at wound take or kill any protected birds or to have such birds either living or dead or any part thereof in his possession

Nothing contained in this section shall be construed to prevent any person from killing any eagle or hawk or owl or turkey vulture or heron protected by this act when caught in the act of destroying domestic livestock poultry game other protected birds their nests or young or fish in private rearing ponds or to prevent such killing immediately following such destruction

No protected bird or any part thereof killed as herein provided or by accident shall be mounted or retained in possession except pursuant to a permit obtained from the commission

Any person violating any of the provisions of this section shall be liable to the penalty hereinafter provided

Section 727 Unlawful Sale of Protected Birds and Plumage Except as otherwise provided in this act it is unlawful for any person acting either for himself or as the agent or representative of another to have any protected bird or any part of the plumage or skin thereof or any bird or part of the plumage or skin of a bird that may have been brought into this Commonwealth from another state or country which belongs to the same family as those found in a wild state in this Commonwealth in possession or under control for the purpose of sale or to offer

or expose the same for sale or to transport ship or remove or attempt to transport ship or remove from this Commonwealth for any purpose any such bird either living or dead or any part of the plumage or skin thereof

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 728 Ownership of Carcass of Game The ownership of the carcass of game lawfully shot and killed shall be deemed to be in the person who inflicts a mortal wound which causes the death of the bird or animal and which enables the hunter to obtain possession of the carcass

When a mortal wound has been lawfully inflicted on any game but the same is not killed immediately and continues in flight and is thereafter lawfully shot by another hunter who inflicts a mortal wound thereby stopping the flight of such game and killing it enabling such hunter to take possession of the carcass the ownership of the carcass shall be deemed to be in the hunter whose fatal wound stopped the flight of such game and enabled him to take possession of the carcass

In case of a dispute a disinterested person other than an officer whose duty it is to enforce the game laws may be called in to arbitrate the matter and no such officer shall testify concerning any such dispute

Section 729 Larceny Any animal or bird or the carcass or body or parts thereof of any animal or bird lawfully taken killed or caught by any person under the provisions of this act shall be deemed to be personal property and the subject of larceny

Section 730 Vehicles on Highways Required to Stop Upon Signal It is unlawful for the operator of any motor vehicle to fail or refuse to stop any such vehicle or conveyance of any kind being operated upon any public highway within this Commonwealth upon request or signal of any officer whose duty it is to enforce the game laws when such officer is in uniform and shall display his badge or other insignia of identification for the purpose of inspecting or searching said vehicle or conveyance its passengers or contents for the unlawful possession concealment or transportation of game of any species or parts thereof or to in any manner interfere with any such officer while making such inspection

It is unlawful for any person to turn off any or all lights on a vehicle or conveyance being operated upon any public highway within this Commonwealth for the purpose of avoiding identification or arrest upon request or signal to stop as required in this section

Section 731 Penalties Any person violating any of the provisions of the section of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

(a) For hunting or shooting or chasing or catching or killing any game or attempting to shoot at or chase or catch or kill with or without dogs any game upon the first day of the week commonly called Sunday or for hunting for or shooting at or catching or killing or attempting to hunt for or shoot at or catch or kill any game (except as authorized by this act) between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following contrary to the provisions of this article or regulations adopted thereunder by the commission twenty-five dollars

(b) For using a vehicle or trailer or conveyance or boat or craft or permitting the same to be used contrary to the provisions of this article fifty dollars for each day

(c) For taking any wild animal or wild bird contrary to the provisions of this article or regulations adopted thereunder by the commission ten dollars for each trap or device so used

(d) For failure to maintain post or produce upon demand by an officer the roster or record of a hunting party as required by the provisions of this article twenty-five dollars

(e) For failure to return to the commission the roster carried by the captain or other leader of a hunting party or a copy thereof as required by the provisions of this article five dollars

(f) For failure to tag or mark a deer or elk or bear within four hours after killing as required by the provisions of this article twenty-five dollars

(g) For shipping transporting carrying or conveying parts of large game in any package container or baggage of any description without having a card or marker attached as provided by this article twenty-five dollars

(h) For a common carrier or his or its agent to transport game from one point to another in this Commonwealth contrary to the provisions of this article twenty-five dollars

(i) For violating any of the provisions of this article relating to living birds and the eggs thereof and living animals imported or brought into or released within this Commonwealth twenty-five dollars for each bird or egg or animal imported or sold or released contrary to said provisions

(j) For interfering with or destroying the nest or egg or young found therein of any game bird contrary to the provisions of this article fifty dollars for each nest and twenty-five dollars for each young

(k) For interfering with or destroying the nest or egg or young found therein of a protected bird contrary to the provisions of this article ten dollars for each nest or young

(l) For shooting at or wounding or taking or killing or possessing any protected bird contrary to the provisions of this article ten dollars

(m) For selling or offering for sale or possessing for the purpose of sale or transporting or shipping or attempting to transport or ship any protected bird or any bird that may have been brought into this Commonwealth which belongs to the same family or the skins or plumage of any such bird twenty dollars

(n) For making use of or taking advantage of any vehicle trailer conveyance headlight or spotlight or artificial light or battery or other contrivance or device to spot or locate or hunt for or catch or take or kill or wound any elk deer or bear or for setting laying or preparing for use or using any set-gun for the purpose or evident purpose of taking killing or wounding or attempting to take kill or wound any elk deer bear or other wild bird or wild animal contrary to the provisions of this article one hundred dollars for each person concerned and the forfeiture of such vehicle trailer headlight spot light or other contrivance and all paraphernalia used

(o) For failure or refusing to stop any vehicle or conveyance being operated upon any public highway within this Commonwealth upon request or signal of any officer whose duty it is to enforce the game laws contrary to the provisions of this article ten dollars

(p) For turning off any or all lights on a vehicle or conveyance for the purpose of avoiding identification or arrest contrary to the provisions of this article fifty dollars

(q) Except as otherwise herein provided for hunting or chasing or catching or taking or killing or wounding or receiving or delivering or transporting or shipping or using or concealing or assisting to conceal or having in possession or attempting to hunt for catch take kill wound or transport contrary to this article or regulations adopted thereunder by the commission or for violating any of the provisions of this article relating to the shipping or transportation or removal out of this Commonwealth or relating to the buying or selling or bartering of

I Each elk two hundred dollars and in the discretion of the court six months' imprisonment

II Each deer or bear one hundred dollars

III Each wild turkey ruffed grouse pheasant quail partridge or woodcock twenty-five dollars

IV Each raccoon twenty-five dollars

V Each other wild bird or wild animal ten dollars

In any case where any game bird or game animal was legally taken and held in possession after the time permitted by this article the fine shall be one-half of the fine above prescribed

In addition to the fine above prescribed any person who shall make use of or have in possession or under control a ferret or fitch contrary to the provisions of this article shall upon conviction be sentenced to pay a fine of twenty-five dollars for each ferret or fitch and costs of prosecution

Upon failure of any person convicted of a first offense

to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Articles VIII to XV inclusive of the bill were read as follows and agreed to:

ARTICLE VIII

Property Damage and Safety Regulations

(a) Property Damage Regulations

Section 801 Property Damage Prohibited It is unlawful for any person while hunting or trapping for wild birds or animals of any kind to cause damage or assist in causing damage or injury in any manner whatsoever to either real or personal property of any kind or to leave gates or bars open or to break down destroy or injure fences or to tear down or scatter rail post wood or stone piles or through carelessness or negligence to injure livestock of any kind

The foregoing provision shall not be construed to prevent the removal of a mortally wounded bird or animal from its place of refuge in a rail post wood or stone pile or fence if permission has first been obtained from the owner or person in charge of such property and provided such property is restored to the condition in which it was found

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

(b) General Safety Regulations

Section 805 Hunting Prohibited While Intoxicated or Under Influence of Narcotics It is unlawful to hunt or trap anywhere in this Commonwealth with firearms or with bow and arrow or to enter any of the fields or forests upon any lands or go upon any streams or other waters within or bordering upon this Commonwealth while possessed of a firearm of any kind or a bow and arrow for the purpose of hunting or trapping when intoxicated or under the influence of intoxicating liquor or narcotic drugs

The fact that any person shall be found in possession of a firearm of any description or a bow and arrow usable for the purpose of killing or taking wild birds or wild animals either in the field in the forest on the public highways or on the waters of this Commonwealth while intoxicated or under the influence of intoxicating liquor or narcotic drugs shall be considered "prima facie evidence" that such person is hunting or trapping contrary to the provisions of this section

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 806 Possession of Loaded Firearms and Certain Ammunition Restricted Except as otherwise provided by law it is unlawful for any person to have in his possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed in or on any vehicle or conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use or used by the public within this Commonwealth Provided however that between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following any unloaded rifle being lawfully carried in accordance with the foregoing provisions which is capable of discharging a cartridge larger than a .22 calibre long rifle shall be so carried only when in a case or taken apart and securely wrapped but this requirement relative to carrying certain rifles in cases or securely wrapped shall not apply during the period extending from the day before to the second day following any open season for big game

Except during the open season for big game it is unlawful for any person to have in possession in or on any vehicle conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use by the public within this Commonwealth between five o'clock post meridian of one day and seven o'clock ante meridian eastern standard time of the day following any rifle cartridge larger than a .22 calibre long riffe or any shotgun shell containing either a single bullet or pellets larger thna a BB unless all such cartridges or shells are carried in unbroken original cartons or securely wrapped

The provisions of this section shall not be construed to apply to a public police officer engaged in the performance of his official duty or to an officer whose duty it is to enforce the game laws and engaged in the performance of his official duty

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 807 Shooting at Game While on Highways It is unlawful for any person to shoot at game while it is on a public highway or a highway open to use or used by the public or knowingly to shoot across a public highway or a highway open to use or used by the public while hunting for game unless the linet of fire is high enough above the elevation of the highway to preclude any danger to the users thereof

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 808 Prohibiting Shooting in Safety Zones It is unlawful for any person while hunting or trapping for wild birds or wild animals of any kind to shoot or discharge any firearm or other deadly weapon within one hundred and fifty yards of any occupied dwelling house residence or other building or camp occupied by human beings or any barn stable or other building used in connection therewith without the specific permission of the owner or tenant thereof

Any person who shall violate any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

Section 810 Parties Hunting Small Game Limited During the open season for taking small game it is unlawful for more than five persons to hunt in unison or to cooperate in any manner with each other to hunt for wild animals of any kind other than big game

Each person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of five dollars and costs of prosecution for participating or cooperating in a hunt contrary to the provisions of this section

(c) Controlling Shooting During Big Game Season

Section 815 Certain Shooting During Big Game Season Prohibited It is unlawful for any person during the open season for taking big game to (a) shoot at any mark or target other than legal birds or animals with a firearm of any kind except at a properly constructed target or mark or a dead tree protected by a natural or artificial barrier so that the ball or bullet cannot travel more than fifteen yards beyond the target aimed at after making due allowance for deflection in any direction not to exceed an angle of forty-five degrees which target shooting shall be lawful only when done within two hundred yards of the camp or other headquarters where such person is quartered or is an invited guest or visitor or (b) to discharge any firearm at random in the general direction of any human being or in the general direction of any wild bird or animal for the purpose of routing or frightening the same or (c) to discharge any firearm at random or in any other manner contrary to the provisions of this section

Provided however that the provisions of this section shall not be construed to apply in any manner to the discharge of any firearm for the sole purpose of signalling for aid or assistance while in distress or to the use of rifle or pistol ranges owned leased or maintained by a State or Federal military or police organization or by any regularly organized rifle pistol or shotgun shooting association or club while shooting at a regularly established and prop-

erly safeguarded range or to any public shooting exhibition properly safeguarded and conducted under the direction of any organization for the promotion of marksmanship

Each person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution

(d) Sanatorium and Park Protection

Section 820 Sanatorium and Park Protection It is unlawful for any person within this Commonwealth to discharge a firearm of any description except in defense of person or property or at a properly constructed and designated pistol rifle or shotgun range or gallery upon the grounds belonging to or connected with and controlled as a public or private hospital or sanatorium or park or resort set apart to the use of the public either free or otherwise and upon which human beings congregate in the open in quest of health recreation or pleasure

The boundary of such lands or premises shall be clearly defined by appropriate posters or markers calling attention to the fact that the land within such boundary has been set apart for the specific purpose for which it is intended and that shooting upon said property is prohibited

Provided That no privileges may be granted by those owning or operating such lands to any person to hunt for or shoot at either game birds or game animals upon such property

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution

(e) Shooting Human Beings in Mistake

Section 825 Shooting at Human Beings in Mistake It is unlawful for any person while using a firearm of any kind or a bow and arrow to either shoot at wound or kill a human being in mistake for either game or a wild creature of any description provided however that no person shall be held to have violated the provisions of this section who while actually shooting at any game or wild creature shall accidentally shoot in the direction of or injure or kill another person

Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction of such offense shall be sentenced to pay the penalties herein provided

(a) Shooting at Human Beings in Mistake Every person who shall shoot at a human being in mistake in violation of the provisions of this section but who shall not injure the human being shot at shall upon conviction for the first offense be sentenced to pay a fine of not less than one hundred dollars nor more thanthree hundred dollars and in addition to such fine shall be denied the right to hunt or trap in this Commonwealth with or without a license for a period of two years from the date of conviction to be noted upon the record of conviction as part of the sentence

(b) Wounding Human Beings in Mistake Every person who shall in violation of any provision of this section wound but not kill such human being shall upon conviction for the first offense be sentenced to pay a penalty to the party so injured of not less than two hundred dollars nor more than five hundred dollars and shall in addition to such cash penalty be imprisoned in the county jail of the county in which the offense was committed for a period of not less than one year or more than three years and in addition thereto shall be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of five years from the date of such conviction to be noted upon the record of conviction as a part of the sentence

(c) Killing Human Beings in Mistake Every person who shall in violation of any of the provisions of this section kill a human being in mistake shall upon conviction for the first offense be sentenced to pay a penalty to the personal representative of the deceased of not less than five hundred dollars or more than one thousand dollars and shall in addition to such cash penalty imposed suffer imprisonment in the jail of the county in which the offense is committed for a period of not less than two years or more than five years and such person in addition thereto shall be denied the right to hunt or trap anywhere within this Commonwealth with or without a license for a period of ten years after the date of such conviction to be noted upon the record of his conviction as a part of the sentence

(d) Additional Penalties Every person convicted of either or any of the before-mentioned offenses who shall for any reason fail to pay the cash penalty imposed by this section for the specified offenses committed shall for the first offense in addition to any other term of imprisonment imposed by this section undergo an imprisonment of one day in jail for each dollar of penalty imposed Provided that no term of imprisonment suffered in lieu of any cash penalty imposed by this section shall exceed one year

Every person who shall hunt or trap or attempt to hunt or trap with or without a license in this Commonwealth contrary to any sentence imposed for violation of any provision of this section shall upon conviction be sentenced to undergo imprisonment in the county jail of the county in which the conviction is secured for a period of not less than three months or more than six months.

(f) Accident Reports Required

Section 830 Accident Reports Required Every person who shall cause an injury to a human being by gunfire while hunting or trapping or shall have inflicted an injury upon himself with firearms or with bow and arrow while hunting or trapping shall render a report to the commission at Harrisburg on forms provided for that purpose within seventy-two hours after such injury unless such person be physically incapable of making the required report in which event it shall be the duty of the person causing the accident to designate an agent to file the report within the specified time

Any person who shall inflict bodily injury upon another or upon himself while hunting or trapping and who shall fail to submit the report specified within the required time shall upon conviction in a non-fatal accident be sentenced to pay a fine of twenty-five dollars and costs of prosecution and for a fatal accident fifty dollars and costs of prosecution

(g) Assistance Required in Accidents

Section 835 Assistance Required in Accidents It is unlawful for any person who has inflicted injury to a human being by gunfire or with a bow and arrow while hunting or trapping to flee or to fail or refuse to render immediate and full assistance to the person so injured.

Any person violating any of the provisions of this section shall upon conviction be sentenced to pay a fine of one hundred dollars and costs of prosecution and in addition thereto shall be denied the right to hunt or trap anywhere in this Commonwealth with or without a license for a period of ten years

(h) Imprisonment Subsequent Offenses

Section 840 Additional Penalties Upon failure of any person convicted of a first offense of any of the provisions of this article to immediately pay the fine imposed and costs of prosecution such person shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense of any of the provisions of this article shall upon conviction be sentenced to pay a fine of twice the amount of the penalty imposed by any section of this article and the costs of prosecution and upon failure to immediately pay the fine and costs so imposed shall be committed to the county jail in the county in which such offense was committed for a period of one day for each dollar of fine and costs imposed and in addition thereto shall be denied the right to hunt anywhere within this Commonwealth with or without a license for such period as the court may direct

ARTICLE IX

State Game Lands Refuges Preserves Etc

(a) State Game Lands

Section 901 Acquisition The commission may acquire title to or control of lands and/or buildings within the Commonwealth or the hunting rights or other rights on lands suitable for the protection propagation and management of wild-life or for public hunting and trapping or administrative purposes or to be used as hereinafter provided by purchase gift lease or otherwise

The commission may also acquire title to lands by condemnation proceedings in the same manner as provided for the condemnation of lands for State Forests

The commission may also purchase tax delinquent lands from the commissioners of the respective counties or from the county treasurers of the respective counties as provided by law

The commission may acquire by purchase or otherwise timber minerals oil gas or other rights outstanding for or on lands for which titles have been or are being appointed

The commission may exchange timber which should be cut to improve wild-life conditions or minerals or oil or gas from lands for which title has been acquired for suitable lands having an equal or greater value than the estimated value thereof

Lands for which titles are acquired may be designated State Game Lands or State Game Farms or State Game Propagation Areas depending upon the purpose for which they are to be used Other lands for which the commission secures control or partial control may be given such designation as the commission may decide or as may be agreed to by the owner thereof

The commission may lease or acquire title to lands from which the ownership of minerals oil or gas and the right to mine and drill for or remove the same have been excepted and reserved or from which water rights or timber or other rights have been excepted or reserved provided such exceptions and reservations will not seriously interfere with the purpose for which the property is acquired

All acquisitions of lands shall be made only with the consent of a majority of the commission The president shall represent the commission in the execution of land purchase contracts In the execution of leases and other similar agreements approved by the commission the executive director may represent the commission

The commission may lease or otherwise secure rights of way on and across either publicly-owned or privately-owned lands or water or other rights which may be required to conduct its proper functions

Section 902 Title and Control The title to any lands to be acquired by purchase gift condemnation exchange or otherwise shall be taken in the name of the Commonwealth for use of the Pennsylvania Game Commission

The title records for such lands shall first be carefully searched and examined by the commission through its employes or agents and when satisfied a valid title can be secured a brief of the title shall be submitted to the Attorney General or a deputy attorney general whom he may designate for such review as he may deem necessary and if he considers said title valid he shall approve it and so notify the commission

The deed to any such lands shall be deposited with the Secretary of Internal Affairs

The entire control of all such lands shall be under the direction of the commission

Section 903 Purchase Price No land to be used as State Game Lands shall be purchased at a price exceeding thirty dollars per acre except that the commission may pay what it considers a fair and reasonable price for land with or without buildings required for administrative purposes in connection with State Game Lands or State Game Refuges

For land to be used as State Game Farms the commission may pay what it considers a fair and reasonable price consistent with farm values in the locality in which any such land may be located

For timber minerals oil gas or other rights outstanding for or on lands for which titles have been or are being acquired the commission may pay such prices as it considers fair and reasonable

Buildings for administration management or other purposes with or without land may be purchased or constructed and land may be purchased upon which to construct such buildings at prices which the commission considers fair and reasonable consistent with the purpose for which intended

The commission may expend for lands or buildings or other improvements or for leases during any year such amount as in its opinion can be allotted for such purposes

Section 904 Exchange or Sale The commission may by resolution adopted by unanimous vote at a meeting when at least a majority of the members are present and voting authorize the exchange of any lands for which title has been acquired or part thereof or buildings or other improvements and appurtenances thereto for privately-owned lands or buildings having an equal or greater value and suitable for wild-life purposes when the commission deems such exchange for the best interests of the wild-life of the Commonwealth

Such lands may also be sold to the Department of Forests and Waters of this Commonwealth or to the United States of America for National Forests or may be exchanged with such agencies for State Forests or National Forests when the best interests of the wild-life of the Commonwealth can thus be attained

The necessary deeds or records to consummate such sale or exchange shall be subject to approval of the Attorney General or a deputy attorney general whom he may designate and shall be executed by the president of the commission acting for the Commonwealth The proceeds of any such sale shall be deposited in the Game Fund

Section 905 Fixed Charges Lands or buildings to which title has been taken in the name of the Commonwealth for use of the commission by purchase gift or otherwise shall be exempt from the payment of all taxes except such fixed charges as apply to and are imposed upon State Forests

Section 906 Use of Lands Lands for which title has been acquired for use of the commission or which have been leased or any part thereof may be used for the purpose of creating and maintaining State Game Refuges and Public Hunting Grounds either or both or for the propagation of game or for game propagation experiments or for special preserves as hereinafter provided and as much thereof as deemed necessary may be used for the administration development and magagement of such lands and the commission may permit its employes or agents to reside thereon

The commission may cut or cut and remove and sell or otherwise dispose of or permit the cutting removing and selling of timber on lands for which title has been acquired

The commission subject to the approval of the Governor may sell or lease minerals or oil or gas on in and under lands for which title has been acquired for its use when such disposition appears to the commission to be for the best interests of the Commonwealth provided however that when the estimated value of such minerals or oil or gas exceeds five hundred dollars the proposed sale or lease shall be advertised at least once a week for three successive weeks in two or more newspapers published in the general locality of the lands in question

The commission may sell or otherwise dispose of less valuable sand clay stone or other minerals or other products from said lands when such sale or disposition will not in the opinion of the commission adversely affect game protection or propagation or public hunting

The commission may grant rights of way or licenses for rights of way for roads pipe lines electric lines telephones lines and telegraph line on and across lands for which title has been acquired for its use when such grants will not in the opinion of the commission adversely affect game protection and propagation and shall charge for such licenses such remuneration and damages as the commission deems the conditions and circumstances warrant

The commission may grant water rights or rights to maintain airway beacon lights or forest fire observation towers on lands acquired for its use when such grants will not adversely affect game protection and propagation

and may charge for such licenses such rental and damages as the commission deems the conditions and circumstances warrant

No camp site lease may be issued to any person nor shall over-night camping be permitted on State Game Lands except that such rights may be granted to officers or agents of the commission or the Board of Fish Commissioners or the Department of Forests and Waters or the United States Forest Service or any other governmental agency when necessary for the performance of official duties incident to wild-life or forest preservation

All net proceeds from the sale of timber or the sale or leasing of minerals or of oil or gas or other products or for licenses or other rights granted by the commission shall be deposited in the Game Fund

Section 907 Buildings Other Improvements The commission may purchase erect or otherwise acquire or secure the use of and repair and maintain such buildings or other improvements on lands acquired for its use or under its control as may be deemed necessary for their proper utilization maintenance protection development administration propagation of wild-life experimental activities or any other purpose incident to the commission's functions

The commission may sell or otherwise dispose of buildings or other improvements on lands for which title has been acquired for its use or buildings or other improvements which it erected or purchased or otherwise acquired on lands under its control when such buildings or other improvements are no longer of use to the Commonwealth except that no building valued at five hundred dollars of more shall be sold without appropriate public advertisement The net proceeds of such sale shall be deposited in the Game Fund

(b) State Game Refuges

Section 915 Authorization The commission may establish and maintain State Game Refuges for the protection and propagation of wild-life on all or any portion of State Game Lands wherein and whereon game animals and game birds and fur-bearing animals shall not be hunted pursued disturbed or molested or killed at any time except by such agents as may be authorized by the commission

The commission may also with and by the consent of the proper authorities locate and maintain such State Game Refuges on State Forests National Forests or other publicly-owned lands within the Commonwealth The commission may also establish and maintain such refuges on privately-owned lands leased for this purpose

Section 916 Boundary Lines The boundary line of each State Game Refuge shall be surrounded by a well-defined fire line road or other clear strip of land and by at last one strand of wire Along the boundary of each such refuge there shall be posted in conspicuous places not more than one hundred and fifty yards apart notices bearing the following "State Game Refuge Hunting Is Unlawful" and such other information or other signs or posters as the commission may deem advisable

(c) Auxiliary State Game Refuges

Section 924 Authorization The commission may establish and maintain Auxiliary State Game Refuges State Game Propagation Areas and Special Preserves of such size as the commission may determine for the protection and propagation of wild-life wherein and whereon game animals game birds fur-bearing animals and predators shall not be hunted pursued disturbed or molested at any time except as may be authorized by the commission on lands suitable for such purpose and may create and maintain public hunting and trapping areas in conjunction therewith

Suitable lands owned or controlled by individuals corporations associations municipalities or by the State or National Government may be used for such purpose subject to permission of the proper authorities or persons owning or controlling the same

The hunting rights for such lands shall by written agreement or lease be vested in the Commonwealth for use of the commission by the owner or owners or persons having legal control and authority to vest such rights or proper governmental agencies for an uninterrupted period of five years or more The commission may authorize and empower the executive director to execute such agreements or leases on behalf of it and the Commonwealth

The executive director on behalf of the commission and the Commonwealth may cancel such an agreement or lease upon sixty days' notice to the lessor when in the judgment of the commission the use of such lands is no longer needed or desired or in case the owner or owners desire to sell such property and such sale cannot be consummated subject to said lease provided the executive director is satisfied the principal object of such sale is not to convert to private use the hunting trapping or fishing rights made more valuable through the use of such property as an Auxiliary State Game Refuge or special preserve or game propagation area

Section 925 Application Whenever the owner or owners or persons having legal control or interested persons or associations desire to have the commission establish one or more Auxiliary State Game Refuges on all or any part or parts of land suitable for the purpose and containing not less than 100 acres they may make application to the commission on forms which shall be provided for that purpose giving the following information

(a) The name and address of the owner or person or agency having legal control and having authority to execute an agreement or lease

(b) The location of the property and the acreage contained in it

(c) A map of the property wherever available

(d) Description of the character of the land and the wild-life thereon

(e) Statement as to whether or not the owner or person in control of the property has agreed to execute an agreement or lease vesting the hunting rights in the Commonwealth for use of the commission for a period of five years or more

(f) Statement that the owner or person in control will agree that no hunting or trapping shall be permitted on any part of the property set aside as a refuge or refuges

(g) Whether or not the owner or person in control will agree to permit hunting and trapping by the public on the balance of the property other than safety zones

(h) Whether or not the owner or person in control of the property expects the payment of a rental

(i) And such other information as the commission may require

If upon investigation the commission is satisfied one or more refuge areas should be established on all or any part of such area and if the owner agrees that public hunting and trapping will be permitted except within one hundred and fifty yards of buildings on the remaining portion of the area covered by the agreement it may proceed accordingly

Section 926 Agreement or Lease A written agreement or lease vesting the hunting rights of such property in the Commonwealth for use of the commission may then be prepared and submitted to the proper person or agency for execution and when properly signed it may be executed on behalf of the Commonwealth by the executive director acting for the commission After the agreement or lease is fully executed the commission may declare all or any portions of said property an Auxiliary State Game Refuge or Refuges and the balance if any shall be open to public hunting except within one hundred and fifty yards of buildings

Section 927 Auxiliary Boundary Lines Each Auxiliary State Game Refuge shall be surrounded by a well defined line such as a fence and if a suitable fence or some other suitable marker is not available then at least one strand of wire shall be erected Along the boundary line of each such refuge there shall be posted in conspicuous places not more than one hundred yards apart notices bearing the following "Auxiliary State Game Refuge Hunting is Unlawful" and such other information or such other signs or posters as the commission may deem advisable

(d) Game Propagation Areas Preserves Etc

Section 930 State Game Propagation Areas The com-

mission may declare and set aside any suitable area of land as a State Game Propagation Area wherein certain species of wild-life may be provided an opportunity to breed and propagate under natural conditions and wherein and whereon no wild-life shall be hunted pursued disturbed or molested or killed at any time except as may be authorized by the commission and from which animals and birds may be removed for stocking purposes elsewhere by the commission or its agents Such areas may be managed and developed as the commission considers advisable or necessary for the successful propagation and increase of wild-life The commission may adopt such rules and regulations governing such areas as it deems essential

Such propagating areas may be set up on and within publicly-owned or privately-owned lands within the Commonwealth with the approval of the proper authorities or person or persons owning or controlling same

The boundary lines of each State Game Propagation Area shall be plainly marked and well posted with notices to the public indicating the purpose of such protected area and calling attention that hunting or trapping therein or thereon is unlawful at any time of the year and citing the penalty or penalties for violating its sanctity or any regulations adopted by the commission for its management and protection

It is unlawful for any person to hunt or trap or attempt to hunt or trap or in any manner to disturb or molest any game birds or game animals or other wild-life on any area set aside as a State Game Propagation Area or to enter such areas contrary to the rules and regulations which the commission may adopt

Section 935 Dog Training Preserves The commission may set aside and maintain training preserves under such regulations and restrictions as the commission deems advisable regardless of any other provisions of this act wherein and whereon dogs used especially for hunting of game may be trained or where field trials for such dogs may be conducted

The commission may designate for such purpose for any one preserve not to exceed one thousand acres of State Game Lands or other lands leased or controlled by suitable agreement for such purpose Such area shall be suitably marked and posted by the commission

The commission shall have the right to restrict or permit the hunting and/or shooting of such species of game on a dog training preserve as it may deem advisable and to adopt and put into effect such predator control measures or such other rules and regulations as conditions warrant or require

It is unlawful for any person to hunt or trap or attempt to hunt or trap or in any manner to disturb or molest any game birds or game animals or other wild-life on any area set aside as a dog training preserve contrary to the rules and regulations which the commission may adopt

Section 936 Archery Preserves The commission may set aside and maintain not to exceed two archery preserves wherein and whereon it shall be unlawful to hunt for or take game of any kind by any other means or device than through the use of a bow and arrow The commission may adopt such further rules and regulations governing the taking of game on archery preserves as it deems advisable

The commission may designate for such purpose for any one archery preserve not to exceed one thousand acres of State Game Lands or other lands leased or controlled by suitable agreement for such purpose Such area shall be suitably marked and posted by the commission No one shall hunt on a special archery preserve with bow and arrow without first having secured a hunting license in accordance with the provisions of this act and in addition all such persons shall first obtain a special Archery Preserve Permit from the commission the fee for which is hereby fixed at two dollars Such special Archery Preserve Permits shall be attached to the hunter's license certificate for the current year and shall be countersigned in ink diagonally across its face by the owner before hunting on an archery preserve

It is unlawful for any person to hunt for pursue take or kill or attempt to hunt for pursue take or kill any game birds or game animals on any area set aside as an archery preserve contrary to the provisions of this section or any rules and regulations which the commission may adopt

(e) Regulations Penalties

Section 940 Rules and Regulations The commission is hereby empowered to formulate adopt post and enforce such rules and regulations for the management and government of lands acquired for its use or under its control by lease or agreement or for refuges or State Game Farms or State Game Propagation Areas or special preserves as it may deem necessary or advisable for their proper use and administration or as may be established pursuant to agreement with the Department of Forests and Waters the Board of Fish Commissioners or any Federal authority or with lessors

Such rules and regulations shall be the law of this Commonwealth relative to such lands or refuges or game farms or game propagation areas or special preserves and it is unlawful for any person to violate any of the rules and regulations so adopted by the commission A violation of any of the provisions of such rules and regulations shall subject the offender to the penalties hereinafter provided and in addition thereto such person shall pay the penalties hereinafter provided for hunting or trapping or catching or killing or wounding or driving or attempting to hunt trap catch kill wound or drive any birds or animals within such refuges or game farms or game propagation areas or special preserves contrary to the provisions of this article or the rules and regulations adopted by the commission

Section 941 Entry Upon Refuges It is unlawful for any person except by special permission of a duly authorized representative of the commission or as hereinafter in this section provided to enter or go upon a State Game Refuge or an Auxiliary State Game Refuge during any open season for the hunting of game or to enter or go upon such a refuge at any time of the year with firearms or bows and arrows or traps or dogs or to permit a dog or dogs under his control to enter any refuge The commission however is hereby empowered by adopting a suitable regulation under provisions contained in section 940 of this act to prohibit a person or persons from entering or going upon any such refuge or all such refuges at any or all times of the year should it deem such action advisable

In connection with their official duties it is lawful for any member of the commission or any employe or duly appointed agent of the commission or of the Department of Forests and Waters or of the Board of Fish Commissioners or of the United States Forest Service or a State or local police officer to go upon a game refuge or a preserve or a State game propagation area at any time of the year with or without firearms traps or dogs

It is lawful for any person or persons firms companies corporations etc owning mineral oil gas or timber rights on in or under a game refuge or a State game propagation area or their specifically designated agents to go upon such a refuge or propagation area when absolutely essential in connection with their reserved rights thereto

It is lawful for an employe or duly authorized agent of the commission under the direction of the executive director or other administrative officer designated by him to trap and remove game or fur-bearing animals from game refuges or preserves or game propagation areas for stocking purposes elsewhere and to trap or hunt for predatory animals at any time and in any manner approved by the commission or the executive director or an administrative officer designated by him

The commission through the executive director or other administrative officer designated by him may grant a special written permit to persons regularly residing on land upon which one or more Auxiliary State Game Refuges are located which permit may be revoked at any time to have traps dogs firearms or bows and arrows in his or her possession on such a refuge so long as they are not used in hunting or trapping or which dogs are not permitted to chase or disturb game except when taking or destroying predators under special permit or when traps are used in removing game for stocking purposes elsewhere

The commission through the executive director or other

administrative officer designated by him may grant written permits to responsible persons to hunt or trap for predators and to use dogs or firearms in connection therewith on game refuges or propagation areas under the commission's control except that such permit shall not be effective during any open season for game

The commission may adopt rules and regulations setting forth the manner in which persons working upon or living within Auxiliary State Game Refuges may be or go upon such refuges at any time

Except as in this article otherwise provided it is unlawful for any person to hunt for or trap or catch or kill or wound or drive or to attempt to hunt for or trap or catch or kill or wound or drive any birds or animals within the limits of a State Game Refuge or an Auxiliary State Game Refuge

Section 942 Protective Measures (a) It is unlawful for any person without the consent of the commission or any of its authorized employes to wilfully or maliciuously cut bark from or cut down or remove or otherwise injure or destroy a tree or trees or a shrub or shrubs or parts thereof growing upon lands acquired for use of the commission or to wilfully negligently or maliciously do or cause to be done any other act to the detriment of such lands or the trees or shrubs growing thereon

(b) It is unlawful for any person or persons without the consent of the commission or any of its authorized employes to kindle fires or for any person or persons to drop lighted matches or cigars or cigarettes or to empty burning tobacco from a pipe on or upon lands acquired for use of the commission or under its control when there is any danger whatever of a forest fire resulting

(c) It is unlawful for any person or persons to remove sand or stone or clay or other minerals or property from lands or waters acquired for the use of the commission except by written permission from the commission or its duly authorized employes

(d) It is unlawful for any person to wilfully negligently or maliciously cut remove cover up deface or otherwise mutilate injure or destroy any placard sign or poster of the commission on any lands acquired for its use or under its control

(e) In addition to such protection as the commission may provide against violation of game fish and forestry laws on and within lands for which the hunting rights have been vested in the Commonwealth for its use the commission's duly authorized officers are hereby empowered to arrest without warrant and to prosecute hunters or trappers caught in the act of destroying or damaging property or injuring farm live-stock on or within such lands

(f) It is unlawful for any person to fish or attempt to fish or to take fish from the waters within the boundaries of any State Game Refuge except from such streams or parts thereof as the commission may declare open to lawful fishing in accordance with the Fish Laws of the Commonwealth or under such provisions or regulations as may be agreed upon with the Board of Fish Commissioners or the Commissioner of Fisheries

(g) It is unlawful for any person to post the commission's State Game Refuge or Auxiliary State Game Propogation Area or other preserve signs or notices on any other lands than those herein provided

Section 943 Penalties Any person violating any of the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecutions for each offense

(a) For going upon a State Game Refuge or an Auxiliary State Game Refuge or for permitting a dog or dogs to enter any such refuge in violation of any of the provisions of this article twenty-five dollars ($25.00) and in addition thereto such person shall pay the penalty hereinafter prescribed

(b) For going upon a State Game Propagation area or a State Game Farm or any special preserve in violation of any of the provisions of this article or any rules and regulations adopted by the commission relative thereto twenty-five dollars ($25.00) and in addition thereto such persons shall pay the penalty hereinafter prescribed

(c) For violating any of the provisions of paragraph (a) of section 942 of this article twenty-five dollars ($25.00) for each tree or shrub or part thereof or other damage committed and shall pay double the value of each tree or shrub cut down or felled and treble the value in case such tree or shrub is removed from the land where grown as determined or estimated by the Commission's employes

(d) For violating any of the provisions of paragraph (b) of section 942 of this article twenty-five dollars ($25.00) and in addition thereto shall be subject to the provisions and penalties prescribed in the Acts of May 4 1927 P. L. 737 April 3 1929 P. L. 135 and May 22 1933 P. L. 178 or to subsequent acts amending or replacing these acts

(e) For violating any of the provisions of paragraph (c) of section 942 of this article twenty-five dollars ($25.00) and in addition thereto the value of such materials as estimated by the commission's employes

(f) For violating any of the provisions of paragraph (d) of section 942 of this article ten dollars ($10.00)

(g) For violating any of the rules and regulations of the commission adopted in accordance with the provisions of this article twenty-five dollars ($25.00)

(h) Except as otherwise herein provided for hunting or trapping or catching or killing or wounding or driving or molesting or removing or attempting to hunt for or trap or catch or kill or wound or drive or molest or remove any wild birds or wild animals within the limits of a State Game Refuge or an Auxiliary State Game Refuge or a State Game Farm or a State Game Propagation area or a special preserve contrary to the provisions of this article or for violating any of the provisions of this article not hereinbefore specifically provided for

I Each elk two hundred dollars
II Each deer or bear one hundred dollars
III Each wild turkey ruffed grouse ringneck pheasant quail partridge or woodcock twenty-five dollars
IV Each raccoon twenty-five dollars
V Each other wild bird or wild animal ten dollars

(i) For resisting an officer of the commission when attempting to arrest a person for violation of any property damage law of this Commonwealth or of any law of this Commonwealth intended to protect farm live-stock or human life for a violation occurring on lands leased by the commission or under its control one hundred dollars ($100.00)

Upon failure of any person convicted of a first offense under the provisions of this article to immediately pay in full the fine imposed and costs of prosecution and any damages assessed he shall be subjected to imprisonment one day for each dollar of fine imposed and costs of prosecution and damages assessed remaining unpaid

Any person convicted of a second or subsequent offense shall be liable to double the fines herein provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

ARTICLE X

Unnaturalized Foreign-Born Residents

Section 1001 Definition of Unnaturalized Foreign-born Residents For the purpose of this article any unnaturalized foreign-born person who shall live or reside within the boundaries of the Commonwealth for ten consecutive days shall be considered an unnaturalized foreign-born resident and shall be liable to the fines imposed for violations of the provisions of this article

Section 1002 Hunting Et Cetera Possession of Firearms or Dogs It is unlawful for any unnaturalized foreign-born resident to hunt for or capture or kill or attempt to capture or kill or aid or assist in the capturing or killing of in any manner any wild bird or wild animal of any description either game or otherwise and to that end it is unlawful for any unnaturalized foreign-born resident to either own or be possessed of a shotgun or rifle or pistol or firearm of any make or kind or a dog of any kind

Any person charged with a violation of any of the provisions of this article shall be required to bear the burden of proof that he is a citizen of the United States

Section 1003 Prima Facie Evidence of Violations The

possession of a shotgun or rifle or pistol or firearm of any make or kind or of a dog of any kind by an unnaturalized foreign-born resident shall be prima facie evidence of a violation of the provisions of this article

The presence of a shotgun or rifle or pistol or firearm of any make or kind or of a dog of any kind in a room or house or building or tent or camp of any description occupied or controlled by an unnaturalized foreign-born resident shall be prima facie evidence that such firearm or dog is owned or controlled by the person occupying or controlling the property in which the same is found and shall render such person liable to the fines imposed by this article

Section 1004 Penalties Any person violating the provisions of this article shall upon conviction be sentenced to pay the following fines and costs of prosecutions for each offense

For the capture or killing or aiding in the capturing or killing contrary to the provisions of this article any wild bird or animal

(a) Each elk two hundred dollars and in the discretion of the court six months' imprisonment

(b) Each deer or bear one hundred dollars

(c) Each wild turkey ruffed grouse ringneck pheasant quail partridge or woodcock twenty-five dollars

(d) Each raccoon twenty-five dollars

(e) Each other bird or animal ten dollars

For hunting in any manner or for owning or possessing a shotgun or rifle or pistol or firearm contrary to the provisions of this article twenty-five dollars and costs of prosecution

For owning or possessing a dog contrary to the provisions of this article fifteen dollars and costs of prosecution

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second and subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

Section 1005 Forefeiture of Firearms and Dogs All shotguns rifles pistols firearms and dogs found in possession or under control of an unnaturalized foreign-born resident shall upon the conviction of any such person or upon his signing an acknowledgement of guilt as hereinafter provided in this act be forfeited to the Commonwealth All such firearms shall be sold by the commission as hereinafter provided All such dogs shall be either killed in a humane manner or disposed of in such manner as the commission may direct

ARTICLE XI

Bounties

Section 1101 Authority to Pay Bounties on Predators Whenever in the opinion of the commission it is desirable or necessary for the better protection of game to pay rewards or bounties for the killing of any predators in any part of or throughout this Commonwealth the said commission is hereby authorized to pay such bounties for the destruction of predators and in such amounts and during such periods as it shall by general rules or regulations prescribe but in no case shall the amount so paid exceed the following bounties for the birds and animals herein enumerated For each Canada or Bay Lynx commonly called bobcat or wildcat fifteen dollars for each fox four dollars for each weasel one dollar and for each goshawk or other predatory bird five dollars

All bounties authorized by said commission shall be paid only upon such conditions as may be prescribed in said regulations and upon such proofs and in such manner as hereinafter provided

Section 1102 Notice of Change in Bounties Before any change in the rate of bounty or other rules and regulations adopted relative thereto shall become effective the commission shall give not less than sixty days advance notice setting forth the effective date of such rates rules and regulations in the Pennsylvania Game News and through such other sources of public information as the commission may deem essential Provided however that until the commission fixes the rate of bounty in the manner herein stipulated bounty payments shall continue in effect in accordance with the provisions of section 1001 of the Act of May 24 1923 Pamphlet Laws 359 as amended

Section 1103 Making Claim for Bounty Any person having killed in a wild state within this Commonwealth any such predator and being desirous of securing the reward or bounty provided for such killing shall produce such slain predator or the entire pelt of any animal and the entire body of any bird before any game protector or deputy game protector or any other person authorized to administer oaths within this Commonwealth and shall make affidavit on forms supplied by the commission that (a) he or some member of his immediate family or household naming such person killed the same (naming it) (b) stating the date of such killing (c) that it was killed in a wild state (d) that the place (naming it) where such animal or bird was killed was within the Commonwealth (e) that such animal or bird was not reared or held in captivity and released and (f) that such person was not responsible directly or indirectly for having such animal or bird imported into the Commonwealth or released

Each officer other than a salaried game protector shall receive a fee of twenty-five cents for each affidavit containing one claim and fifty cents for each affidavit containing more than one claim Game Protector and deputy game protectors are authorized to administer the oath required by this section Deputy game protectors shall supply seals at their own expense

The claimant for bounty shall forward such affidavit and the unmutilated salted or cured skin or pelt of the animal or animals to the director at Harrisburg within four months from the date of killing and the affidavit and the entire body of any bird shall be forwarded delivered to the director at Harrisburg within forty-eight hours after killing

In no case except for the killing of predatory birds shall a bounty be paid where the whole carcass or body of the raw unsalted or undried skin of an animal is received by the commission

Section 1104 Payment of Bounties Monthly Accounting Upon receipt of such affidavit and skins or pelts in proper form or the entire body of any bird or birds if the director is satisfied that the skins or pelts or birds presented to him are the skins or pelts of animals or birds for the killing of which a bounty is offered and that such claims are in all respects legitimate he shall split the face of the skin from a point between the eyes through the end of the nose and shall as quickly as may be forward the commission's check to the claimant for the amount found to be due and shall if requested return all such skins or pelts at the expense of the game fund to such address within the Commonwealth as the owner may direct No predatory bird presented for bounty shall be returned to the claimant

The director shall at least once a month render an accounting to the Auditor General in such form as he may prescribe of all claims paid giving the name and address of the payee

Section 1105 Unlawful Collection of Bounties Penalties It is unlawful for any person to collect or attempt to collect or to aid conspire or assist in the collection of a bounty through the presentation of a skin or a carcass or any part thereof of any animal or bird upon which no bounty is authorized in accordance with the provisions of this act or through deception of any character or to present for the purpose of collecting a bounty the skin or carcass or any part thereof of an animal or bird that has been reared or held in captivity or released or the skin or carcass or any part thereof of any animal or bird captured outside of this Commonwealth or to collect or attempt to collect or to aid conspire or assist in collecting a second bounty for the killing of any animal or bird upon which a bounty has already been paid

Any person who shall wilfully or fraudulently collect or attempt to collect or aid conspire or assist in collecting any bounty to which the claimant or any other person is not legally entitled under the provisions of this act or

shall aid abet or assist in any capacity officially or otherwise in any attempt to defraud the Commonwealth through the collection or payment of any reward or bounty shall be guilty of perjury and punishable as a misdemeanor where a false affidavit is made and in addition thereto upon conviction in a summary proceeding or upon signing an acknowledgement of the offense committed shall be sentenced to pay to the Commonwealth for the use of the game fund a fine of one hundred dollars and costs of prosecution and in default of the payment of the fine and costs so imposed shall suffer imprisonment in the jail of the county in which the affidavit is made for a period of one day for each dollar of costs and fine imposed and unpaid

Any person who shall collect a bounty to which such person is not legally entitled under the provisions of this act shall in addition to the fines herein imposed be required to refund to the commission such amounts as shall have been unlawfully collected

All skins of animals or parts thereof or the bodies of any birds or parts thereof presented for bounty in a false claim for which no bounty is provided or otherwise contrary to the provisions of this act are hereby declared forfeited to the Commonwealth and shall be disposed of by the director

ARTICLE XII

Enforcement Of Act Procedure Penalties

Section 1201 Jurisdiction Except in cases where the offense is designated a misdemeanor or a felony each magistrate alderman and justice of the peace shall have the power of summary conviction in matters pertaining to violations of any of the provisions of this act

Section 1202 Procedure All summary proceedings under the provisions of this act shall be commenced by affidavit made within two years after the date of any violation

Any magistrate alderman or justice of the peace on complaint made before him by affidavit charging any person with having violated any of the provisions of this act or any of the rules and regulations issued by the commission pursuant to this act shall issue his warrant under his hand and seal directed to any constable police officer game protector or any officer whose duty it is to enforce the game laws of this Commonwealth and cause such person to be brought before him

When any person is arrested without warrant the officer making the arrest shall immediately except on Sunday take such person before a magistrate alderman or justice of the peace and make complaint by affidavit

The magistrate alderman or justice of the peace or the court in case of appeal shall in all cases hear the evidence and determine the guilt or innocence of the person accused If such person is convicted of the offense charged and if the magistrate alderman or justice of the peace or the court on appeal shall also find that any bird or animal or part thereof or of any firearm trap dog boat conveyance vehicle or its attachments or any device implement or appliance the use of which is expressly forbidden by this act and found in possession of the defendant is unlawfully possessed and liable to forfeiture to the Commonwealth the defendant shall be sentenced to forfeit to the Commonwealth such bird or animal or part thereof or such of the before-mentioned unlawful articles and equipment as shall have been found to be unlawfully used or unlawfully in his possession and also to pay the full fine prescribed by this act for such violation together with costs of prosecution and in default of the payment of such fine and costs shall be sentenced to imprisonment one day for each dollar of fine and costs so imposed and shall also be sentenced to forfeit to the Commonwealth such property implements devices or any bird or animal for the use of or disposal by the commission

Section 1203 Acknowledgment of Guilt Any person charged with violating any provisions of this act may sign an acknowledgment of the offense committed either before or after the beginning of suit and pay to any duly appointed and commissioned game protector or deputy game protector the fine provided by this act together with costs accruing to that date and surrender to the Commonwealth any bird or animal or part thereof or any article implement device or equipment the use of which is expressly forbidden by this act unlawfully taken or possessed Such person shall receive a printed receipt therefor which shall bear the imprint of the seal of the commission and the signature of its executive director which shall be evidence of full satisfaction of the offense committed

Section 1204 Arrests Without Warrant Seizure of Certain Property and Game Any officer whose duty it is to enforce the game laws of the Commonwealth may arest without warrant any person caught in the act of violating any of the laws relating to game or other wild birds or wild animals or in pursuit immediately following any such violation He may seize all guns shooting or hunting parpahernalia traps dogs boats automotive equipment or any unlawful device implement or other appliance used in violation of any such laws or which he may find in the execution of a search warrant and may seize all birds or animals found either on the possession or under the control of the suspected person

Section 1205 Arrests on Sunday Any officer whose duty it is to enforce the game laws of the Commonwealth may arrest on Sunday without warrant any person caught or found in the act of violating any of the laws relating to game or other wild birds or wild animals or in pursuit immediately following such violations and in such cases the person arrested may be committed by the officer making the arrest to the jail or lockup for safekeeping for that day unless such person deposits with the officer making the arrest in trust a sum of money equivalent to the amount of fine imposed for the violation committed Such person shall be taken before a proper magistrate alderman or justice of the peace and be proceeded against on the week day following the arrest

Section 1206 Search Warrants Whenever any individual makes any complaint in writing before any magistrate alderman or justice of the peace supported by his oath or affirmation and subscribed to by him alleging that there is probably cause to believe and that he has just and reasonable grounds for believing and does believe that certain birds or animals have been caught taken killed possessed shipped or are about to be shipped or that a firearm or dog is concealed by an unnaturalized foreign-born resident contrary to the provisions of this act and describing as nearly as may be the things to be searched for and the place or places to be searched shall issue a search warrant and cause search to be made

Section 1207 Penalty for Resisting Arrest Any person who by force menace threat or in any manner resists inspection or arrest for violation of any of the provisions of this act or refuses to go with an officer after an arrest has been made or interferes with any officer of the Commonwealth in the performance of his duty under the provisions of this act shall upon conviction be sentenced to pay a fine of one hundred dollars and cost of prosecution and in default of the payment of such fine and costs shall be imprisoned one day for each dollar of fine and costs

Section 1208 Refusal to Assist Officers Any person who refuses upon request to assist any officer whose duty it is to enforce the provisions of this act shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution and in default of the payment of such fines and costs shall be imprisoned for ten days

Section 1209 Investigations by Officers Etc Any officer investigating any violation of the game laws is hereby authorized to administer oaths relative to such matter and where birds or animals of any kind or any firearm device implement or equipment the use of which is expressly forbidden by this act no matter where found are found in possession or under control of an individual or hunting party the person or persons in charge or in possession or control of such birds or animals or any of the devices or equipment herein named shall answer satisfactorily immediately under oath if required such questions relating to the taking or ownership or possession of same as may be considered necessary by the officer investigating and in every case where such person or persons in charge or in possession or in control of such birds or animals or any of the devices or equipment herein named refuse to so answer such question the birds or animals or any of the devices or equipment herein named thus

found are hereby declared forfeited to the Commonwealth and such officer is directed to take charge of and dispose of same as provided by this act

Section 1210 Review of Proceedings by Court of Quarter Sessions Any person convicted of violating any of the provisions of this act may enter into good and sufficient recognizance to pay the fine imposed and costs within a period of ten day after the date of his conviction or may certiorari or appeal the proceedings within five days after such conviction to the Court of Quarter Sessions of the county in which convicted Any prosecutor dissatisfied with the finding of any magistrate alderman or justice of the peace may in like manner appeal to said court within said period All such appeals shall be only on allowance of the Court of Quarter Sessions or a judge thereof on cause shown and shall be determined by the Court of Quarter Sessions without a jury

Section 1211 Fines to be Forwarded to Director All fines recovered in cases where the prosecutor is a salaried officer of the Commonwealth shall be immediatly surrendered by the court receiving the same to the prosecutor who in turn shall forward or deliver such fines and penalties to the director within fifteen days

Where any officer of the Commonwealth other than a salaried officer is the prosecutor the fines and penalties shall as soon as the case is fully determined before him be forwarded by such magistrate alderman or justice of the peace to the director at Harrisburg together with a statement of the cause for which such fines were collected the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution

All fines received by the director shall be paid into the State Treasury by and through the Department of Revenue for the use of the game fund

Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate alderman or justice of the peace imposing or receiving the same to the director upon forms furnished by the Department of Revenue such reports shall be made monthly not later than the tenth day of the following month

Any magistrate alderman or justice of the peace who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a Court of Quarter Sessions shall be sentenced to pay a fine of one hundred dollars ($100.00) and costs of prosecution or undergo imprisonment for not more than sixty days or suffer both such fine and imprisonment

Section 1212 Return of Fees Fines or other Moneys Erroneously Paid Into Treasury Whenever the commission is satisfied that any fee fine or any other moneys paid into the State Treasury under any of the provisions of this act or any act superseded by it were erroneously collected and deposited the commission within twelve months after such deposit may by resolution authorize the director to draw a requisition upon the game fund for the amount involved Upon receipt of such requisition and an extract of the minutes of the commission the Auditor General shall draw his wararnt upon the State Treasurer in favor of the person from whom such fee fine or other money was erroneously collected

Section 1213 When Certain Convictions to be Deemed Second Convictions Any person convicted or pleading guilty or signing an acknowledgement of guilt under the provisions of this act who prior thereto was convicted or plead guilty or signed an acknowledgment of guilt for violating any of the game laws then in force shall be sentenced under this act and be denied by the commission or by this act the right to hunt anywhere with or without a hunter's license in the same manner as if such person had been convicted of a second offense against this act

Section 1214 Disposition of Seized Birds and Animals All wild birds and wild animals or part thereof found in the possession of any person not legally taken and seized under the provisions of this act or killed as a protection to property except as hereinbefore provided shall be forfeited to the Commonwealth for the use of the commission

All dead game so forfeited shall be forwarded or delivered immediately to the most convenient charitable institution or other charitable agency designated by the director

All live game and all other wild birds and animals or parts thereof not classed as game so seized shall be disposed of by the director

Section 1215 Disposition of Seized Property When Defendant Convicted When a defendant is convicted of violating any of the laws relating to game or other wild birds or wild animals and pay the fine and costs imposed all guns traps boats dogs and other shooting or hunting paraphernalia vehicles or conveyances or any device implement or appliance seized in connection with his arrest shall if the use of the same is not forbidden by this act be returned to the defendant except in the case of the conviction of any unnaturalized foreign-born person and in case the fine and costs are not so paid in full all property other than illegal devices so seized shall be sold at public auction in such manner and subject to such conditions as the director shall direct The cost of any such sale shall be part of the costs of prosecution Any fund arising from any such sale shall be applied first to the cost of the sale second to the payment of costs of prosecution and third to the payment of the fine imposed The remainder if any shall be returned to the owner of the property thus seized The defendant shall be entitled for the first offense ony to the credit of one day off his imprisonment for each dollar applied toward the payment of his fine

Property seized the use of which is forbidden by this act or any firearm so seized which is unfit or unsafe for further use shall be forfeited to the Commonwealth and be disposed of by the director Firearms which are unfit or unsafe for further use shall be permanently destroyed

Any motor vehicle and its attachments or any motor trailer and its attachments seized and forfeited to the Commonwealth in accordance with the provisions of this act shall be advertised in a newspaper of general circulation published in the county once a week for two consecutive weeks after which it may be sold at public auction in such manner and subject to such conditions as the director shall authorize

Section 1216 Disposition of Seized Property When Owner Escapes Arrest All guns traps dogs boats vehicles or conveyances or any device implement or appliance and other shooting or hunting paraphernalia, seized under the provisions of this act where the owner thereof escapes arrest and refuses to present himself and make claim to the property shall be held for a period of ten days after which time such property shall be sold in a manner prescribed for the sale of property seized where the defendant is convicted The fund arising from such sale shall be applied first to the payment of the costs of the sale second to any cost of prosecution accrued and the remainder thereof shall be forfeited to the commission

Section 1217 Liability for Costs Not Paid By Defendant Whenever any officer whose duty it is to enforce the laws of this State protecting game fur-bearing animals and protected birds shall in good faith bring suit for any violation of such laws and for any legal cause shall fail to recover the costs of record to which he is legally entitled such costs shall be a charge upon the proper county and shall be audited and paid as are costs of like character in said county

ARTICLE XIII

Deer Proof Fences Damage By Bears

(a) Deer Proof Fences

Section 1301 Authority to Provide Deer-Proof Fences In sections of the Commonwealth where wild deer are present in excessive numbers on lands open to public hunting and are in a material way injuring or destroying farm crops fruit orchards or commercial tree nurseries where ornamental or fruit trees are grown for sale the owners or lessees or such farm fruit orchards or commercial tree nurseries may make application to the commission for assistance in the erection of a deer-proof fence whereupon said commission through its representatives shall investigate the conditions prevailing on such prop-

erty and adjacent territory If the investigation discloses the need of protection from deer such as would be provided by fencing the commission may enter into a written agreement with the applicant and such others in the vicinity similarly affected as in the opinion of the commission may require like protection for the erection of a deer-proof fence of such height design materials and type of construction as the commission may specify The provisions of this section shall not be construed to apply to gardens or truck patches except where produce is raised for market on a commercial basis

The commission may purchase and deliver to the applicant or applicants at the nearest shipping point the required amount of woven wire fencing of the design and height approved by it and the required quantity of staples provided the applicant or applicants have agreed in the said written agreement to furnish all posts needed to construct said fence and all gates he or they desire to erect and to construct said fence without cost to the commission within six (6) months from the day the fencing and staples arrive at the point to which they were directed shipped or delivered

In case the said fence is not completed within the stipulated time the commission through its representatives may recover the materials it furnished at such time and in such manner as desired or found practical

All such fences after erection shall be maintained by the individuals interested and the commission shall bear no part of such future maintenance Replacement of such fences when worn out may be on the same basis as the erection of the original fence the commission to decide when such replacement fence shall be necessary

Section 1302 Amount Available for Deer-Proof Fences Not to exceed ten thousand dollars ($10,000) annually may be expended by the commission from the Game Fund for the purchase of woven wire fencing and staples for the erection of deer-proof fences in accordance with the provisions of this article

(b) Damage by Bears

Section 1303 Authority of Pay Bear Damage Claims The commission may pay for any damage done to livestock or poultry or for protection to or damage done to bees by bears upon lands open to public hunting if all such damages are reported to the nearest regular salaried officer of the commission within forty-eight hours and such claims are presented in writing under oath to the director at Harrisburg within ten days from the time such damage is alleged to have been incurred No claim for damage to bees or their hives shall be paid where such hives are located more than three hundred yards from the residence of the owner or from the residence of his employe or other agent in charge thereof

The director as soon as possible after such complaint is received shall detail two regular employes of the commission to interview the claimant to inspect the property reported as injured if not previously inspected to collect such additional evidence as to them may appear necessary and to effect a settlement of the claim when possible The representatives of the commission shall have authority immediately to seize any property offered in evidence to support such claim which shall be returned to the owner upon satisfaction of the claim

In all cases where an agreement between such employes and the claimant is reached regarding the true value of damage sustained and the director is satisfied that such claim is reasonable and fair a voucher shall be drawn upon the game fund in the amount named in such finding Where such employes and the claimant cannot agree upon the amount of damage the director shall proceed as hereinafter provided

Section 1304 Amount Available for Bear Damages Not to exceed three thousand dollars ($3,000.00) annually may be expended by the commission from the game fund for the payment of such bear damage protection or bear damage claims filed and adjusted in accordance with the provisions of this article

(c) Adjustment of Disputes

Section 1305 Adjustment of Disputed Claims If the commission or its employes and the applicant or applicants or adjacent land-owners are unable to agree upon the necessity for a deer proof-fence or fences or the amount of continuous fence necessary or the location thereof or the commission or its employes and the claimants for damage sustained by bears are unable to agree upon the amount of such damage or the cause thereof the director or a representative designated by him may select a board of viewers from the county in which the application for deer-proof fence or the claim for damage by bears originates

Said board of viewers shall consist of three disinterested and reputable citizens one of whom shall be a farmer one a sportsman and the third a business man from any walk of life who together shall make an impartial examination of the premises and hear such evidence under oath as may be submitted whereupon they shall decide upon and report to the commission the results of their deliberations concerning the question involved

If either the applicant or applicants or the claimant or the commission shall be dissatisfied with the finding of the board of viewers so appointed a petition may be presented to the Court of Quarter Sessions of the county wherein said relief is desired or bear damage claim originates which court shall select a similar board of viewers Such second board of viewers shall disregard all findings or reports made by the first board and shall carefully examine into the questions involved and make a sworn report to said court with a copy to the commission and a copy to a designated representative of the applicants or claimants The findings of the second board of viewers shall be final and binding upon all parties concerned

Section 1306 Oath Required Compensation of Viewers and Witnesses Viewers appointed under the provisions of this article and all witnesses examined by them shall be sworn by a person authorized to administer oaths or by the executive director or a representative appointed by him who is hereby empowered to administer oaths to both viewers and witnesses Such oath shall in all ways be binding and of like effect as oaths administered in any court of this Commonwealth The viewers so appointed and witnesses examined by them shall be paid by the commission from funds hereinbefore designated for services and expenses at the same rate as jurors and witnesses in the Courts of Quarter Sessions are now compensated

(d) False Claims for Damages

Section 1307 Penalty for Filing False Claims for Bear Damage It is unlawful for any person knowingly to file a claim for damage alleged to have been done by bears which was committed by the claimant's own dogs or by dogs or other domestic animals harbored on the premises or by dogs belonging to a neighbor or for any livestock which died from other causes or for property otherwise damaged or destroyed in an attempt to collect damages under the provisions of this article

Any person who shall attempt to collect a claim for damage by bears contrary to the provisions of this section shall upon conviction be sentenced to pay a fine of fifty dollars and costs of prosecution and upon failure to pay the fine so imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine and costs of prosecution

ARTICLE XIV

Game Fund

Section 1401 Continuance of Game Fund Appropriation All license fees fines permit fees and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as the Game Fund or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced or (c) that may be paid into the State Treasury under the provisions of this act shall be placed in the separate fund known as "The Game Fund" and shall be held separately and apart solely for the following purposes

(a) For the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and non-resident hunter's licenses and license tags

(b) For the payment of the traveling and other necessary expenses of the members of the commission and the salaries wages or other compensation and traveling and other necessary expenses of the executive director and of such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers game protectors and other field officers and employes laborers and such other assistants and employes as may be required for the proper conduct of the work of the commission and of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the commission or for handling any legal business pertaining to its work

(c) For wild bird game and fur-bearing animal protection and propagation

(d) For the acquisition by purchase lease or otherwise and establishment of State Game Farms and other areas for the propagation and production of game for stocking purposes and all expenditures incident to the development maintenance management operation and administration thereof

(e) For the purchase of game and fur-bearing animals for propagation and stocking purposes

(f) For feeding game and wild birds

(g) For the acquisition of lands or hunting rights by purchase lease or otherwise the creation of game refuges and public hunting grounds the maintenance development management and administration of lands refuges and public hunting grounds and special preserves and for the purchase of timber minerals oil gas or other outstanding rights on lands for which titles have been or are being acquired or water rights on adjoining lands for administrative or management purposes whenever the commission deems such purchase desirable

(h) For the purchase of other lands and buildings and for the erection maintenance and repair of buildings

(i) For the purchase of such furniture furnishings stationery supplies materials fuel motor vehicles tractors trucks boats horses and other equipment as may be necessary for the conduct of the work of the commission and for the maintenance of equipment and for the payment of premiums on bonds for such officers or employes of the commission as may be required also to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and the person operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the commission

(j) For the control of predators and the payment of bounties and expenses in connection therewith or to encourage the killing of predators so long as the sum expended for such prizes or medals does not exceed ten thousand dollars during any one fiscal year

(k) For the payment of professional and laboratory fees and other expenses incident to the scientific investigation of wild-life problems

(l) For the purpose of entering into cooperative agreements with Pennsylvania State College and State Federal or other agencies to promote wild-life research and to train men for wild-life management

(m) For the payment of any expenses incident to cooperative agreements with Federal or State agencies Pennsylvania State College or other organizations or individuals for the development and maintenance of wild-life management and demonstration or experimental projects

(n) For the construction and maintenance of buildings and for salaries equipment and supplies incident to the operation and maintenance of the commission's training school for field officers and the commission may also expend funds to train additional students for similar work in other State departments or from conservation departments of other states if at the end of the school term the pro rata cost of such additional students is refunded to the game fund

(o) For the payment of commissions or fees in such amount as shall be fixed by the commission to duly appointed agents for receiving subscriptions to the Pennsylvania Game News which commissions or fees shall be deducted from the remittances for subscriptions received

(p) For the payment of all or any part of the cost of any printing lithographing color process work posters notices tags badges buttons and such other like materials as in the opinion of the commission may be necessary to its work

(q) For the refund of fees fines or other moneys erroneously collected and deposited

(r) For the payment of rentals of offices grounds buildings or other quarters leased for the commission by the Department of Property and Supplies and for telegrams and telephone rentals and toll charges and rentals on leased office or other devices

(s) For the purchase of deer-proof fencing to protect farm and orchard crops

(t) For the payment of bear damage claims

(u) For the payment of any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the commission including the actual cost of moving household effects of employes in the service when ordered by the commission to change their headquarters and place of residence to a point more than ten miles distant from the former headquarters

(v) The sum of not less than seventy-five cents from each resident hunter's license fee and all net revenues derived from State game lands and refuges shall be used exclusively for the creation acquisition by purchase lease or otherwise and the maintenance development management and administration of the commission's system of State game lands public hunting grounds refuges and auxiliary refuges for the purchase of outstanding timber minerals oil gas or other rights on lands for which titles have been or are being obtained or water rights on adjoining lands for administrative or management purposes whenever the commission deems such acquisition desirable for the stocking and feeding of game on State game lands refuges auxiliary refuges and public hunting grounds maintained in connection therewith and for all other expenditures made by or in behalf of its Bureau of Refuges and Lands incident to the foregoing purposes including a proper pro-rata share of all expenditures necessary to cover general administrative functions of the department in connection therewith At the beginning of each fiscal year the commission shall allocate funds for the above purposes on the basis of previously unobligated and prospective revenues and the proposed expenditures during the next fiscal year for the purpose stipulated in this paragraph If at the end of any fiscal year there shall remain an unobligated or unexpended balance in said special fund the commission may allocate such balance to the purchase or propagation in a wild state of additional game for stocking purposes

(w) The commission shall have the right to acquire title to or control of lands and buildings by purchase lease gift or otherwise direct from the owners or persons having legal control thereof as in this act hereinbefore provided without submission to or approval by the Department of Property and Supplies The commission may also purchase direct without prior confirmation of the Department of Property and Supplies all game and game food for its game farms and elsewhere as needed in any amount The commission also may without prior confirmation of the Department of Property and Supplies make direct field purchases of materials supplies and equipment for the maintenance and development of its system of refuges hunting grounds game farms game propagation areas and buildings and repairs thereon and for other field activities at the most advantageous prices available in amounts not to exceed one hundred dollars in a single purchase In the purchase of all other supplies equipment printing and other purchases necessary for the conduct of the work of

the commission such purchases shall be made through the Department of Property and Supplies as purchasing agent

(x) All such moneys placed in the Game Fund under the provisions of this section are hereby made available immediately and are hereby specifically appropriated to the commission for the purposes herein specified.

(y) Estimates of the amounts to be expended under this act from time to time by the Pennsylvania Game Commission shall be submitted to the Governor for his approval or disapproval and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Pennsylvania Game Commission in excess of the estimates approved by the Governor Subject to the foregoing provision the moneys appropriated by this act shall be paid out of the Game Fund upon warrant of the Auditor General drawn after requisition by the Pennsylvania Game Commission or as authorized by law by other departments

Section 1402 Money to be Paid upon Requisition of Director The money in the Game Fund shall be paid for the purposes stipulated in this act upon requisition of the executive director in the manner provided by law

The Auditor General shall also upon requisition from time to time of the executive director and the proper accounting for moneys previously advanced from the fund draw his warrant upon the State Treasurer for the amount specified in such requisition for the payment of bounties not exceeding however the amount approved by the Commission

ARTICLE XV

Acts of Assembly Repealed Saving Clause

Section 1501 Repeals The following acts and parts of acts of Assembly are hereby repealed as respectively indicated

I An act entitled "An Act to prohibit the use of firearms of any description upon lands set apart to hospital or sanatorium or park or resort uses whereon human beings congregate in the open in quest of health recreation or pleasure in this Commonwealth and providing penalties for violation of its several provisions" approved the sixth day of June one thousand nine hundred and thirteen (Pamphlet Laws four hundred fifty-four) absolutely

II An act entitled "An Act for the protection of human life live stock and growing timber by prohibiting the discharge of certain guns except at birds and animals or at targets properly protected and providing penalties" approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred and forty-seven) absolutely

III An act entitled "An Act giving additional protection to human beings in this Commonwealth and imposing penalties upon those who may shoot at or wound or kill a human being in mistake for either game or other wild creatures" approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred and sixty-eight) absolutely

IV An act entitled "An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred and fifty-nine) absolutely

V An act entitled "An Act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer and making an appropriation" approved the second day of June one thousand nine hundred and twenty-three (Pamphlet Laws four hundred and eighty-nine) absolutely

VI An act entitled "An Act providing for the payment of certain claims for damages done to live stock poultry or bees by bear providing a method for the ascertainment of such damage and making an appropriation" approved the second day of June one thousand nine hundred and twenty-three (Pamphlet Laws four hundred and ninety-two) absolutely

VII An act entitled "An Act to protect the public safety by prohibiting the discharge of firearms or other weapons within one hundred and fifty yards of any dwelling house or residence while hunting or trapping for wild birds or wild animals of any kind without the consent of the owner or tenant thereof and prohibiting the destruction and abuse of certain property by persons while hunting or trapping" approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred and seventy-two) absolutely

VIII An act entitled "An Act relating to the keeping of animals wild by nature in captivity upon any street or highway or upon land adjoining any street or highway or in vicinity of any commercial establishment for the evident purpose of attracting trade preventing cruel improper and inhuman treatment of such animals and protecting the public from injuries thereby providing for the granting of permits for roadside menageries as herein defined conferring powers and imposing duties on the Board of Game Commissioners and prescribing penalties" approved the eighteenth day of June one thousand nine hundred and thirty-six (Act Number 8) absolutely

All other acts or parts of acts inconsistent herewith are hereby repealed Provided however This act shall not repeal or in any manner affect any of the provisions of an act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred and twenty-two) entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties" or any of its amendments

Section 1502 Saving Clause The repeal of any of the aforesaid acts of Assembly shall not affect any prosecution pending at the date of the passage of this act nor prevent the institution of any prosecutions for violations of any of the provisions of the aforesaid acts or regulations adopted thereunder which were committed prior to the passage of this act but all such pending prosecutions shall be terminated and all such violations shall be prosecuted in the same manner and under the same authority and with like effect as prior to the passage of this act.

Section 1503 Effective Date This Act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. RICE for Mr. SONES. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, from the Committee on Highways, reported as committed, Senate Bill No. 968, (House Bill No. 982), entitled:

An Act providing for the construction, reconstruction, maintenance and repair of sidewalks at dangerous places

along State highways by the Department of Highways and making an appropriation from the Motor License Fund.

Also, from the Committee on Appropriations re-reported as amended, Senate Bill No. 1411, (House Bill No. 1177), entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven.

Also, from the Committee on Appropriations, reported as amended, Senate Bill No. 1450, (House Bill No. 1962), entitled:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the re-publication of certain surveys and studies in order to make the same available to the citizens of the State.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1377, (House Bill No. 473), entitled:

An Act making an appropriation to the Department of Forests and Waters for the construction of a masonry weir across the Shenango River near the Chestnut Street Bridge at Sharon and the construction of a shelter house for recording devices near the weir.

Also, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 1395, (House Bill No. 2264), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

Also, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 1393, House Bill No. 2263), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Mr. KILGALLEN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 938, (House Bill No. 2047), entitled:

An Act to amend section two thousand five hundred fifty-six of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled, "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," as amended, requiring fidelity bonds of deputies and clerks of city treasurers the premiums thereof to be paid jointly by the county city and school district.

Mr. HOWELL, from the Committee on County Government, reported as committed, Senate Bill No. 1035), (House Bill No. 1921), entitled:

An Act to amend sections four and five of the act, approved the twenty-sixth day of April, one thousand nine hundred and thirty-five (P. L. 90), entitled 'An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes: and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," providing for uniform discount and uniform penalties, making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date giving the taxpayers option of payment of taxes in quarterly installments.

Mr. RANKIN, from the Committee on Finance, reported as committed, Senate Bill No. 1455, (House Bill No. 2379), entitled:

An Act to amend section two of the act approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred ninety-two) entitled, "An act to provide revenue by taxation," by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 76.

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives, trains and other self propelled engines or machines with competent employes; to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines; to provide the qualification of certain employes; and to provide a penalty for the violation thereof.

House Bill No. 278.

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie.

House Bill No. 307.

An Act making an appropriation to the Jefferson Medical College of Philadelphia, Pennsylvania, for medical education.

House Bill No. 349.

An Act making an appropriation to the Sleighton Farm School for Girls situate in Delaware County, Pennsylvania.

House Bill No. 793.

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by changing the requirements for free transportation of pupils; removing certain exemptions from the compulsory attendance act; providing for standards for vehicles used; requiring public liability insurance coverage; and authorizing the withholding of reimbursement in certain cases.

House Bill No. 851.

An Act relating to the regulation of public utilities, defining as public utilities certain corporations, companies, associations and persons, providing for the regulation of public utilities, including certain municipalities engaging in a public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulat-

ing the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers, in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission, the power and duty of supervising and regulating persons and corporations, including certain municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission, to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed or kept by persons or corporations subject to this act; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highway, to appropriate properly for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons and corporations, including municipal corporations subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive jurisdiction over certain proceedings; prescribing penalties, fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by, or inconsistent with, this act.

House Bill No. 904.

An Act prohibiting municipal policemen from being employed or serving as industrial police; requiring their dismissal for so doing; and providing penalties.

House Bill No. 906.

An Act creating a State Worlds Fair Commission; defining the powers and duties of said commission; providing for participation in the New York Worlds Fair; and making an appropriation.

House Bill No. 918.

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred two to, the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," providing for and regulating the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways, and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

House Bill No. 1085.

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," changing the manner of creation of townships of the second class.

House Bill No. 1147.

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

House Bill No. 1331.

An Act requiring all persons claiming damages from any county city, borough, town, township or school district, to file within sixty (60) days from origin of such claim, a written notice with such county, city, borough, town, township or school district.

House Bill No. 1333.

An Act to amend section one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-nine (P. L. 1804), entitled "An act relative to certain judgments, prescribing duties of prothonotaries; and repealing prior legislation;" requiring a certificate of the address of the defendants on the entry of certain judgments.

House Bill No. 1462.

An Act providing for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens, and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes; reviving such liens and restoring the treasurer's right to sell such lands in certain cases; and saving the rights of intervening purchasers, mortgagees, lien holders, and other encumbrance holders.

House Bill No. 1504.

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "Vocational Education Law" by further defining and extending the scope of vocational education, and enlarging the provisions for State subsides.

House Bill No. 1563.

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the Estate of Henrietta E. Garret, deceased.

House Bill No. 2136.

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith;" requiring medical inspectors to make eye and ear tests annually; providing for the use of scientific apparatus furnished by the school districts, and providing for certain instruction in State teachers' colleges, for the appointment of certain experts in the Depatment of Public Instruction; and making an appropriation.

Senate Bill No. 197.

An Act to amend section one of the act, approved the twenty-sixth day of June, one thousand nine hundred and thirty-one (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupation for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuation for taxation is concerned; and providing for the acceptance of this act by cities;" providing for the appointment of the members of the boards for the assessment and

revision of taxes by the Auditor General of the Commonwealth; terminating the terms of the existing members of such boards; and fixing the membership of the county salary boards for certain purposes.

Senate Bill No. 638.

An Act to further amend section four of the act approved the eighteenth day of June, one thousand nine hundred nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools, and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth.

Senate Bill No. 1121.

An Act providing for the erection, construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from the General State Authority, upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties, to the extent, and in the manner, provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

Senate Mill No. 1122.

An Act providing for the erection, construction and equipment of a Maximum Security State Penitentiary for the detention, care, maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State penitentiaries; designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority; authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority, upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

Whereupon,

The PRESIDENT PRO TEMPORE (Harvey Huffman) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. RICE for Mr. SONES. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, from the Committee on Highways re-reported as amended, Senate Bill No. 1448 (House Bill No. 2012), entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred seventy-two) entitled, "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth," as amended, by changing certain routes and adding certain new routes.

Mr. RICE, from the Committee on Highways re-reported as amended, Senate Bill No. 1447 (House Bill No. 2010), entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class, second class A and third class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtednes sin certain cases and appropriating money in the Motor License Fund for the purposes of this act," as amended, by changing certain routes and adding certain new routes.

Mr. RICE, from the Committee on Highways re-reported as amended, Senate Bill No. 1441 (House Bill No. 1801), entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four) entitled, "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

Mr. RODGERS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS, from the Committee on Forests and Waters reported as committed, Senate Bill No. 1453 (House Bill No. 1629), entitled:

An Act dedicating and setting aside certain lands in Lackawanna County as a public park and pleasure ground and imposing certain powers and duties in connection therewith on the Department of Forests and Waters.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1650.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1650 (Senate Bill No. 1367), entitled:

An Act creating in Counties of the first class the position of Bail Commissioner; prescribing the powers and duties thereof and conferring and imposing such powers and duties upon the controllers of Counties of the first class; providing for the appointment by such Bail Commissioner certain necessary clerks and employees and prescribing

the duties and compensation thereof; imposing duties on Judges of the Court of Quarter Sessions and Oyer and Terminer and upon magistrates in Counties of the first class; prescribing offenses and providing penalties therefor.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. LANIUS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 938 (House Bill No. 2047), entitled:

An Act to amend section two thousand five hundred fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended requiring fidelity bonds of deputies and clerks of city treasurers the premiums thereof to be paid jointly by the county city and school district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 968 (House Bill No. 982), entitled:

An Act providing for the construction, reconstruction, maintenance and repair of sidewalks at dangerous places along State highways by the Department of Highways and making an appropriation from the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1035 (House Bill No. 1921), entitled:

An Act to amend sections four and five of the act, approved the twenty-sixth day of April one thousand nine hundred and thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," providing for uniform discount and uniform penalties, making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date, giving the taxpayers option of payment of taxes in quarterly installments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1377 (House Bill No. 473), entitled:

An Act making an appropriation to the Department of Forests and Waters for the construction of a masonry weir across the Shenango River near the Chestnut Street Bridge at Sharon and the construction of a shelter house for recording devices near the weir.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1450 (House Bill No. 1962), entitled:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the republication of certain surveys and studies in order to make the same available to the citizens of the State.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1453 (House Bill No. 1629), entitled:

An Act dedicating and setting aside certain lands in Lackawanna County as a public park and pleasure ground and imposing certain powers and duties in connection therewith on the Department of Forests and Waters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1454 (House Bill No. 1757), entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216) entitled, "An act to define real estate brokers and real estate salesman and providing for the licensing, regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by further defining real estate brokers and real estate salesmen and further providing for the licensing, regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1455 (House Bill No. 2379), entitled:

An Act to amend section two of the act approved the fifteenth day of July, one thousand eight hundred and ninety-seven (P. L. 292) entitled, "An act to provide revenue by taxation," by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

MEMORIALIZING PUBLIC WORKS ADMINISTRATOR TO GIVE WORK TO UNEMPLOYED PERSONS BETWEEN AGES OF FORTY-FIVE AND SEVENTY YEARS

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA, offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 27, 1937.

Whereas, Millions of dollars are being expended for public works and thousands of people have been given the opportunity to find employment and many thousands of people are very grateful to our Government for the enactment of our Public Works Program but unfortunately a ruling has been made that all people, who are now employed in public works and have no dependents are immediately being discharged from this work and it is well known that we have many hundreds of people between the ages of forty-five and seventy, who are able to work and are willing to work and through no fault of their own are unable to find work because industry fails to hire them at this age, find themselves badly affected by this ruling of the Public Works and it is further known that something must be done to take care of these people.

Therefore, Be It Resolved, That this Senate go on record to memorialize the Public Works Administrator that, if possible at all, these people that are being affected by this ruling be given some opportunity to make a living and that he work out a program of some kind, whereas, these people can be given at least part time employment under the Public Works Program.

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE BILL NO. 1304

Mr. LANIUS. Mr. President, I call up at this time Senate Bill No. 1304, (House Bill No. 2426), entitled:

An Act for the conveyance to the United States of America of title in and to certain lands in the Township of Fairview, County of York, and ceding to the United States jurisdiction over said lands.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANIUS. Mr. President, I move that the Senate concur in the House amendments.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kahle,	Pytko,
Buckman,	Gelder,	Kilgallen,	Reed,
Cavalcante,	Gilson,	Kunkel,	Rice,
Chapman,	Haluska,	Lanius,	Shapiro,
Dando,	Henney,	Law,	Sipe,
Deitrick,	Heyburn,	Mallery,	Sones,
Dent,	Homsher,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Owlett,	Huffman, Pres. Pro. Tem.

NAY—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1754

He also presented communication from the House of Representatives, informing the Senate that the House of Representatives has adopted the report of the Committee of Conference on House Bill No. 1754, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred eighty-nine), entitled "Non-profit Corporation Law," by providing for, and regulating the incorporation of, non-profit corporations organized to provide hospital care and service for subscribers; and conferring powers on the Insurance Department with respect thereto.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1755

He also presented communication from the House of Representatives informing the Senate that the House of Representatives has adopted the report of the Committee of Conference on House Bill No. 1755, entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers; prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospital care and service; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 1650

The Clerk of the House of Representatives, being introduced informed the Senate that the House has concurred in the amendments made by the Senate to House Bill No. 1650 entitled:

An Act creating in Counties of the first class the position of Bail Commissioner; prescribing the powers and duties thereof and conferring and imposing such powers and duties upon the controllers of Counties of the first class; providing for the appointment by such Bail Commissioner certain necessary clerks and employees and prescribing the duties and compensation thereof; imposing duties on Judges of the Court of Quarter Sessions and Oyer and Terminer and upon magistrates in Counties of the first class; prescribing offenses and providing penalties therefor.

BILL SIGNED

The PRESIDENT PRO TEMPORE (Harvey Huffman) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1650, entitled:

An Act creating in Counties of the first class the position of Bail Commissioner; prescribing the powers and duties thereof and conferring and imposing such powers and duties upon the controllers of Counties of the first class; providing for the appointment by such Bail Commissioner certain necessary clerks and employees and prescribing the duties and compensation thereof; imposing duties on Judges of the Court of Quarter Sessions and Oyer and Terminer and upon magistrates in Counties of the first class; prescribing offenses and providing penalties therefor.

Whereupon,

The PRESIDENT PRO TEMPORE, (Harvey Huffman) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. FREY. Mr. President, I move that the Senate do now adjourn.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:26 p. m. until next Tuesday, June first, at 2 o'clock p. m. Eastern Standard Time.

HOUSE OF REPRESENTATIVES

THURSDAY, May 27, 1937.

The House met at 3:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of the sinners, nor sitteth in the seat of the scornful, but his delight is in the law of the Lord, and in his law doth he meditate day and night. —Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. WEIDEMANN, the further reading was dispensed with and the Journal approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAW. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Allegheny will state his question of personal privilege.

Mr. SHAW. Mr. Speaker, when I became a member of the House of Representatives on the first day of January, 1935, I made one resolution to the effect that I would make no speeches. That resolution, I am sorry to say, has had to be broken, and I would like to ask you to direct the Sergeant-at-arms to come to the Bar of the House with the gentlemen responsible for the breaking of my resolution, in order that I may accuse them of committing a certain crime. I make that motion. I also ask that the Democratic whip of the House stand between the majority floor leader, Mr. Cohen, and the minority floor leader Mr. Turner, so that we won't have any trouble.

The SPEAKER. The Sergeant-at-arms is directed to bring the Majority Floor Leader, the Minority Floor Leader and the Whip of the House before the Bar of the House.

The Majority Floor Leader, the Minority Floor Leader, with the Whip standing between them are now in position before the Bar of the House. The Chair is ready to hear the charges preferred by the gentleman from Allegheny.

PRESENTATION OF SILVER SERVICES

Mr. SHAW. Mr. Speaker, whereas in the Session of 1935 and the Special Session of 1936, this House did convene on Monday night at nine o'clock and adjourned at any hour after two on Tuesday morning and whereas this present House has convened at nine o'clock on Monday night and has adjourned about 11:00 p. m. the same day, and whereas these two gentlemen are responsible for that condition, therefore, Mr. Speaker, I wish to present these tokens to the Minority Floor Leader, Mr. Turner, the Majority Floor Leader, Mr. Cohen, and also something for the Whip of the House. I thank you very much, Mr. Speaker.

(Silver Coffee Servers were presented to Mr. Cohen and Mr. Turner. The symbol of his position was presented to Mr. Ominsky).

The SPEAKER. The Chair will now permit the accused gentlemen to submit their defense.

Mr. TURNER. Mr. Speaker and members of the House, I cannot tell you at this time how much I appreciate the gift. In all of the time that I have been a member of the House I have never seen a presentation of this kind so graciously done and handled in this manner, with both the majority floor leader and the minority floor leader being brought up here together and receiving something as a token of remembrance from you members.

While it has, of course, been a lot of work, with you fellows over on the other side, having such an overwhelming majority, I cannot say that there has not been a lot of pleasure in it because of the great courtesy which I have continually received, not only from the Speaker and from the rostrum, but from the Majority Floor Leader, the Whip of the House and from you members on the other side of the House. I have nothing in my heart but the kindliest of feeling even for those who have at times raised a point of order on me. None of us know when he stands upon the floo rat the conclusion of a session, whether he shall have the opportunity of again being present as a member of the House and to have the associations which he cherishes through the years, in the memory of the men who have served with him.

I think we have tried to conceive of the House and our duties as members of the House, not only from a partisan standpoint, but first with the sound conviction that our first duty is as a member of the Legislature. I hope that I have been able to contribute something besides buckwheat cakes and sausage and scrapple to delight you men, and I hope that when my time of service is over here that I shall have contributed something to the operation of the Legislature and to the establishment of the prestige of this House and of the Legislature. I am of the firm and sound conviction that if we are to preserve our Democratic institutions, if we are to secure for them the very best government they can have, that we must maintain the integrity of the three component parts of our government as established by the Constitution. It is always a contest between the Executive, the Legislative and the Judicial branches and I think it was Alexander Hamilton in the Federalists Papers who said the minute one branch became dominant you were on the way to destroy Democracy. So, I say again if I have in any way contributed toward the success of the proceedings of this House, I shall feel satisfied.

May I again say to you, that not only do I express my deep thanks but I want to say that I do not know of anything that could have delighted me more because it is something in which my whole family can participate and something that will be enjoyed by every member of my family. You know coffee comes at the conclusion of a dinner. I like to have my coffee in my living room after

my dinner, when I can sit back in my easy chair with a cigar, sip my coffee and puff on my cigar, and perhaps add a little something on top of the coffee to make it more mellow. So, as we go through the years, as I become older, as I pass from my youthful stage which I now enjoy, into the state of the aged, I know that there will come many an occasion when I can sit in my chair, in the bosom of my family, with my children and my wife about me, I can look upon this set and see shining in the silver the faces of the men with whom I have served in this House, and from the expression on those faces I will perhaps receive a little more stimulant from the smell of the coffee that comes from the pot, and the coffee will also be more stimulating because of the memory of you.

The SPEAKER. The Chair now calls upon the Majority Floor Leader to submit his defense to the charges which have been perferred against him.

Mr. HERBERT B. COHEN. Mr. Speaker, my colleague, Ellwood, previously in the session made my heart bleed. Now he is making my eyes weep tears. The sentiment he has expressed has placed me in a somewhat difficult situation because, as Ellwood usually does, he has aptly expressed th efeeling that is shared in common by the majority as well as the minority floor leader.

Mr. Speaker, I appreciated the opportunity of being of service to the members of the House and to the Commonwealth. I might say, that all of us here appreciate the fact, that we have been given the opportunity to sit in these Legislative halls with a serious duty imposed upon us. The associations that on makes here, while we are making them are possibly held lightly, but after the storm of the session is over and after we return to our homes there is a wish, there is a desire to get back, and even sometimes the hope that possibly some emergency may arise that will call us back, and that I dare say is because of the fact of the friendships which we build here. I assure the members of this House, all of you, that I will carry those friendships both in my memory and in my heart for all time. I thank you.

Mr. SPEAKER. The Chair now gives the Whip of the House an opportunity to defend himself, the gentleman from Philadelphia, Mr. Ominsky.

Mr. OMINSKY. Mr. Speaker and members of the House, I didn't think that I had to present a defense, because when the Sergeant-at-arms came down to my desk to bring me before the Bar of the House, the understanding was that the two gentlemen, the Minority Floor Leader and the Majority Floor Leader had to defend themselves, and I was to stay in the middle to prevent any breaking.

As usual I am now caught between the upper and the nether millstones in the House. As Whip of the House it has been my intention really not to be the whip but to be the mellowing force between the membership of the House especially between the Majority and the Minority Floor Leaders, because being much older than the ages of the two gentlemen combined, I felt it my duty to keep peace in the family wherever possible to make sure that the order of the business should be conducted by the Chair as well as by the membership in the best and most expeditious manner.

It was really a pleasure to have been of service to the membership of this House in what little capacity I was able to do. It was never my intention to speak out of turn, but to do the work as it should be done. The associations with the membership of this House were always pleasant, and if there has been nothing else accomplished by me during this session than that of having gained the friendship of some of the members of this House I will be satisfied.

I want to thank the membership of this House for the cooperation which has been given the leadership both of the majority and the minority parties, as well as the Chair. I want to say that this session was one of the most unusual I have attended, whether as a member of the body or not, because regardless of the principles we have had to defend on the floor of this House, when the work was done both the majority and the minority members felt certain they still maintained friendship between them. Therefore, this session, I am sure, will go down in history not only as a momentous session because the Democratic party is in the majority and is giving the people of Pennsylvania their just desserts, but also because this session, in spite of the possible bitterness as the result of the conflict between, the two parties, both the majority and the minority membership will leave this session as friendly as they came tc it. I thank you.

Mr. SHAW. Mr. Speaker, I move that the explanations offered by the Minority Leader, the Majority Leader and the Whip of the House be accepted with the thanks of the House.

The motion was agreed to.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker, in order to save the energy of the membership of the House and to obviate the necessity of having the membership turn the gifts that have been presented to Mr. Turner and me upside down, I wish to inform the House that the coffee sets are all sterling silver.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1360 and 1572

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 27, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1360, Printer's No. 874, entitled "An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' as amended extending the time within which appeals from auditors' reports may be taken."

House Bill No. 1572, Printer's No. 872, entitled "An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1513) entitled 'An act

regulating the construction equipment, maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act' extending the provisions of said act to unfired pressure vessels."

GEORGE H. EARLE.

APPROVAL OF HOUSE BILL No. 1129

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1129, Printer's No. 971, entitled: "An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties."

GEORGE H. EARLE.

VETO OF HOUSE BILL No. 2039

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 2039, Printer's No. 911, entitled: "An Act to amend section five of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 599) entitled 'An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws' providing for a referendum vote in certain municipalities in the year one thousand nine hundred and thirty-seven and making persons filing petitions liable for the cost of printing ballots."

This bill would provide that the question of whether or not motion picture exhibitions shall be permitted on Sunday may be submitted to the electors of any municipality where motion pictures are not now so permitted, at the primary election in the year 1937. Under existing law, this question may be presented to the electors in any municipality not oftener than once in five years.

Following the enactment of the Act of July 2, 1935, P. L. 599, which this bill would amend, the question of whether or not Sunday motion pictures would be permitted was submitted to the electors of many of the municipalities of the Commonwealth. In some cases Sunday motion pictures were permitted; in some they were not. This bill would permit proponents of Sunday motion pictures to reopen the question within the five-year limitation in those municipalities which voted against the proposition, but would extend no similar permission to opponents of Sunday motion pictures in those municipalities which have already adopted the proposition.

The mere statement of the effect of this bill demonstrates its inequitable nature. The proponents and opponents of Sunday motion pictures should be placed on an equal plane, and neither group should be permitted to impose upon municipalities the burden of holding an election on this question unless the other group is afforded a similar advantage.

Furthermore, the constitutionality of the bill is decidedly in question under Artcile 111, section 7 of the Constitution, which prohibits the General Assembly from passing a local or special law regulating the affairs of cities, townships and boroughs. This bill might well be termed special legislation, in that it applies only to those municipalities which at the time of the primary election in 1937 have not voted to permit Sunday motion pictures. The bill would have no application to those municipalities which already have voted to permit such exhibitions.

For these reasons, the bill is not approved.

GEORGE H. EARLE.

BILL AND VETO MESSAGE LAID ON TABLE

Mr. McELROY. Mr. Speaker, I move that House Bill No. 2039, together with the veto message from the Governor be laid upon the table.

The motion was agreed to.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 99.

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by making the present schedules of compensation compulsory upon all employers changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilition of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, lines 9 and 10, by striking out the words "making the present schedules of compensation compulsory upon all employers."

Amend section 1, page 3, line 1, by striking out the words "or resulting from"; also same line by striking out the light-faced bracket before the word "an"; also same line by striking out the light-faced bracket after the word "elective"; also same page, line 2, by striking out the words "a compulsory system and"; also same page, line 14, by striking out the word "compulsory"; also same page, line 15, by striking out the light-faced bracket be-

fore the word "by"; also same page, line 16, by striking out the light-faced bracket after the word "terminated."

Amend Article I, section 105, page 5, line 26, by striking out the light-faced bracket before the word "and"; also same page, line 27, by striking out the light-faced bracket after the letter "(b)".

Amend Article II, section 201, page 7, line 4, by striking out the words "by an accident"; also same page, line 5, by striking out the words "or resulting from"; also section 203, page 8, by striking out at the beginning of line 21 the word "either"; also same page, lines 21 and 22, by striking out the words "or resulting from his employment"; also section 204, page 8, line 25, by striking the light-faced bracked before the word "except"; also same page, line 26, by striking out the light-faced bracket after the word "act"; also same page, line 28, by striking out the light-faced bracket before the word "other"; also same line, by striking out the light-faced bracket after the word 'herein".

Amend Article III, section 301, page 9, line 8, by striking out the light-faced bracket before the word "When"; also same page, at the beginning of line 11, by striking out the light-faced bracket after the word "for"; also same line by striking out the words "In the case of"; also at the end of same line by striking out the light-faced brackets before and after the word "for"; also same page, line 13, by striking out the light-faced bracket after the word "employment"; also same page, lines 13 to 15 inclusive, by striking out the words "which happens either in the course of his employment or which if not in the course of his employment results from his employment compensation"; also same page, line 18, by striking out the words "[six] four" and inserting in lieu thereof the word "six"; also same page, line 19, by striking out the words "[seven] five" and inserting in lieu thereof the word "seven"; also same section, page 10, line 10, by inserting after the word "act" the words "except as used in Article two"; also same page, line 17, by striking out the words "which happens either"; also same page, lines 18 and 19, by striking out the words "or which if not in the course of his employment results from his employment"; also same page, line 25, by striking out the light-faced bracket before the word "furtherance"; also same line by striking out the light-faced bracket after the word "the"; also section 302, page 11, line 6, by striking out the light-faced bracket before the word "(a)"; also same line by striking out the light-faced bracket after the word "In"; also same page, lines 6 and 7, by striking out the words "The provisions of this act shall apply to"; also same page, line 7, by striking out the light-faced bracket before the word "December"; also line 8, by striking out the light-faced bracket after the word "fifteen"; also same page, lines 8 and 9 by striking out the words "the effective date of this act"; also same line, by striking out the words "[in] to" and inserting in lieu thereof the word "in"; also same page, line 11, by striking out the light-faced bracket before the word "it"; also same page, line 21, by striking out the word "Bureau" and inserting in lieu thereof the word "department"; also same page, line 23, by striking out the light-faced bracket after the word "Every"; also same line by striking out the words "and to every"; also same page, line 25, by striking out the light-faced bracket before the word "December"; also same page, line 29, by striking out the light-faced bracket after the word "other"; also page 12, at the beginning of line 1, by striking out the light-faced bracket before the word "party"; also same page, line 3, by striking out the word "Bureau" and inserting in lieu thereof the word "department"; also same page, line 12, by inserting after the word "borough" the word "town"; also same page, line 16, by striking out the word "State" and inserting in lieu thereof the word "Commonwealth"; also same page, line 17, by striking out the light-faced bracket after the word "agency"; also same line by striking out the words "the effective day of this act", also same page, line 18, by striking out the light-faced bracket before the letter "(b)"; also same page, at the end of line 29, by striking out the light-faced bracket after the word "compensation"; also same section, page 13, by striking out at the beginning of line 1, the light-faced bracket before the word "and"; also same line by striking out the word "Bureau" and inserting in lieu thereof the word "department"; also same page, line 17, by striking out the word "Bureau" and inserting in lieu thereof the word "department"; also section 303, page 13, line 28, by striking out the light-faced bracket after the word "compensation"; also page 14, line 1, by striking out the light-faced bracket at the beginning of said line before the word "or"; also same page, line 7, by striking out the light-faced bracket after the word "dependents"; also same page, line 8, by striking out the light-faced bracket before the word "Section"; also same page, line 13, by striking out the word "Bureau" and inserting in lieu thereof the word "department"; also same page, by striking out at the end of line 14, the light-faced bracket after the word "article"; also same page, line 15, by striking out the numerals "305 303" and inserting in lieu thereof the numerals "305"; also page 15, line 7, by striking out the words and numerals "one hundred dollars ($100)" and inserting in lieu thereof the words and numerals "twenty-five dollars ($25.00)"; also same page, line 21, by striking out the words and numerals "one hundred dollars ($100)" and inserting in lieu thereof the words and numerals "twenty-five dollars ($25.00)"; also same page, by striking out in lines 26 to 29 inclusive the following: "or has failed to pay compensation claims promptly as provided in this act or has occasioned unnecessary delay in the hearing or trial of the compensation claims of his employes or has by his failure to obey the provisions"; also page 16, by striking out in lines 1 to 3 inclusive the following: "of this act or the rules or regulations of the department materially hindered the proper administration of this act the department"; also page 18, by striking out in lines 4 to 8 inclusive the following: "All [fines] fees collected received or recovered under the provisions of this section shall be paid [by the clerk of the court] to the [Bureau] department and by it paid into the State Treasury through the Department of Revenue"; also same page, by striking out all of lines 16 to 19 inclusive as follows:

"The department by appropriate proceedings also shall have the power to enjoin any employer from transacting business unless and until such employer shall have complied with this section"; also same page, line 23, by striking out the figures "306 304" and inserting in lieu thereof the figures "306"; also same page, line 26, by striking out the light-faced bracket before the word "For"; also same line by striking out the light-faced bracket after the word "after"; also same line by striking out at the end of same line the word "After"; also same page, line 29, by striking out the words "nine seven" and inserting in lieu thereof the word "nine"; also page 19, line 1 by striking out the word "twenty-five" and inserting in lieu thereof the word "eighteen"; also same page, line 4, by striking out the light-faced bracket after the word "dollars"; also same page, lines 4 to 7 inclusive by striking out the words "Provided That if at the time of injury the employe receives wages of less than [seven] twelve dollars per week then he shall receive the full amount of such wages per week as compensation"; also same page, line 8, by striking out the word "three" and inserting in lieu thereof the word "four"; also same page, line 11, by inserting after the word "ability" the following: "Should total disability become permanent then in addition to the compensation provided for five hundred weeks and beginning at the expiration of the five hundred weeks the sum of thirty dollars per month shall be payable during such permanent total disability prior to death Provided however that such monthly payments shall cease if the person receiving compensation accepts other public funds contributed to by the employer which equal or exceed the amount of compensation payments"; also same page, by striking out at the end of line 20 the word "nine"; also same page, by striking out at beginning of line 21 the word "seven" and inserting in lieu thereof the word "nine"; also same page, line 23, by striking out the word "twenty-five" and inserting in lieu thereof the word "eighteen"; also same page, by striking out in lines 24 to 29 inclusive the following: "[not however beyond three hundred weeks] after the seventh day of [such partial] disability [Should total disability be fol-

lowed by partial disability the period of three hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for]"; also page 20, by striking out in lines 1 to 4 inclusive the following: "[such total disability] Provided That if the partial disability shall continue for a period of three weeks or more the employe shall also be entitled to receive compensation for the first seven days of partial disability" and inserting in lieu thereof the following: "but not for more than four hundred weeks Such compensation shall begin upon the termination of total disability if any total disability resulted from the injury and upon the termination of compensation for permanent injuries compensable under section three hundred six (c) if the partial disability shall result from injuries other than the permanent injury compensated for under clause (c) of this section If the partial disability shall continue for a period of four weeks or more the employe shall also be entitled to receive compensation for the first seven days of partial disability should total disability be followed by partial disability period of four hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for total disability"; also same page, by striking out in lines 10 to 12 inclusive the following: "but not in excess of sixty-five per centum of his prior wages as defined in section three hundred and seven"; also same page, line 15, by striking out the word "partial"; also same page, by striking out in lines 16 to 23 inclusive the following: "shall begin upon the termination of total disability if any total disability resulted from the injury or upon the termination of partial disability compensable under subsection (b) of this section in excess of fifteen per centum of wages and shall be paid in addition to the compensation paid for such total or partial disability and shall be [exclusively] as follows" and inserting in lieu thereof the words "shall be exclusively as follows"; also same page, line 26, by striking out the words "and forty-four weeks" and inserting in lieu thereof the word "weeks"; also same page, lines 28 and 29, by striking out the words "three hundred and twelve weeks" and inserting in lieu thereof the words "two hundred and sixty-five weeks"; also page 21, lines 2 and 3, by striking out the words "two hundred and five weeks" and inserting in lieu thereof the words "one hundred and seventy-five weeks"; also same page, lines 5 and 6, by striking out the words "eighty-eight weeks" and inserting in lieu thereof the words "fifty weeks"; also same page, line 11, by striking out the words "and forty-four"; also same page, line 13, by striking out the word "eighty" and inserting in lieu thereof the word "forty"; also same page, line 15, by striking out the word "sixty" and inserting in lieu thereof the word "fifty"; also same page, line 16, by striking out the words "or great toe"; also same page, line 17, by striking out the word "sixty" and inserting in lieu thereof the word "seventy-five"; also same page, line 18, by striking out the words "first toe or a"; also same page, line 20, by striking out the word "thirty-five" and inserting in lieu thereof the word "fifty"; also same page, line 21, by striking out the words "toe or"; also same page, line 22, by striking out the word "thirty" and inserting in lieu thereof the word "forty"; also same page, line 23, by striking out the words "toe or"; also same page, line 25 by striking out the words "toe or"; also same page, by inserting after line 27 the following paragraph:

"For the loss of a great toe sixty-five per centum of wages during sixty weeks For the loss of a first toe sixty-five per centum of wages during thirty-five weeks For the loss of a second toe sixty-five per centum of wages during thirty weeks"; also page 22, by striking out in lines 22 to 26 inclusive the following: "At the termination of the above periods specified for the specific losses set forth if the employe by reason of the specific loss or losses continues to be disabled either partially or totally then he shall be compensated under subsection (a) or subsection (b) as the case mey be"; also same page, line 28, by inserting after the word "face" the word "or"; also same line by striking out the words "arms chest or back"; also page 23, line 3, by striking out the words "three hundred and twelve weeks" and inserting in lieu thereof the following: "two hundred weeks If by reason of disfigurement an injured employe shall be unable to obtain any employment for which he is otherwise qualified the board may order compensation to be paid in accordance with the provisions of clause (b) of this section"; also same page, line 21, by striking out the word "twenty-five" and inserting in lieu thereof the word "eighteen"; also same page, by striking out in lines 22 to 25 inclusive the following: "Provided That if at the time of injury the employe receives wages of less than [seven] twelve dollars per week then he shall receive the full amount of such wages per week as compensation"; also page 24, line 1, by striking out the word "six" and inserting in lieu thereof the word "three"; also same page, by striking out in lines 9 to 12 inclusive the following: "Provided That the injured employe may at the expense of his employer not in excess of five dollars consult a physician of his own choice or upon written request to the board or a referee designated by the board" and inserting in lieu thereof the following: "Provided that the injured employee by petition to the Board"; also same page, line 25, by striking out the word "six" and inserting in lieu thereof the word "three"; also same page, line 26 to 29 inclusive by striking out the following: "In all cases where the employer's physician treats the injured employe such physician shall furnish written reports at the time of the first and last treatment to the employe and the department and where"; also page 25, by striking out in lines 1 to 3 inclusive the following: "the employer's physician advises the injured employe that no further medical services are required he shall furnish the injured employe with a certificate to this effect"; also same page, at the end of line 3, by striking out the light-faced bracket before the word "The"; also same page, line 5, by striking out the words and figures "one hundred dollars ($100)" and inserting in lieu thereof the words and figures "two hundred dollars ($200)"; also page 26, by striking out in lines 12 to 16 inclusive the following: "except that in the case of permanent injuries the balance of specific payment under clause (c) of this section shall be paid to the dependents of the deceased as set forth in section three hundred and five of this article not to exceed however a maximum of four hundred (400) weeks"; also page, 27, line 27, by striking out the word "five" and inserting in lieu thereof the word "seven"; also page 28, line 16, by striking out the word "four" and inserting in lieu thereof the word "six"; also same page, line 19, by striking out the figures "307 305" and inserting in lieu thereof the figures "307"; also page 29, line 1, by striking out the word "twenty-five" and inserting in lieu thereof the word "twelve"; also same page, line 5, by striking out the word "twenty-five" and inserting in lieu thereof the word "fourteen"; also same page, line 8, by striking out the word "twenty-five" and inserting in lieu thereof the word "sixteen"; also same page, line 11, by striking out the word "twenty-five" and inserting in lieu thereof the word "eighteen"; also same page, line 17, by striking out the word "twenty-five" and inserting in lieu thereof the word "twelve"; also same page, line 20, by striking out the word "twenty-five" and inserting in lieu thereof the word "fifteen"; also same page, lines 21 and 22, by striking out the words "or more"; also same page, line 23, by striking out the words "or more"; also same page, line 23, by striking out the word "twenty-five" and inserting in lieu thereof the word "sixteen"; also same page, at the beginning of line 25, by striking out the light-faced bracket before the figures "4½"; also same page, line 27, by striking out the words "fifteen" and inserting in lieu thereof the word "eighteen"; also same page, at the end of line 27, by striking out the light-faced bracket after the word "week"; also page 30, line 5, by striking out the word "twelve" and inserting in the lieu thereof the word "ten"; also same page, line 13, by striking out the word "seventeen" and inserting in lieu thereof the word "fifteen"; also same page, line 16, by striking out the word "twenty-five" and inserting in lieu thereof the word "eighteen"; also same page, line 23, by striking out the words "to any extent"; also page 31, line 5, by striking out the word "twenty-five" and inserting in lieu thereof the word "eighteen"; also same page, line 9, by striking out the words "and fifty";

also same page, line 17, by striking out the words "mental or physical"; also same page, lines 20 and 21, by striking out the words "eighteen or for five hundred weeks whichever is the longer period" and inserting in lieu therof the word "twenty-one"; also page 32, by striking out all of lines 26 to 28 inclusive as follows: "This compensation shall be paid during [three] five hundred weeks except that in the case of a widow so long as she remains unmarried compensation shall be pay—"; also page 33, by striking out all of lines 1 to 20 inclusive as follows: "able for life and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of [three] five hundred weeks until such child reaches the age of [sixteen] eighteen at the rate of [seventeen and one-half per centum of wages but not in excess of three dollars and seventy-five cents per week if there be one child twenty-seven] [and one-half] thirty per centum of wages but not in excess of [six] ten dollars [and twenty-five cents] per week if there be one or two children [thirty-eight and one-half] forty-five per centum of wages but not in excess of [eight] twelve dollars [and seventy-five cents] per week if there be three children [fifty] sixty per centum of wages but not in excess [eleven] fifteen dollars [and twenty-five cents] per week if there be four children and [fifty-five] sixty-five per centum of wages but not in excess of [twelve] seventeen dollars and fifty cents per week if there be five children or more [and sixty per centum of wages but not in excess of thirteen dollars and seventy-five cents per week if there be six children or more[]"; and inserting in the lieu the following:

"This compensation shall be paid during five hundred weeks except that in the case of a widow if she shall remain unmarried compensation shall continue after said period of five hundred weeks at the rate of five dollars per week for like and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of five hundred weeks until such child reaches the age of eighteen at the rate of twenty-five per centum of wages but not in excess of five dollars per week if there is one child thirty-five per centum of wages but not in excess of eight dollars per week if there are two children fifty per centum of wages but not in excess of ten dollars per week if there are three children seventy-five per centum of wages but not in excess of fifteen dollars per week if there are four children or more"; also page 34, line 13, by striking out the figures "308 306" and inserting in lieu thereof the figures "308"; also same page, by striking out all of lines 21 to 25 inclusive as follows:

"Every employer or his insurance carrier shall file promptly with the department an original standard check voucher receipt in such form and at such times as shall be prescribed by the department for each payment of compensation made under this act"; also page 35, line 3, by striking out the figures "309 307" and inserting in lieu thereof the figures "309"; also same page, lines 8 and 9, by striking out the words "is permanently disabled" and inserting in lieu thereof the words "his disability shall continue after he shall have reached the age of twenty-one years"; also same page, lines 12 and 13, by striking out the words "within a reasonable time after reaching" and inserting in lieu thereof the word "at"; also same page, lines 18 to 21 inclusive, by striking out the words "Unless otherwise established his earning shall be taken as equivalent to the amount upon which maximum compensation is payable" and inserting in lieu thereof the words "In determining such probable earnings the referee and the board shall have the right to receive into evidence as competent testimony the earnings of other employes of similar aptitude education and experience engaged in a similar trade or business and findings based upon such testimony shall be final"; also page 37, line 13, by striking out the numerals "310 308" and inserting in lieu thereof the numerals "308"; also page 38, line 4, by striking out the numberals "311 309" and inserting in lieu thereof the numerals "311"; also same page, by striking out in lines 23 to 26 inclusive the following: "It shall be presumed that the employer had notice of any injury within the period prescribed in this section and the burden of proof shall be upon the employer to show otherwise"; also same page, line 27, by striking out the numerals "312 310" and insetring in lieu thereof the numerals "312"; also same page, line 28, by striking out the words "eleven nine" and inserting in lieu thereof the word "eleven"; also page 39, line 14, by striking out words "or resulting from"; also same page, line 16, by striking out the numerals "313 311" and inserting in lieu thereof the numerals "313"; same page, at the beginning of line 17, by striking out the light-faced bracket before the word "three"; also same line, by striking out the light-faced bracket after the word "section"; also same page, line 16, by striking out the words "eleven nine" and inserting in lieu thereof the word "eleven"; also same page, line 28, by striking out the figures "314 312" and inserting in lieu thereof the figures "314"; also page 41, line 7, by striking out the figures "315 313" and inserting in lieu thereof the figures "315"; also same page, by striking out in lines 26 to 29 inclusive the following: "Provided That the provisions of this section shall apply to accidents which have occurred before the passage of this act as well as to accidents occurring after the passage of this act"; also page 42, line 1, by striking out the figures "316 314" and inserting in lieu thereof the figures "316"; also same page, line 14, by striking out the words "ten eight" and inserting in lieu thereof the word "ten"; also same page, line 28, by striking out the figures "317 315" and inserting in lieu thereof the figures "317"; also page 43, line 25, by striking out the figures "318 316" and inserting in lieu thereof the figures "318"; also page 44, line 13, by striking out the figures "319 317" and inserting in lieu thereof the figures "319"; also same page, line 16, by inserting after the word "person" the words "less reasonable attorney's fees and other proper disbursements"; also same page, line 24, by striking out the figures "320 318" and inserting in lieu thereof the figures "320"; also page 46, at the beginning of line 19, by striking out the light-faced bracket before the letter "(g)"; also same page, at the end of line 26, by striking out the light-faced bracket after the word "described"; also same page, line 27, by striking out the figures "319" and inserting in lieu thereof the figures "321"; also same page, at the end of line 28, by striking out the word "or"; also page 47, at the beginning of line 1, by striking out the words "resulting from"; also same page, by striking out in lines 2 and 3 the words and figures "thirty-five hundred dollars ($3,500.00)" and inserting in lieu thereof the words and figures "fifteen hundred dollars ($1500.00)"; also same page, by striking out in line 5 the words and figures "thirty-five hundred dollars ($3,500.00)" and inserting in lieu thereof the words and figures "fifteen hundred dollars ($1500.00)"; also same page, lines 7 and 8, by striking out the words and figures "thirty-five hundred dollars $3,500.-00)" and inserting in lieu thereof the words and figures "fifteen hundred dollars ($1500.00)"; also same page, line 17, by striking out the word "State"; also page 48, line 9, by striking out the word "four" and inserting in lieu thereof the word "six"; also same page, by striking out in lines 10 to 13 inclusive the following: "and for the payment of compensation provided in sections four hundred and thirteen and four hundred and thirty-four in cases that are re-opened after a period of ten years"; also same page, line 21, by striking out the word "State"; also same page, line 22, by inserting after the word "Fund" the words "of the State Treasurer."

Amend Article IV, section 407, page 51, line 24, by striking out the words "seven five" and inserting in lieu thereof the word "seven"; also section 413, page 55, line 2, by striking out the words "or by the department"; also same page, by striking out in lines 5 to 10 inclusive the following: "was procured prior or subsequent to the effective date of this act by the fraud coercion or other improper conduct of a party or, was founded upon a mistake of law or of fact or that the facts in the particular case disclose such agreement to be inequitable to either party" and inserting in lieu thereof the word "in any material respect is incorrect"; also same page, at the beginning of line 23, by striking out the light-faced bracket before the word "Provided"; also same page, by striking out in lines 23 to 28 inclusive the following: "during the time such

agreement or award has to run if for a definite period and except in the case of eye injuries no agreement or award shall be reviewed or modified or re-instated unless" and inserting in lieu thereof the word "if"; also same page, at the end of line 29, by striking out the light-faced bracket after the word "last"; also page 56, at the beginning of line 1, by striking out the light-faced bracket before the word "payment"; also at the end of same line by striking out the light-faced bracket after the word "agreement"; also same page, by striking out all of lines 2 to 8 inclusive as follows: "Where compensation is awarded under this section in any case where more than ten years have elapsed between the date of the last payment of compensation and the date of the filing of the petition under this section the said compensation shall be payable out of moneys existing to the credit of the second injury reserve account created by this act in the State Workmen's Insurance Fund"; also section 418, page 59, line 22, by inserting after the word "final" the words "unless an appeal is taken as provided in this act or"; also section 420, page 60, by striking out all of lines 20 to 25 inclusive as follows: "physicians surgeons and experts which when so fixed shall be paid out of the sums appropriated to the Department of Labor and Industry for the maintenance of the department and shall be taxed as part of the costs of the proceedings to be repaid to such department by either party or both as the board may direct If any sum so"; also section 421, page 61, by striking out in lines 6 to 14 the following: "Upon an appeal to the Board the official stenographic notes taken at the hearing before a referee shall be transcribed and a copy thereof furnished upon request to the employer and the claimant the cost of which shall be taxed as a cost of the proceedings and shall be paid by the employer If any sum so taxed is not paid by the employer the same may be collected as costs are now collectible"; also section 422, page 61, by striking out all of lines 20 to 25 inclusive as follows:

"Declarations of a deceased employe concerning the accident shall be received in evidence and shall if corroborated by witnesses or other evidence be sufficient to establish the accident the injury and the fact that it occurred in the course of his employment or resulted therefrom"; also section 426, page 64, at the beginning of line 10, by striking out the light-faced bracket before the word "but"; also same page, lines 10 and 11, by striking out the words "one year" and inserting in lieu thereof the words "two years"; also same page, line 13, by striking out the light-faced bracket after the word "referee"; also section 429, page 71, line 19, by striking out the words "seventeen fifteen" and inserting in lieu thereof the word "seventeen"; also section 434, page 73, by striking out in lines 6 to 8 inclusive the following: "That the said receipt has been approved by the department And provided further;" also same page, line 9 by inserting after the word "time" the words "within six hundred weeks from the date of the injury;" also same page, by striking out all of lines 11 to 21 inclusive as follows: "such receipt was procured by fraud coercion or other improper conduct of a party or is founded upon mistake of law or of fact or upon erroneous judgment on the part of the employe of his ability to work Where compensation is awarded under this section in any case where more than ten years have elapsed between the date of the last payment of compensation and the date of the filing of the petition under this section the said compensation shall be payable out of moneys existing to the credit of the second injury reserve account in the State Workmen's Insurance Fund" and inserting in lieu thereof the following: "at the time of the execution of the receipt the injured employe was not in fact able to return to work without loss of earning power or that the employe had a condition which resulted from the accident which condition existed at the time the compensation agreement was executed and which was not covered by such agreement or that the employe had an existing disability at the time the final receipt was taken;" also same page, by striking out in lines 27 to 29, the following: "Provided however That no petition to terminate shall be filed and no final receipt shall be approved by the department"; also page 74, line 1, by inserting before the word "section" the words "subsection (e) of;" also same line, by striking out the word and letter "four (e)" and inserting in lieu thereof the word "six"; also section 435, page 74, line 8, by inserting after the word "standing" the words "with consent of the claimant;" also section 437, page 74, line 28, by striking out the words "party in interest" and inserting in lieu thereof the word "claimant"; also same page, line 29, by striking out after the word "represented" the word "by"; also page 75, line 6, by inserting before the word "counsel" the word "by"".

Amend Article V, section 502, page 77, by inserting after the word "prescribe" in line 5, the following: "Provided That the amount charged against each employer or his insurance carrier shall be equivalent to that proportion of the total amount required to administer the acts as the average number of employes of the particular employer bears to the total number of employes covered by workmen's compensation The first assessment shall be for the fiscal year ending May thirty-first one thousand nine hundred thirty-eight;" also same page, line 29, by striking out the word "except Provided" and inserting in lieu thereof the word "except"; also same page, at the end of line 29, by striking out the heavy bracket after the word "three"; also page 78, at the beginning of line 1, by striking out the heavy bracket before the word "are"; also same page, at the end of line 5, by striking out the heavy bracket after the word "alone".

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 27, 1937.

Resolved, (if the House of Representatives concur), That House Bill No. 99, Printer's No. 1162, entitled: "An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled 'Workmen's Compensation Act of 1915,' by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurers; conferring certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system including the rehabilitation of employes; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes, and for the payment of re-opened cases after a certain lapse of time, by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending, clarifying and changing the provisions of said act," be recalled from the House of Representatives for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVES OF ABSENCE

Mr. Schumacher asked and obtained leave of absence for Mr. STACKPOLE for today's session.

Mr. Reuben E. Cohen asked and obtained leave of absence for Mr. LEWIS for today's session.

Mr. Wisner asked and obtained leave of absence for Mr. LONGAKER for today's session.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 199.

An Act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over time work in certain cases imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties

SENATE BILL No. 759.

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

SENATE BILL No. 148.

An Act to amend the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" as amended by further regulating the manufacture and sale of carbonated beverages and still drinks changing the penalties prescribed and providing for injunctions in certain cases

SENATE BILL No. 679.

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville Lebanon County

SENATE BILL No. 481.

An Act to amend a part of section three of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" vesting discretion in the Governor with respect to the approval of the charter of certain corporations

SENATE BILL No. 871.

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by conferring on such counties the power to adopt ordinances and resolutions providing for the zoning and regulation of the location height bulk and use of buildings and other structures and of the uses of land and the requirement of building permits in the portions of counties lying outside of cities boroughs and townships of the first class providing for the creation organization powers and duties of county zoning commissions and boards of adjustment imposing duties on the State Planning Board and on State officials departments and agencies and prescribing penalties

SENATE BILL No. 872.

An Act to amend article six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for county and regional planning and the creation organization and powers of county and regional planning commissions and imposing duties on certain city boroughs

SENATE BILL No. 1162.

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1199) entitled "An act for the acceptance of a site from the University of Pittsburgh and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital providing for the erection construction and equipment of said hospital when appropriations are made available and for its management by the Department of Welfare" providing for the conveyance of said tract to the General State Authority for the construction of said hospital and for the leasing thereof by the Commonwealth after construction

SENATE BILL No. 998.

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by further regulating the incurring or refunding of indebtedness the issuing of bonds by school districts and the retiring of indebtedness making payroll obligations preferential claims against the district providing for penalties for failure to comply with any part of the act and repealing provisions of State laws inconsistent with this act

SENATE BILL No. 639.

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board, conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government and courts, providing for the right of employes to organize and bargain collectively, declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes, authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining; empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing

and the making of an order empowering the Board of petition a Court of Common Pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the Common Pleas Court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

SENATE BILL No. 670.

An Act to amend sections 4 and 6 of the Act approved the seventh day of August 1936 (Pamphlet Laws 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" as re-enacted and amended by providing for the recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken damaged or destroyed and correcting the reading of section six

SENATE BILL No. 415.

An Act providing for the examination and certification of and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines imposing duties upon the Secretary of Mines and providing penalties

SENATE BILL No. 416.

An Act providing for the examination and certification of and regulating the employment of mine electricians in bituminous coal mines imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties

SENATE BILL No. 1046.

An Act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts

SENATE BILL No. 1076.

An Act to amend section one as amended and sections two and three of the act approved the twenty-fourth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 129) entitled "An act to empower boroughs and cities to establish a police pension fund to take property in trust therefor and regulating and providing for the regulation of the same requiring cities to make certain appropriations to the police retirement fund increasing the maximum payments by members and generally clarifying the provisions of said act

SENATE BILL No. 1158.

An Act providing a method of annexation of townships of the first class and parts thereof to cities and boroughs and regulating the proceedings pertaining thereto

SENATE BILL No. 1167.

An Act to define and restrict the obligation of persons engaged on connected with or employed by certain newspapers or press associations in testifying as to the source of information procured or obtained by such persons

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2436.

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties.

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentatinon to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 2436.

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties.

Whereupon,

The SPEAKER, in the presence of the House, signed the same

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 670.

An Act to amend sections 4 and 6 of the act approved the seventh day of August 1936 (Pamphlet Laws 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" as re-enacted and amended by providing for the recording of com-

pleted suitable plans and the effect thereof as constructive notice to owners of property taken damaged or destroyed and correcting the reading of section six.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 793.

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by changing the requirements for free transportation of pupils; removing certain exemptions from the compulsory attendance act; providing for standards for vehicles used; requiring public liability insurance coverage; and authorizing the withholding of reimbursement in certain cases.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 5, line 4, by inserting before the word "out" the word "or"; also page 6, line 9, by striking out the light-faced bracket before the word "an"; also same page, line 29, by striking out the light-faced bracket after the word "hundred"; also page 7, line 1, by striking out the light-faced bracket before the word "thousand"; also same page, line 3, by striking out the light-faced bracket after the word "said"; also same page, by striking out in lines 15 to 29 inclusive the following: "an amount determined according to the following schedule of reimbursement to a school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less ninety per centum (90%) more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) eighty per centum (80%) more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000) seventy-five per centum (75%) more than seventy-five thousand dollars ($75,000) but nor more than one hundred thousand dollars $100,000) seventy per centum (70%) more than one hundred thousand dollars ($100,000) but not more than one hundred fifty thousand dollars (150,000) sixty-five per centum (65%) more than one hundred fifty thousand dollars": also page 8, by striking out in lines 1 to 7 inclusive the following: "($150,000) but not more than two hundred thousand dollars ($200,000) sixty per centum (60%) more than two hundred thousand dollars ($200,000) but not more than two hundred fifty thousand dollars ($250,000) fifty-five per centum (55%) more than two hundred fifty thousand dollars ($250,000) fifty per centum (50%) In any case where any such"; also same page, by striking out all of lines 13 to 29 inclusive as follows: "the cost of said approved school conveyance [Provided That the] The State's share of such depreciation and repairs shall not exceed two hundred dollars ($200) per vehicle per year [Provided further That the State's share for] The State shall not pay transportation [shall not exceed] in excess of one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from school and any transportation charge in excess of this amount shall be paid by the local school district [Provided further That districts receiving reimbursement on the basis of seventy-five (75) per centum and sixty (60) per centum shall not receive more than four thousand dollars ($4,000) in any one school year from the State for transportation Provided further That districts receiving reimbursement on the basis of fifty (50) per centum shall not receive more than three thousand dollars ($3,000) in any one year from the State for transportation]"; and inserting in lieu thereof the following: "the cost of said approved school conveyance Provided That the State's share of depreciation and repairs shall not exceed one hundred dollars ($100) per vehicle per year Provided further That the State's share for transportation shall not exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from schools Provided further That districts receiving reimbursement on the basis of seventy-five (75) per centum and sixty (60) per centum shall not receive more than four thousand dollars ($4,000) in any one school year from the State for transportation Provided further That districts receiving reimbursement on the basis of fifty (50) per centum shall not receive more than three thousand dollars ($3,000) in any one year from the State for transportation

After the first day of July one thousand nine hundred and thirty-nine if the Department of Public Instruction approves the transportation and means and the contracts provided therefor the Commonwealth will pay annually to the school district furnishing such transportation an amount determined according to the following schedule of reimbursement to a school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less ninety per centum (90%) more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) eighty per centum (80%) more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000) seventy-five per centum (75%) more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000) seventy per centum (70%) more than one hundred thousand dollars ($100,000) but not more than one hundred fifty thousand dollars ($150,000) sixty per centum (65%) more than one hundred fifty thousand dollars ($150,000) but not more than two hundred thousand dollars ($200,000) sixty per centum (60%) more than two hundred thousand dollars ($200,000) but not more than two hundred fifty thousand dollars ($250,000) fifty-five per centum (55%) more than two hundred fifty thousand dollars ($250,000) fifty per centum (50%) After the first day of July one thousand nine hundred and thirty-nine in any case where any such school district has purchased or shall hereafter purchase an approved school conveyance which is used exclusively for approved school purposes said payment by the Commmonwealth for such transportation may include a reasonable charge for depreciation and repairs not to exceed in any year fifteen per centum (15%) of the cost of said approved school conveyance The State's share of such depreciation and repairs shall not exceed two hundred dollars ($200.00) per vehicle per year Provided That the State's share for transportation shall not exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from school"

Amend section 4, page 10, by striking out all lines 28 and 29 as follows: "Section 1418 In case there is no public school in session within two miles by the nearest public highway"; also page 11, by striking out in lines 1 to 19 inclusive the following: "of the residence of any child in a township which is a district of the third class or in a school district of the fourth class such child shall [be exempt from the provisions of this act relating to compulsory attendance unless proper free transportation] be furnished [to such child] free transportation to and from school [Provided] from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education [If] For such proper free transportation [is] furnished to any child [under sixteen years of age] to and from school the Commonwealth shall reimburse any school district of the fourth class or any township which is a district of the third class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools" and inserting in lieu thereof the following:

"Section 1418 In case there is no public school in session within two miles by the nearest public highway of the residence of any child such child shall be exempt from

the provisions of this act relating to compulsory attendance unless proper free transportation be furnished to such child to and from school Provided If proper free transportation is furnished to any child under sixteen years of age to and from school the Commonwealth shall reimburse any school district of the fourth class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools

After the first day of July one thousand nine hundred and thirty-nine in case there is no public school in session within two miles by the nearest public highway of the residence of any child in a school district of the fourth class or in a school district of the third class which is located wholly within the boundary lines of a township such child shall be furnished free transportation to and from school from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education For such proper free transportation furnished to any child to and from school the Commonwealth shall reimburse any school district of the fourth class or any school district of the third class which is located wholly within the boundary lines of a township furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Mihm,	Smith, John A.
Aukerman,	Gorski,	Moomaw,	Snyder,
Baine,	Habbyshaw,	Mooney,	Sollenberger,
Baker, F. T.,	Haberlen,	Moran,	Spengler,
Baker, J. J.,	Hagerty,	Moul,	Sproul,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 918.

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred two A to the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal affairs requiring the auditors to file an annual financial report with said department conferring jurisdiction of certain cases upon justices of the peace and providing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 4, line 3, by inserting after the word "writing" the words, "and shall be made only after competitive bidding The secretary of the board shall advertise once a week for two weeks in one or more newspapers of general circulation in the township for competitive bids"; also same page, by striking out in lines 10 and 11 the words "set aside in the budget" and inserting in lieu thereof the word "appropriated"; also same page, line 12, by striking out the words "moneys in the budget" and inserting in lieu thereof the words "an appropriation"; also same page, line 13, by striking out the words "account in the budget" and inserting in lieu thereof the word "appropriation"; also same page, by striking out in lines 14 to 19 inclusive the following: "But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contracts so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years"; also page 5, line 8, by striking out the light-faced bracket before the word "beginning"; also same line, by striking out the light-faced bracket after the word "January".

Amend section 3, page 8, by inserting after line 8 the following paragraph:

"In preparing the uniform forms for both budgets and annual reports the Committee shall give careful consideration to the fiscal needs and procedure of townships of the various population groups producing separate forms if necessary to meet the needs of townships of varying sizes In the preparation of forms for financial reports the same shall be so arranged that corresponding information required to be reported to the Department of Highways may

be used for the information required to be furnished to the Department of Internal Affairs".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Mihm,	Smith, John A.,
Aukerman,	Gorski,	Moomaw,	Snyder,
Baine,	Habbyshaw,	Mooney,	Sollenberger,
Baker, F. T.,	Haberlen,	Moran,	Spengler,
Baker, J. J.,	Hagerty,	Moul,	Sproul,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1978.

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, by striking out in lines 21 to 24 inclusive the following: "Provided That none of the said increments for such teachers shall be required before the first day of July one thousand nine hundred thirty-eight"; also page 3, line 2, by inserting after the figure (4) the following: "Provided That none of the said increments for the members of the teaching staffs of elementary or high schools in such districts shall be required before the first day of July one thousand nine hundred thirty-eight".

Amend section 2, page 3, by striking out in lines 3 to 17 inclusive the following: "In addition to all payments which the Commonwealth is now by law required to make to school districts of the fourth class on account of the salaries of members of the teaching and supervisory staffs of such school districts the Commonwealth shall pay for the fiscal year beginning the first day of July one thousand nine hundred thirty-seven and for each fiscal year thereafter to each fourth class school district the following amounts On account of the minimum salaries of all members of the teaching staffs of all elementary schools an amount which together with the amount now required by law to be paid by the Commonwealth in addition to the amount now required by law to be paid by the school district will equal for each member of such staffs the sum of one thousand dollars ($1,000) for each school year"; also same page, by striking out in lines 18 and 19 the words and figures "of one thousand dollars ($1,000)"; also same page at the beginning of line 21, by striking out the word "elementary"; also page 4, by inserting after line 6 the following new section: "Section 3 All salary increments required by the provisions of this act are conditioned upon evidence of professional growth on the part of the teacher Any teacher failing or refusing to complete within each period of three years under her contract at least six semester hours of professional education approved by the county superintendent and in districts having a supervising principal jointly approved by the county superintendent and the supervising principal shall be denied further benefits of the said increments and the rate of her salary shall automatically revert to the minimum rate provided in this act unless the said teacher has a master's degree or the equivalent thereof".

Amend bill, page 4, line 7, by striking out after the word "Section" the figure "3" and inserting in lieu thereof the figure "4"; also same page, line 10, by inserting after the word "stores" the words "theatre or theatres"; also same page, line 11, by inserting after the word "disposition" the words "including an appropriation for the purpose of administering this act"; also same page, line 17, by striking out after the word "Section" the figure "4" and inserting in lieu thereof the figure "5".

On the question,

Will the House concur in the amendments made by the Senate?

QUESTION OF INFORMATION

Mr. O'CONNOR. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. O'CONNOR. Mr. Speaker, I desire to know if this is House Bill No. 1978?

The SPEAKER. That is correct, Bill No. 1978, Printer's No. 1146.

Mr. O'CONNOR. Mr. Speaker, the Printer's number I have is 1040.

The SPEAKER. The gentleman does not have the proper copy of the bill. The last Printer's number is 1146.

Mr. O'CONNOR. Mr. Speaker, may I ask if Printer's No. 1146 has Section 3 inserted by the Senate in it?

The SPEAKER. For the information of the gentleman, the bill does have Section 3 inserted by the Senate on page 4 of the bill.

Mr. O'CONNOR. Mr. Speaker and members of the House, this bill as it passed the House provided for increasing the minimum salaries of teachers in fourth class districts from eight hundred dollars a year to one thousand dollars a year. It also provided for an annual increment of fifty dollars a year for the grade teachers and one hundred dollars each year for high school teachers in the fourth class districts for a period of four years. Now, when this bill reached the Senate, the Senate inserted the following amendment:

"All salary increments required by the provisions of this act are conditioned upon evidence of professional growth on the part of the teacher Any teacher failing or refusing to complete within each period of three years under her contract at least six semester hours of professional education approved by the county superintendent and in districts having a supervising principal jointly approved by the county superintendent and the supervising principal shall be denied further benefits of the said increments and the rate of her salary shall automatically revert to the minimum rate provided in this act unless the said teacher has a master's degree or the equivalent thereof".

Mr. Speaker and members of the House, this amendment would require all teachers of the fourth class school districts who desired to obtain the benefits of the annual increment, to take additional training of six semester hours in any three year period. If they do not do that, they will not be entitled to receive the annual increment of fifty dollars a year, unless they possess a master's degree or the equivalent thereof.

I submit, Mr. Speaker and members of the House, that this is an imposition on fourth class school districts. There can be no doubt in the mind of any of us that the fourth class school districts are the least able of all the school districts to provide the additional salaries needed for these teachers to take the additional course in education. There is no other school district in this Commonwealth on which this requirement is made. This amendment also provides that in the event the teachers fail to take this additional educational training, the salary automatically reverts to the minimum provided herein. Now, we have hundreds of teachers in fourth class school districts throughout the Commonwealth of Pennsylvania who have been teaching school for years. This section makes no exception of those teachers with their years of training. In order to receive an annual increase of fifty dollars a year they would be required to go to school. Furthermore, the bill does not provide for the dismissal or renewal of a teacher who does not take this additional training. The teacher could refuse or fail to take this additional training and still continue to teach. Under our tenure bill they are in there for life. This would in no way change or better the teaching staff in our Commonwealth. I submit to you that all of you who have been out in your districts are aware of the fact that we do have a teachers' tenure bill in Pennsylvania. This tenure bill protects married women in their teaching positions in the public schools of Pennsylvania, and I submit to you, Mr. Speaker and members of the House, that this bill places a penalty on motherhood. If a married teacher is honorable enough in this modern day to be the mother of a family, she cannot take the additional course in education required by the provisions of this act. If she does not become the mother of a family, she will have the time to take the course of study prescribed by this act, and I say it is totally unfair to the married women who are teaching school to have this section inserted in this act. If this is an attempt on the part of any one to eliminate the married school teachers from the fourth class districts in Pennsylvania, let them come forward and tell us so that we may act intelligently and not by subterfuge. I believe the greatest sweatshop wages in Pennsylvania are paid in the fourth class school districts in Pennsylvania under the so-called liberal provisions of this bill but I ask, is it necessary that a teacher in order to receive twelve hundred dollars a year for teaching school in a little one room school house in the rural districts of Pennsylvania, that that teacher must possess a master's degree? The like of it was never heard before; it was never required in any of the other districts of Pennsylvania. I ask the members of the House who are not representatives of fourth class school districts to join me and other representatives of the fourth class districts in voting down concurrence in this amendment.

Mr. BROWNFIELD. Mr. Speaker and ladies and gentlemen of the House, it seems to me this is a very reasonable amendment that has been inserted by the Senate. The fourth class teachers' salaries minimum goes up to one thousand dollars, but in getting those increments they would have to get six semester hours in each of three years. There is nothing unreasonable about that. In fact it could not be more reasonable. I, therefore, join with the lady from Lancaster, Mrs. Horting, in asking that the House concur in this amendment.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. O'CONNOR. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—90.

Alexander,	Ganser,	Moran,	Sproul,
Allen,	Gerard,	Ominsky,	Stank,
Allmond,	Haberlen,	Patterson, C. S.,	Thomas,
Aukerman,	Hagerty,	Patterson, J. W.,	Toole,
Baine,	Hamilton, F. P.,	Pearson,	Valibus,
Baker, J. J.,	Hamilton, R. S.,	Perry,	VanAllsburg,
Bohn,	Hering,	Pershing,	VanSickle,
Bradley	Hess,	Piole,	Wagner,
Brancato,	Hetrick,	Powers,	Webster,
Broad,	Hindman,	Preston,	Weidemann,
Brownfield,	Hirsch,	Robinson,	Weiss, D. H.,
Burrows,	Holland,	Rush,	Weiss, S. A.,
Coakley,	Horting,	Sarraf,	Welliver,
Cohen, H. B.,	Jirolanio,	Scanlon,	Welsh,
Cohen, R. E.,	Kilroy,	Schor,	Whalen,

Coleman,	Kroll,	Schrope,	Wilson,
Coolahan,	Marino,	Shugarts,	Winner,
Corrigan,	Matthews, J. F.	Siegel,	Wright,
Decker,	McArdle,	Simon,	Yanoshat,
Elpern,	McFall,	Snyder,	Yourishin,
Fiss,	McGee,	Sollenberger,	Zappala,
Flannery,	Melchiorre,	Spengler,	Furman,
Flinchbaugh,			

NAYS—62.

Atkins,	Hall,	Moomaw,	Sloan,
Baker, F. T.,	Harkins,	Mooney,	Stewart,
Balthaser,	Holmes,	Moul,	Stockham,
Blank,	Holstrom,	Muir,	Terry,
Bois,	Huntley,	Munley,	Thompson,
Boltz,	Imbrie,	Murrin,	Tronzo,
Boyer	Kelso,	O'Connor,	Trout,
Cadwalader,	Leisey,	O'Neill,	Tumelty,
Chervenak,	Levy,	Peale,	Vogt,
Davies,	Lopresti,	Reese,	Wall,
Donohoe,	Lovett,	Richter,	Watkins,
Dougherty,	Lyons,	Rothenberger,	Westrick.
Dubbs,	McDermott,	Royer,	Whitenight,
Eckels,	McDevitt,	Schrock,	Wood,
Finnerty,	McElroy,	Schumacher,	Woodside,
Habbyshaw,	McKinney,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 904.

An Act relating to industrial police and corporation guards prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out all of lines 1 to 5 inclusive as follows:

"Relating to industrial police and corporation guards prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties" and inserting in lieu thereof the following:

"Relating to peace officers providing for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts".

Amend section 1, page 1, by striking out all of lines 4 to 8 inclusive as follows:

"No person employed by any county city borough town or township as a policeman or member of the police department or police force or as a deputy sheriff shall during the continuance of such employment be employed by any person copartnership association or corporation in the capacity of indus-"; also on page 2, by striking out all of lines 1 to 26 inclusive as follows: "trial police nor shall he in anywise serve in such capacity Any person so employed by any such political subdivision who violates the provisions of this act shall be forthwith dismissed by the political subdivision Section 2 No person employed in the capacity of industrial police or corporation guard shall whether or not in uniform loiter or stand except while in the course of marking and casting his ballot within one hundred (100) feet of any polling place during the conduct of any general municipal special or primary election Section 3 Any person violating any of the provisions of this act shall on summary conviction thereof be sentenced to pay a fine not exceeding twenty-five dollars ($25) and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than ten (10) days Provided however That the provisions of this act shall not apply to the employment of policemen or members of a police department or police force by any person copartnership association or corporation to keep the public peace disperse mobs quell riots or preserve order at public exhibitions of baseball tennis polo water polo field hockey quoits horse-shoe pitching golf squash badminton croquet lacrosse swimming archery football soccer basket ball volley ball track and field sports boat racing horse racing ice skating yatching skiing ice hockey curling or shuffle board or at any canine or equine exhibition" or show; and inserting in lieu thereof the following:

"a sheriff may not appoint any person as a deputy unless he files with the prothonotaries prior to the appointment of such person the name and photograph of such person together with an affidavit of such person setting forth the following

(1) His full name age and residence address

(2) That he is a citizen of the United States and twenty-one years of age or over

(3) That he resided in the county for a period of at least two years immediately preceding the filing of such affidavit

(4) That he has never been convicted of a crime involving moral turpitude under the laws of this Commonwealth or of any other state or of the United States

(5) That he has not for a period of two years immediately preceding the filing of such affidavit acted either for himself or as the agent or employe of another in any labor dispute or hired himself out or performed any service as a private detective private policeman or private guard in any labor dispute or received any fee or compensation whatever for acting as a private detective private policeman or private guard in any labor dispute or conducted the business of a private detective agency or of any agency supplying private detectives private policemen or private guards or advertised or solicited any such business in this Commonwealth in connection with any labor dispute

Section 2 Any false statement contained in any such affidavit shall constitute perjury and shall be punished as such

Section 3 The name photograph and affidavit of any such person so filed with the prothonotary shall constitute a public record

Section 4 The sheriff shall from time to time prepare a list of the names of all persons who have applied for appointment as deputy sheriff and who meet the qualifications prescribed in section one of this act Such list shall be posted in a public place for a period of not less than ten days and thereafter shall be filed in the office of the prothonotary No deputies shall be appointed by the sheriff whose names do not appear on said list

Section 5 No State police sheriff deputy sheriff constable deputy constable detective police or other peace officer of this Commonwealth or of any political subdivision thereof (collectively referred to in this act as "officers") shall perform directly or indirectly any official services or official duties for any person association or corporation or receive directly or indirectly any compensation gifts or gratuities from any person association or corporation during the period of his official services Provided however That nothing herein contained shall prohibit such officers from serving writs and other legal process as now authorized by law Any compensation payable to any officer for official duties and services shall

be paid only out of the public funds to the amount and in the manner prescribed by law Gifts donations and gratuities of any nature whatsoever made by any person association or corporation to the Commonwealth or any political subdivision thereof or any official or agent thereof shall not constitute public funds within the meaning of this section

The Commonwealth or any political subdivision thereof or any official or agent thereof shall not accept as a gratuity gift or donation any arms ammunition military supplies tear gas or equipment or supplies or articles of a similar character from nor shall any such gratuity gift or donation be made by any person association or corporation

Any and all contracts or agreements whether written or oral express or implied heretofore or hereafter made and entered into between the Commonwealth or any political subdivision thereof or any official or agent thereof and any person association or corporation in violation of any provision of this section are hereby declared to be contrary to public policy and void and no such contract or agreement shall afford any basis for the granting of legal or equitable relief by any court

Section 6 Any sheriff deputy sheriff or any other official of the county or any other officer as defined in this act or any person association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and on conviction shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or to undergo an imprisonment of not less than ninety (90) days nor more than two (2) years or both

Section 7 Nothing contained in this act shall be construed

(a) To prohibit the payment by any person association or corporation of fees or compensation to any political subdivision for police or other peace officers assigned to police exhibitions athletic contests or other recreational activities

(b) To prohibit the appointment employment or compensation in the manner expressly provided by law of (1) Night watchmen (2) Railroad police (3) Bank police (4) Payroll police (5) Special policemen to police and protect cemeteries and grounds and buildings open to the public or to enforce laws for the prevention of cruelty to persons or animals (6) Fire Police whose only duty shall be to direct traffic and maintain order to at or from fires (7) Police or guards employed by non-profit corporations or organizations

Section 8 If any clause sentence paragraph or part of this act or the application thereof to any person or circumstance shall for any reason be adjudged by the court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provisions to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included therein

Amend section 4, page 2, line 27, by striking out before the word "All" the figure "4" and inserting in lieu thereof the figure "9".

Amend section 5, page 3, by striking out before the word "This" the figure "5" and inserting in lieu thereof the figures "10".

On the question,

Will the House concur in the amendments made by the Senate?

CONSTITUTIONAL POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a Constitutional point of order.

The SPEAKER. The gentleman will state his Constitutional point of order.

Mr. TURNER. Mr. Speaker, I desire to offer the following Constitutional point of order:

In the House of Representatives.
Wednesday, May 27. 1937.

We, the undersigned members of the House of Representatives of Pennsylvania, do hereby protest and object to the consideration by this House of House Bill No. 904, as amended by the Senate, hereby raising the question that said bill as amended by the Senate, violates Section 1 of Article III, of the Constitution of Pennsylvania, which reads as follows:

"Section 1, No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose."

(Signed) HENRY I. WILSON, Jefferson
G. EDGAR KLINE, Schuylkill
DAVID R. PERRY, Blair
RAYMOND C. WEBSTER, Chester
MARSHALL D. STRODE, Chester
AMOS M. LEISEY, Chester
LAMBERT CADWALADER, Montgomery
IVAN C. WATKINS, Schuylkill

On the question,

Will the House sustain the Constitutional point of order?

Mr. TURNER. Mr. Speaker and members of the House, House Bill No. 904, Printer's No. 1150, which is now before the House for concurrence, and upon which a constitutional question has been raised, as originally introduced in the title states "Prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing." The bill as amended in the Senate I think has just one word of the original bill. That word is the word "that" in Section 1. The bill as it originally appeared in the House was a bill of about two pages in length. It is now a bill of ten pages in length. The bill now provides in the title, "relating to peace officers, providing for the qualification and the appointment of deputy sheriffs, regulating the manner of their selection and compensation, regulating the source of compensation for other peace officers, declaring void certain contracts inconsistent with the provisions thereof, providing penalties and repealing inconsistent acts."

In other words, the bill as it originally started out was a bill relating to municipal policemen. The bill as it now is relates to deputy sheriffs, so that there can be no question in mind that the entire purpose of the bill was changed in contradiction of the express provisions of the Constitution of Pennsylvania that no bill shall be altered during its course through either House so as to change its original purpose.

Now, this bill is not only unconstitutional, but it seems to me should merit your disapproval because it says this—

POINT OF ORDER

Mr. NAGEL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. NAGEL. Mr. Speaker, the gentleman is speaking on other parts of the bill. The gentleman is not talking on the constitutionality of the bill.

The SPEAKER. The question before the House is the constitutionality of the measure. The Chair feels that the gentleman is giving his reasons why he thinks the bill is not constitutional. The gentleman will proceed.

Mr. TURNER. Mr. Speaker, section 1 of the act, page 2, as it started from the House says that "no person em-

ployed by any county, city, borough, town or township as a policeman or member of the police department or police board," and that amendmnet now says "or as a deputy sheriff shall during the continuance of such employment be employed by any person, copartnership, association or corporation in the capacity of industrial police" and so forth.

Now, the bill says "The sheriff shall from time to time prepare a list of the names of all persons who have applied for appointment as deputy sheriff and who meet the qualifications prescribed in section 1 of this act. Such lists shall be posted in a public place for a period of not less than ten days, and thereafter shall be filed in the office of the Prothonotary. No deputies shall be appointed by the sheriff whose names do not appear on said list." Then it goes on to provide, I think, that a picture of the deputy sheriff and so forth must be filed in the office of the prothonotary. So that while the act, as the gentleman from Beaver has originally conceived it, was to prohibit the employment of policemen and deputy sheriffs as members of the industrial police, the bill as it now reads has a provision as to how the sheriff shall appoint his deputies. Therefore, Mr. Speaker, I think there can be no doubt that not only has the title been entirely changed as to its purpose, but that the bill in is general tenor has been entirely changed and it is therefore unconstitutional.

Mr. REISING. Mr. Speaker and members of the House, I am very certain that with the number of men in the Senate who are learned in the law, they would not send this bill to the House amended in this or any other form for the purpose of deception. I am certain that this bill does come within the scope of the Constitution or it would never have come from the Senate, and it is not, in my opinion, our prerogative to declare something unconstitutional before it really exists. Now, with respect to the different sections of the bill, and the one objected to by the gentleman from Delaware, Mr. Turner, this bill only provides the type of men and the manner of their employment that shall be employed as deputy sheriffs. As we all know in this State of Pennsylvania, the same as many other states in the Union, it has been the practice to employ men who were non-residents, men who were rioters, men who were dynamiters, men who were corruptionists and theives, and the sheriffs of our Commonwealth were the men who had to stand the objections to that sort of thing. As I understand this bill there is nothing to it except that we want to improve the personnel of the deputy sheriffs throughout this Commonwealth, and I am sure that the people of this Commonwealth will not suffer at the hands of imported rioters as they have in the past. These men must be taken from the community where they are known, where they have a reputation, where they have character and courage and all that sort of thing, and this bill to my mind, insofar as the constitutionality is concerned, there is time in the future for those who are learned in the law to have the duty and the function and the ability to determine the constitutionality of it. I will, therefore, ask the members of this House to non-concur in the contention that this bill is unconstitutional.

Mr. TURNER. Mr. Speaker, I am amazed that a member of this House should arise and state that there are greater legal brains in the Senate than there are in the House. I think from the calibre of some of the legislation that we have seen here there is grave doubt as to that statement. But whether the legal brains are in the Senate or in the House is not the issue here. I realize that there are sometimes questions raised by us as to the constitutionality of bills which might confuse some of the men who are not trained in the law, but I think that this bill, any one can see without too much squinting or without great experience in the law that it is unconstitutional. Certainly a bill that provides for prohibiting municipal policemen from serving as industrial police and requiring their dismissal for so doing and providing penalties, is an entirely different measure from a bill relating to peace officers, providing for the qualification and appointment of deputy sheriffs. This bill deals entirely with deputy sheriffs, if you will read the bill, and it provides for the appointment of deputy sheriffs by the sheriff.

Now a municipal policeman may be a county policeman, as I believe there are county police in the County of Allegheny, or there may be in a borough or township or city a policeman, but a deputy sheriff is one appointed by the sheriff in the county. The sheriff of the county has no power to appoint a policeman in any municipality. Policemen in municipalities are usually appointed by the mayor of the city or by council in boroughs or by township commissioners in townships of the first class and so forth. Therefore, municipal police and deputy sheriffs are two entirely separate and distinct classes of people, and to say that a bill that starts out for the purpose of restricting the use of municipal policemen as industrial police can be turned into a bill providing for the appointment of deputy sheriffs seems to me must clearly to any man who stops to think and who will read the bill show that it is unconstitutional.

On the question recurring,

Will the House sustain the constitutional point of order?

The yeas and nays were taken and were as follows:

YEAS—46

Atkins,	Imbrie,	Schumacher,	Turner,
Baker, F. T.,	Kline,	Serrill,	VanAllsburg,
Burrows,	Leisey,	Sloan,	Wall,
Cadwalader,	Lyons,	Snyder,	Watkins,
Davies,	Matthews, J. F.	Sollenberger,	Webster,
Downey,	McDevitt,	Sproul,	Weidemann,
Fiss,	McKinney,	Stewart,	Wilson,
Gillette,	Muir,	Stockham,	Winner,
Habbyshaw,	Peale,	Strode,	Wood,
Hall,	Perry,	Terry,	Woodside,
Hamilton, R. S.,	Royer,	Trout,	Yeakel,
Huntley,	Schrock,		

NAYS—113

Alexander,	Flannery,	Melchiorre,	Scanlon,
Allen,	Ganser,	Mellott,	Schor,
Allmond,	Gerard,	Mihm,	Schrope,
Aukerman,	Haberlen,	Moomaw,	Shepard,
Baine,	Hagerty,	Mooney,	Shoemaker,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Shugarts,
Bierly,	Harkins,	Murrin,	Siegel,
Blank,	Hays,	Nagel,	Smith, James A.,
Bohn,	Hess,	O'Brien,	Smith, John A.
Bois,	Hindman,	O'Connor,	Spengler,
Boltz,	Hirsch,	O'Keefe,	Stank,
Bradley	Holland,	Ominsky,	Toole,
Brancato,	Holmes,	O'Neill,	Tronzo,
Broad,	Horting,	Patterson, C. S.,	Tumelty,
Caesar,	Keenan,	Patterson, J. W.,	Valibus,
Caputo,	Kelso,	Pearson,	Vogt,
Chervenak,	Long,	Pershing,	Wagner,
Cohen, H. B.,	Lopresti,	Piole,	Weiss, D. H.,
Cohen, R. E.,	Lovett,	Powers,	Weiss, S. A.,
Corrigan,	Marino,	Preston,	Welliver,
Decker,	Matthews, H. T.	Readinger,	Welsh,

Donohoe,	McArdle,	Reese,	Whalen,
Dougherty,	McCullough,	Reising,	Whitenight,
Dubbs,	McDermott,	Richter,	Wright,
Elpern,	McElroy,	Robinson,	Yanoshat,
Falkenstein,	McFall,	Ruffennach,	Yourishin,
Finnerty,	McGee,	Rush,	Zappala,
Fitch,	McShane,	Sarraf,	Furman,
Flanagan,			

So the question was determined in the negative and the constitutional point of order was not sustained.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Falkenstein,	McArdle,	Sarraf,
Alexander,	Finnerty,	McCullough,	Scanlon,
Allen,	Fitch,	McDermott,	Schor,
Allmond,	Flanagan,	McElroy,	Schrope,
Arnold,	Flannery,	McFall,	Shaw,
Aukerman,	Flinchbaugh,	McGee,	Shea,
Baine,	Ganser,	McShane,	Shepard,
Baker, J. J.,	Gerard,	Melchiorre,	Shoemaker,
Balthaser,	Gorski,	Mellott,	Shugarts,
Bierly,	Haberlen,	Mihm,	Siegel,
Blank,	Hagerty,	Moomaw,	Simon,
Bohn,	Hamilton, F. P.,	Mooney,	Skale,
Bois,	Harkins,	Moran,	Smith, James A.,
Boltz,	Harmuth,	Moul,	Smith, John A.,
Bradley	Hays,	Munley,	Spengler,
Brancato,	Hering,	Murrin,	Stank,
Brigerman,	Hess,	Nagel,	Thomas,
Broad,	Hetrick,	O'Brien,	Thompson,
Brown,	Hindman,	O'Connor,	Toole,
Brownfield,	Hirsch,	O'Keefe,	Tronzo,
Burrows,	Holland,	Ominsky,	Tumelty,
Caesar,	Holmes,	O'Neill,	Valibus,
Caputo,	Holstrom,	Ostroff,	VanSickle,
Chervenak,	Hontz,	Patterson, C. S.,	Vogt,
Coakley,	Horting,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Jirolanio,	Pearson,	Walsh,
Cohen, R. E.,	Keenan,	Pershing,	Weiss, D. H.,
Coleman,	Kelso,	Piole,	Weiss, S. A.,
Coolahan,	Kilroy,	Powers,	Welliver,
Corrigan,	Kroll,	Preston,	Welsh,
Costanzo,	LaRue,	Readinger,	Westrick,
Decker,	Levy,	Reese,	Whalen,
DeNote,	Long,	Reising,	Whitenight,
Dickinson,	Lopresti,	Richter,	Wright,
Donohoe,	Lovett,	Robinson,	Yanoshat,
Dougherty,	Lyons,	Rothenberger,	Yourishin,
Dubbs,	Marino,	Ruffennach,	Zappala,
Dyson,	Matthews, H. T.	Rush,	Furman,
Elpern,			

NAYS—49

Atkins,	Hamilton, R. S.,	Schrock,	Turner,
Baker, F. T.,	Huntley,	Schumacher,	VanAllsburg,
Boose,	Imbrie,	Serrill,	Wall,
Boyer	Kane,	Sloan,	Wampole,
Cadwalader,	Leisey,	Snyder,	Watkins,
Davies,	Matthews, J. F.	Sollenberger,	Webster,
Downey,	McDevitt,	Sproul,	Weidemann,
Eckels,	McKinney,	Stewart,	Wilson,
Fiss,	Muir,	Stockham,	Winner,
Gillette,	Peale,	Strode,	Wood,
Habbyshaw,	Perry,	Terry,	Woodside,
Hall,	Royer,	Trout,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL TAKEN FROM TABLE

Mr. OMINSKY. Mr. Speaker, I move that House Bill No. 2136, Printer's No. 1099, together with the message from the Senate which was laid on the table, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2136.

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring medical inspectors to make eye and ear tests annually providing for the use of scientific apparatus furnished by school districts and providing for certain instruction in State teachers' colleges for the appointment of certain experts in the Department of Public Instruction and making an appropriation.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 2, page 3, by striking out in line 22 the words and figures "fifty thousand dollars ($50,000)" and inserting in lieu thereof the words and figures "twenty-five thousand dollars ($25,000)."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Mihm,	Smith, John A.,
Aukerman,	Gorski,	Moomaw,	Snyder,
Baine,	Habbyshaw,	Mooney,	Sollenberger,
Baker, F. T.,	Haberlen,	Moran,	Spengler,
Baker, J. J.,	Hagerty,	Moul,	Sproul,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,

Decker,	Levy,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 563.

An Act to amend the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties" requiring licenses for all bakeries further regulating bakeries and the importation of bakery products providing for injunctions in certain cases and changing the penalties prescribed.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out in lines 10 and 11 the words "requiring licenses for all bakeries."

Amend section 1, page 2, by striking out in lines 22 and 23 the words "bakeries using less than fifty pounds of flour per week one dollar ($1.00) for"; also same page, line 28, by inserting after the figures "($20.00)" the following: "Provided however that any person operating a bakery in Pennsylvania who does not use more than fifty pounds of flour flour substitute flour mixture or potatoes a week in the preparation of bakery products shall not be required to register such bakery products pay a license fee or obtain a license"; also page 3, by striking out in lines 4 to 8 inclusive the following: "Provided however That the licensing provisions of this section shall not apply to charitable or religious organizations or their members who or which manufacture bakery products occasionally for sale by such organizations"; also page 4, line 7, by striking out the words "and address"; also same page, line 8, by inserting after the word "product" the following: "or with the name and address of the distributor or wholesaler dealer distributing such bakery products preceded by the words distributed by' or followed by the word "distributor' as the case may be."

Amend section 2, page 4, line 25, by inserting after the word "Commonwealth" the words "for sale within this Commonwealth".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ALLEN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL No. 1835.

An Act to authorize the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third clas and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condemnation authorizing the issuance of revenue refunding bonds and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by inserting after the word "authorize" the words "subject to certain conditions"; also line 11, by inserting after the word "providing" the words "subject to certain conditions".

Amend bill, page 14, by inserting after line 21 the following new section:

"Section 17 No city or borough shall acquire condemn construct or begin to operate any plant system equipment or other facilities under any provisions of this act for the rendering or furnishing to the public of any service of the kind or character already being rendered or furnished by any public service company until the Pensylvania Public Utility Commission shall have first found determined and ordered after public hearing upon notice to all parties affected that such acquisition condemnation construction or operation is necessary and proper for more adequate and sufficient service to the public concerned."

Amend bill, page 14, line 22, by striking out after the word 'Section" the figures "17" and inserting in lieu thereof the figures "18"; also same page, line 28, by striking out after the word "Section" the figures "18" and inserting in lieu thereof the figures '19"; also page 15, line 7, by striking out after the word "Section" the figures "19" and inserting in lieu thereof the figures "20".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. CAPUTO. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendment made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 1121.

An Act providing for the erection construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority authorizing the Commonwealth to lease the new school and its grounds from The General State Authority upon its

completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon and conferring powers and imposing duties upon certain State departments boards commissions and officers.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House recede from its amendment non-concurred in by the Senate.

On the question,

Will the House agree to the motion?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Ganser,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the House receded from its amendment non-concurred in by the Senate.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendment made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 1122.

An Act providing for the erection construction and equipment of a Maximum Security State Penitentiary for the detention care maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries and conferring powers and imposing duties upon certain State departments boards commissions and officers.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House recede from its amendment non-concurred in by the Senate.

On the question,

Will the House agree to the motion?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Mihm,	Smith, John A.,
Aukerman,	Gorski,	Moomaw,	Snyder,
Baine,	Habbyshaw,	Mooney,	Sollenberger,
Baker, F. T.,	Haberlen,	Moran,	Spengler,
Baker, J. J.,	Hagerty,	Moul,	Sproul,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,		

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative and the House receded from its amendment non-concurred in by the Senate.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL RECALLED FROM THE HOUSE RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 638.

An Act to further amend section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth,

Said bill having been recalled from the House for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, by inserting a heavy-faced bracket at the end of line 15 after the word "dollars"; also page 4, line 7, by striking out the heavy-faced bracket after the figure "(5%)".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Mihm,	Smith, John A.,
Aukerman,	Gorski,	Moomaw,	Snyder,
Baine,	Habbyshaw,	Mooney,	Sollenberger,
Baker, F. T.,	Haberlen,	Moran,	Spengler,
Baker, J. J.,	Hagerty,	Moul,	Sproul,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1504.

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by further defining and extending the scope of vocational education and enlarging the provisions for State subsidies

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by inserting at the end of line 10 after the word "subsidies" the words "under certain conditions".

Amend section 1, page 3, by striking out at the end of line 7 the word "includes" and inserting in lieu thereof the words "shall mean"; also same page, line 19, by inserting after the word "agricultural" the words "vocational distributive occupational;" also same page, at the beginning of line 25, by inserting after the syllable "tural" the words "vocational distributive occupational;" also same page, at the end of line 28, by striking out the light-faced bracket after the syllable "em-"; also page 4, at the beginning of line 1, by striking out the light-faced brackets before and after the syllable "ployed"; also page 5, line 1, by striking out the word "intelligence" and inserting in lieu thereof the words "knowledge or skill".

Amend section 7, page 12, line 25, by inserting after the word "Instruction" the words "as the executive officer of the State Board for Vocational Education;" also page 13, line 13, by striking out the light-faced bracket before the word "twenty-five"; also same line, by striking out the light-faced bracket after "(25%)"; also same page, lines 13 and 14, by striking out the words and figures "thirty-five per centum (35%)"; also same page, line 23, by striking out the light-faced bracket before the word "which"; also same page, at the end of line 29, by striking out the light-faced bracket after the word "or"; also page 14, at the beginning of line 1, by striking out the light-faced bracket before the word "departments"; also same page, at the end of line 28, by striking out the light-faced bracket after "(55%)"; also same page, line 29, by striking out the words and figures "to the extent of fifty per centum (50%)"; also page 15, line 25, by striking out the light-faced brackets before and after the word "two-thirds"; also same page, lines 25 to 27 inclusive, by striking out the words "from July 1, 1937 to June 30, 1942

and thereafter eighty per centum (80%) of the sum which was expended;" also page 16, by striking out in lines 9 to 11 inclusive the following: "[such unions] each of the school districts the sum of [five hundred dollars ($500)] two hundred and fifty dollars ($250)" and inserting in lieu thereof the words and figures "such unions of school districts the sum of five hundred dollars ($500);" also same page by striking out all of lines 12 to 28 inclusive as follows:

"The Commonwealth in order to aid in the [maintenance of approved local or joint compulsory general continuation schools for minors fourteen to sixteen years of age shall pay as provided in this act annually from the treasury to school districts and unions of school districts maintaining such schools twenty per centum (20%) of the sum expended for salaries during the previous school year by the district or unions of school districts for approved instruction required by law Provided further That the Commonwealth shall reimburse districts or unions of districts to the extent of forty per centum (40%) of the sum expended during the previous school year for salaries paid teachers of general continuation schools who were employed on a part-time basis] travel expenses of vocational teachers coordinators supervisors and directors in the conduct of approved vocational schools departments and classes shall pay annually from the treasury to school districts and;" also page 17, by striking out all of lines 1 and 2 as follows: "unions of school districts eighty per centum (80%) of the sum expended for approved travel" and inserting in lieu thereof the following:

"In lieu of the foregoing provisions the Commonwealth shall if and when sufficient revenue is available therefor from Federal funds allotted to this Commonwealth for vocational education make payments to school districts and unions of school districts as hereinafter in this section provided If such revenues are not sufficient for all of the increases hereinafter provided for increased payments shall first be made in full of the amounts provided for in clause (a) hereof and thereafter the increased payments provided for in each successive clause in its proper order shall be made in full before any increased payments are made under clause subsequent in order

(a) Local or joint evening vocational industrial evening vocational home economics evening vocational agricultural and evening vocational distributive occupational schools departments or part-time vocational schools or classes shall be reimbursed for the full sum which was expended from July one one thousand nine hundred and thirty-seven to June thirty one thousand nine hundred and forty-two and thereafter eighty per cenum (80%) of the sum which was expended for the salaries of part-time and evening vocational school teachers and supervisors during the previous school year by such school district or unions of districts for approved instruction in practical and related technical subjects.

(b) School districts and unions of school districts shall be reimbursed for the travel expenses of vocational teachers coordinators supervisors and directors in the conduct of approved vocational schools departments and classes annually from the treasury to school districts and unions of school districts eighty per centum (80%) of the sum expended for approved travel

(c) Districts of the fourth class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments and in addition thereto districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in academic subjects in approved rural community vocational schools Provided however that no district shall receive reimbursement of more than eighty per centum (80%) of any one teacher's salary out of either Federal or State funds or both

(d) Whenever two or more school districts have heretofore united or shall hereafter unite by joint agreement approved by the Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the school program the Commonwealth shall pay annually from the treasury to each of the school districts so uniting the sum of two hundred fifty dollars ($250) so long as such joint agreement is in effect

(e) Districts of the third class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical and academic subjects in part-time co-operative schools or departments

(f) Districts of the second class shall be reimbursed for fifty per centum (50% of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments

(g) Districts of the first class shall be reimbursed for thirty-five per centum (35%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments."

Amend section 9, page 18, line 9, by inserting before the word "distributive" the word "vocational"; also same page, line 12, by inserting after the word "Instruction" the words 'as the executive officer of the State Board of Vocational Education."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McGee.	Siegel,
Alexander,	Flannery.	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Skale.
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins.	Gillette,	Miham,	Smith, John A.,
Aukerman,	Gorski,	Moomaw,	Snyder.
Baine,	Habbyshaw,	Mooney,	Sollenberger,
Baker, F. T.,	Haberlen,	Moran,	Spengler,
Baker, J. J.,	Hagerty,	Moul.	Sproul,
Balthaser,	Hall,	Muir.	Stank.
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins.	Nagel.	Strode,
Bois,	Harmuth,	O'Brien,	Terry.
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe.	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch.	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner.
Brown.	Holmes,	Peale,	Valibus.
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt.
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall.
Chervenak,	Jirolanio,	Preston,	Walsh.
Coakley.	Kane.	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster.
Coleman,	Kilroy,	Richter.	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan.	Kroll.	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer.	Welliver.
Davies.	Leisey,	Ruffennach,	Welsh.
Decker.	Levy,	Rush.	Westrick,
DeNole.	Long.	Sarraf,	Whalen.
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,

Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representative numbered and entitled as follows:

HOUSE BILL No. 1331.

An Act requiring all persons claiming damages from any county city borough town township or school district to file within six (6) months from the origin of such claim a written notice with such county city borough town township or school district

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 2, line 12, by inserting after the word "action" the words "upon a showing of a reasonable excuse for such failure to file said notice."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Mihm,	Smith, John A.,
Aukerman,	Gorski,	Moomaw,	Snyder,
Baine,	Habbyshaw,	Mooney,	Sollenberger,
Baker, F. T.,	Haberlen,	Moran,	Spengler,
Baker, J. J.,	Hagarty,	Moul,	Sprout,
Balthaser,	Hall,	Muir,	Stenk,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumolty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Pole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 771.

An Act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which House Bill No. 2379, Printer's No. 1141, was defeated on final passage on Wednesday, May 26, 1937, be reconsidered.

Mr. SHUGARTS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Clearfield, Mr. Shugarts vote on the final passage of this bill?

Mr. SHUGARTS. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

QUESTION OF INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of inquiry.

The SPEAKER. The gentleman will state his question of inquiry.

Mr. TURNER. Mr. Speaker, I would like to ask how the gentleman from York voted on this bill.

The SPEAKER. The gentleman stated that he voted with the majority.

Mr. HERBERT B. COHEN. Mr. Speaker, with the majority in the negative.

Mr. TURNER. Mr. Speaker, as I recall it, this is the bill which reduces the tax on distilleries from ten mills to five mills, and which was defeated yesterday, is that right?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. TURNER. Thank you, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, as the gentleman from Delaware has indicated, the bill that was defeated on third reading yesterday was to reduce the tax on the distilleries from ten mills to five mills, and I find myself in a position whereby I am now forced to agree with the vote that the gentleman from Delaware had on this bill. The gentleman from Delaware voted in the affirmative. I also had certain facts brought to my attention. The House remembers that we had in this House, House Bill No. 1736 which would have removed what I consider a very inequitable exemption granted to certain corporate structures in Pennsylvania, and that Bill No. 1736 was intended to remove inequitable exemption. This bill is for the purpose of removing an inequitable increase in taxation that is not justifiable under the circumstances, and I ask the membership to support my motion.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—118

Allmond,	Fitch,	McDermott,	Schor,
Arnold,	Flanagan,	McDevitt,	Shea,
Atkins,	Flannery,	McElroy,	Shepard,
Aukerman,	Ganser,	McGee,	Shugarts,
Baker, J. J.,	Gerard,	McShane,	Skale,
Blank,	Gorski,	Melchiorre,	Smith, James A.,
Bohn,	Haberlen,	Mihm,	Spengler,
Bois,	Hagerty,	Mooney,	Sproul,
Bradley	Hamilton, F. P.,	Moran,	Stank,
Brancato,	Harkins,	O'Brien,	Thompson,
Brigerman,	Hering,	O'Connor,	Toole,
Broad,	Hess,	O'Keefe,	Tumelty,
Caesar,	Hindman,	Ominsky,	Vallbus,
Chervenak,	Hirsch,	O'Neill,	VanSickle,
Coakley,	Holland,	Ostroff,	Vogt,
Cohen, H. B.,	Holmes,	Patterson, C. S.,	Wagner,
Cohen, R. E.,	Holstrom,	Patterson, J. W.,	Walsh,
Coleman,	Horting,	Pearson,	Weidemann,
Coolahan,	Jirolanio,	Pershing,	Weiss, D. H.,
Corrigan,	Keenan,	Piole,	Weiss, S. A.,
Costanzo,	Kilroy,	Powers,	Welliver,
Decker,	Kroll,	Preston,	Westrick,
DeNote,	LaRue,	Readinger,	Whalen,
Donohoe,	Levy,	Reese,	Whitenight,
Dougherty,	Long,	Richter,	Wright,
Downey,	Lopresti,	Robinson,	Yanoshat,
Dubbs,	Lovett,	Ruffennach,	Yourishin,
Elpern,	Matthews, H. T.	Sarraf,	Zappala,
Falkenstein,	McArdle,	Scanlon,	Furman,
Finnerty,	McCullough,		

NAYS—65

Alexander,	Hamilton, R. S.,	Nagel,	Stockham,
Allen,	Hays,	Peale,	Terry,
Baine,	Hetrick,	Perry,	Thomas,
Baker, F. T.,	Huntley,	Reising,	Tronzo,
Belitz,	Imbrie,	Rothenberger,	Trout,
Boyer	Kelso,	Royer,	Turner,
Brownfield,	Kline,	Rush,	VanAllsbur
Burrows,	Leisey,	Schrock,	Wall,
Cadwalader,	Marino,	Schrope,	Watkins,
Caputo,	Matthews, J. F.	Schumacher,	Webster,
Davies,	McKinney,	Serrill,	Welsh,
Dyson,	Mellott,	Siegel,	Wilson,
Eckels,	Moomaw,	Sloan,	Winner,
Fiss,	Moul,	Snyder,	Wood,
Gillette,	Muir,	Sollenberger,	Woodside,
Habbyshaw,	Murrin,	Stewart,	Yeakel,
Hall,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1462.

An Act for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes reviving such liens and restoring the treasurer's right to sell such lands in certain cases and saving the rights of intervening purchasers mortgages lien holders and other encumbrance holders

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, by striking out in lines 7 to 9 inclusive the following: "and the county treasurer may sell the lands on which such taxes are liens at any time until the expiration of said lien" and inserting in lieu thereof the following: "provided that any such lien be filed in the office of the prothonotary of the proper county within one year after the effective date of this act and thereafter the revival preservation and enforcement of said lien shall be governed in all respect by the provisions of the Act of May 16 1923 Pamphlet Laws 207."

Amend section 2, page 3, by striking out all of lines 1 to 3 inclusive as follows: "and the county treasurer may sell the lands on which such taxes are liens at any time until the expiration of said lien" and inserting in lieu thereof the following: "provided that any such lien be filed in the office of the prothonotary of the proper county within one year after the effective date of this act and thereafter the revival preservation and enforcement of said lien shall be governed in all respects by the provisions of the Act of May 16 1923 Pamphlet Laws 207."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.,
Atkins,	Gillette,	Mihm,	Smith, John A.,
Aukerman,	Gorski,	Moomaw,	Snyder,
Baine,	Habbyshaw,	Mooney,	Sollenberger,
Baker, F. T.,	Haberlen,	Moran,	Spengler,
Baker, J. J.,	Hagerty,	Moul,	Sproul,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch.	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1417. (HOUSE BILL No. 2512).

An Act making an appropriation out of the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

Referred to the Committee on Appropriations.

SENATE BILL No. 1418. (HOUSE BILL No. 2513).

An Act making an appropriation out of the General Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

Referred to the Committee on Appropriations.

SENATE BILL No. 1429. (HOUSE BILL No. 2514).

An Act making an appropriation to the Department of Welfare for pensions for the blind.

Referred to the Committee on Appropriations.

SENATE BILL No. 1430. (HOUSE BILL No. 2515).

An Act making an appropriation to the Department of Welfare for Mother's Assistance.

Referred to the Committee on Appropriations.

SENATE BILL No. 1431. (HOUSE BILL No. 2516).

An Act making an appropriation to the Department of Welfare for old age assistance.

Referred to the Committee on Appropriations.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 278.

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie

HOUSE BILL No. 349.

An Act making an appropriation to the Sleighton Farm School for Girls situate in Delaware County Pennsylvania

HOUSE BILL No. 906.

An Act creating a State Worlds Fair Commission defining the powers and duties of said commission providing for participation in the New York Worlds Fair and making an appropriation

HOUSE BILL No. 1085.

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" changing the manner of creation of townships of the second class

HOUSE BILL No. 1333.

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1804) entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" requiring a certificate of the address of the defendants on the entry of certain judgments

HOUSE BILL No. 1563.

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the Estate of Henrietta E Garrett Deceased

With the information that the Senate has passed the same without amendment.

REPORTS FROM COMMITTEES

Mr. HETRICK, from the Committee on Education, reported as amended, House Bill No. 2361, (Senate Bill No. 1208), entitled:

An Act to amend sections twelve as amended of the act approved the eighteenth day of July one thousand

nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and return to school service.

Mr. FLANNERY, from the Committee on Cities, reported as committed, House Bill No. 2348, (Senate Bill No. 1074), entitled:

An Act providing a method of annexation of boroughs to cities of the third class and regulating the procedings pertaining thereto.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2348, (Senate Bill No. 1074), entitled:

An Act providing a method of annexation of boroughs to cities of the third class and regulating the proceedings pertaining thereto.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. O'KEEFE, JOHN J. BAKER, KEENAN, JAMES W. PATTERSON, SHAW, GILLETTE, HABBYSHAW, MARINO, SAMUEL A. WEISS,

RESOLUTION No. 95.

In the House of Representatives, May 27, 1937.

In Re: Contested Election of Samuel P. Boyer as State Representative

REPORT OF THE
COMMITTEE ON ELECTIONS OF
THE HOUSE OF REPRESENTATIVES
IN THE CASE OF
JOHN MALEY vs. SAMUEL P. BOYER
FROM THE COUNTY OF CAMBRIA

To the Hon. Roy E. Furman, Speaker of the House of Representatives:

Your Committee to whom was referred the Contested Case of Maley vs. Boyer from the County of Cambria respectively reports:

That a certified copy of the record of the Court Below in this proceeding was carefully reviewed, and after a Public Hearing in which arguments and briefs were submitted by learned counsel for both parties in this Contest, this Committee reports the following findings of facts and conclusions of law:

That there were many general allegations and averments as to fraud in the Petition filed in this contest in the Court Below, but no specific averments of proof, with one exception, were alleged or submitted; and no effort was made by the contestant, John Maley, in this proceeding to bring into Court disputed ballot boxes about which he complains. The following facts are of extreme import to your Committee:

Counsel for Samuel P. Boyer, Incumbent, and John Maley, contestant agreed in the proceedings in the Court Below that eighty-nine (89) specific ballots had been altered, and the Court accordingly changed these ballots to conform to the intent of the voters. This was disclosed by the testimony of Leon Webster Melcher, the handwriting expert in the proceedings in the Court Below, yet curious enough, counsel for the contestant in this contest before your Committee now assumes a different position and states that over two hundred (200) ballots were altered. With this statement and conclusion of counsel for the contestant, we cannot agree. Such averments should have been definitely stated in the proceeding in he Court below, and your Committee concludes that the allegations of counsel at this late date are entirely without foundation or merit. As a result of the proceedings in the Court below, the Court did on January 22, 1937, make the following Order:

"By the Court
McCann, P. J. P.;

And now January 22, 1937, after considering the testimony, the Court is of the opinion that there was prima facie evidence of fraud shown in the counting of ninety-three votes at the election; this, however, not being enough to change the result of the election, the contest is dismissed at the costs of the Commonwealth, as provided for by the Act of Assembly."

McKENRICH, J.
GREER, J.
McCANN, P. J., Concurs.

Your Commitee believes that the action of the Court below was proper, and that the principle involved in this proceeding was decided by the Supreme Court of this Commonwealth in the case of Sheriff Gollmar's Election Contest, 316 Pa. 560, in which case the Supreme Court held:

"We regard the averments deficient in particularly within the opinion of Justice Agnew, Jr., as stated in the election Cases, 65 Pa. 20, where the general rule of certainty to a common intent was applied .....

"While pleading an election contest should not be governed by such strictness as to protect fraud, yet neither should the acts of sworn officers chosen by the people be attacked without adequate and well-defined cause.

"Pleadings before us would seem only an effort to place the situation in such a light as to justify a voyage of exploration into a large number of ballot boxes in the hope of ultimate discovery. Such is not the province of a contest. It may be accomplished under the act of April 23, 1927, P. L. 260 (25 P. S. Section 2221-2226) but when a contest is once instituted it must rest on something more than general allegations, inferences or innuendos."

The foregoing opinion seems to clearly govern this proceeding and this Committee is hesitant to overrule the opinion of the able jurists in the Court below.

Your Committee therefore concludes that according to the returns of the election held on November 3, 1936, for one of the Offices of Representative for the County of Cambria, Samuel P. Boyer received eight thousand one hundred eighty-six (8,186) votes, and John Maley received, as appears by the election held on November 3, 1936, eight thousand one hundred eleven (8,111) votes.

Samuel P. Boyer having received the majority of seventy-five (75) votes is entitled to the Certificate of Election.

In accordance with these findings, the Committee submits the following resolutions and recommends their passage:

Resolved that John Maley was not elected a Member to the House of Representatives and is not entitled to a seat therein;

Resolved that Samuel P. Boyer was duly elected a Representative to the House of Representatives from Cambria County and is entitled to retain the seat which he now holds.

JOHN J. O'KEEFE, Chairman
JOHN J. BAKER
LAWRENCE P. KEENAN
WILLIAM A. SHAW
JAMES W. PATTERSON
WILSON GILLETTE

WM. E. HABBYSHAW
RUSSELL MARINO
SAMUEL A. WEISS, Chairman.
Sub-Committee.

Referred to the Committee on Elections.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, line 1, by striking out after the word "gas" the word "and"; also same page, line 5, by inserting after the word "systems" the words "or devices"; also same page, line 18, by inserting after the word "act" and before the word "which" the words "as the Department of Labor and Industry may specify"; also page 4, by striking out all of lines 8 to 12 inclusive as follows: "All gas shut-off valves and necessary appliances shall be designed to minimize the danger of explosion and to prevent or retard the escape of gas in case of fire and be of types approved by the Department of Labor and Industry"; also same page, by striking out in lines 15 and 16 the words "within six months after the effective date of this act" and inserting in lieu thereof the words "at the discretion of the Department of Labor and Industry".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. JOHN A. SMITH. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1147.

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by inserting after the word "Making" and before the word "appropriation" the word "an"; also lines 1 and 2 of the title by striking out the words "Board of Commissioners of Navigation for the River Delaware" and inserting in lieu thereof the words "Navigation Commission for the Delaware River".

Amend section 1, page 1, by striking out in lines 6 and 7 the words "Board of Commissioners of Navigation for the River Delaware" and inserting in lieu thereof the words "Navigation Commission for the Delaware River"; also lines 13 and 14, by striking out the word "Commissioners" and inserting in lieu thereof the word "Commission"; also page 2, line 5, by striking out the word "Commissioners" and inserting in lieu thereof the word "Commission".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Bois,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer	Hetrick,	Ominsky,	Toole,
Bradley	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolamo,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, P. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, H. T.	Schrope,	Wood,
Dyson,	Matthews, J. F.	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 307.

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 1, by striking out in lines 4 and 5 the words and figures "one hundred and eight thousand dollars ($180,000)" and inserting in lieu thereof the words and figures "one hundred and twenty-five thousand dollars ($125,000)".

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Bois,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer	Hetrick,	Ominsky,	Toole,
Bradley	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, H. T.	Schrope,	Wood,
Dyson,	Matthews, J. F.	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 76.

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives trains and other self propelled engines or machines with competent employes to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines to provide the qualifications of certain employes and to provide a penalty for the violation thereof.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by inserting at the end of line 9, after the word "thereof" the words "and the enforcement thereof by the Public Utility Commission".

Amend section 1, page 4, line 24, by striking out the word "foreman" and inserting in lieu thereof the word "fireman"; also same page, line 25, by striking out the word "fireman" and inserting in lieu thereof the word "foreman".

Amend section 12, page 8, by striking out in lines 20 and 21 the word "Service" and inserting in lieu thereof the word "Utility".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Bois,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson
Boyer	Hetrick,	Ominsky,	Toole,
Bradley	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg
Burrows,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,

Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, H. T.	Schrope,	Wood,
Dyson,	Matthews, J. F.	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,			

NAYS—1

Cadwalader,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senatte being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 851.

An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Uutility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violation of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Table of Contents, page 6, line 1, by striking out the word "Corporation" and inserting in lieu thereof the word Corporations."

Amend Artcle I, section 2, page 18, by striking out all of lines 15 to 24 inclusive as follows:

"The term "Public Utility" shall also include for ratemaking purposes only any person or corporation producing generating transmitting or furnishing any of the foregoing service to or for another person corporation or municipal corporation for distribution to or for the public for compensation."

Amend Article II, section 201, page 21, by inserting at the end of line 27 after the word "paragraph" the following: "And provided further That the provisions of this paragraph shall not apply to discontinuance of service to a patron for non-payment of a bill or upon request of a patron."

Amend Article III, section 303, page 24, by inserting at the end of line 23 after the word "act" the following: "Provided That any public utility having more than one rate applicable to service rendered to a patron shall after notice of service conditions compute bills under the rate most advantageous to the patron"; also section 304, page 25, line 17, by striking out the words "to prohibit"; also same page, line 18, by striking out the words "or free service"; also same page, line 19, by striking out the words "or service"; also same page, lines 20 and 21, by striking out the words "or telephone company"; also section 305, page 26, line 1, by inserting after the word "payments" the words "ready to service charges"; also same page, line 9, by inserting before the word "consumer" the word "domestic"; also section 308, page 27, line 21, by striking out the word "thirty" and inserting in lieu thereof the word "sixty"; also section 309, page 29, line 4, by striking out the word "thirty" and inserting in lieu thereof the word "sixty"; also Section 309, page 29, line 17, by inserting after the word "act" the following "Whenever a public utility does not itself produce or generate that which it distributes transmits or furnishes to the public for compensation but obtains the same from another source the commission shall have the power and authority to investigate the cost of such production or generation in any investigation of the reasonableness of the rates of such public utility"; also setcion 310, page 29, line 28, by striking out after the word "less" the word "booked"; also same section, page 30, line 4, by striking out after the word "less" the word "booked"; also same page, by striking out in lines 8 and 9 the words "as part of its records a permanent inventory or property account"; also same page, line 20, by inserting after the word "other" the words "subsequent year"; also same page, line 25, by inserting after the word "commission" the following: "In determining the net changes of the physical property the commission may in its discretion deduct from gross additions to such physical property the amount charged to operating expenses for depreciation or in lieu thereof it may determine such net changes by deducting retirements from the gross additions"; also section 312, page 33, line 14, by striking out at the end of said line the word "such"; also same page, line 15, by striking out after the word "proposed" the word "rate" and inserting in lieu thereof the words "increase in rates."

Amend Article IV, section 418, page 53, line 14, by inserting after the word "system" the words "for furnishing light or power service."

Amend Article VIII, section 804, page 73, by striking out in lines 15 to 17 inclusive the words "or as contemplated by any contract actually in force and effect on such date between the applicant and his customer has rendered such service"; also section 809, page 77, line 19, by inserting after the word "Commission" the letter "(a)"; also same page, line 22, by inserting after the word "such" and before the word 'other" the words "schedules or"; also same page, by inserting after the word "require" in line 25 the following:

"No such contract carrier shall engage in the transportation of passengers or property unless the minimum charges for such transportation by such carrier have been filed with the commission or copies of all contracts reduced to writing and filed with the commission No reduction shall be made in any charge either directly or by means of any change in any rule regulation or practice affecting such charge except after sixty (60) days' notice of the proposed change filed in such form and manner as the commission may by regulation prescribe but the commission may in its discretion allow such change upon less notice Such notice shall plainly state the change proposed to be made and the time when such change will become effective No such carrier shall demand charge or collect a less compensation for such transportation than the charges filed in accordance with this section as affected by any rule regulation or practice so filed or as prescribed by the commission from time to time and it shall be unlawful for any such carrier by the furnishing of special service facilities or privileges or by any other device whatsoever to charge accept or receive less than the minimum charge so filed or prescribed

(b) Whenever any such contract carrier shall file with the commission any schedule or contract stating a reduced charge for the transportation of passengers or property directly or by means of any rule regulation or practice the commission is hereby authorized and empowered upon complaint or upon its own motion at once and if it so orders without answer or other formal pleading but upon reasonable notice to enter upon a hearing concerning the reasonableness and justness of such charge rule regulation or practice and pending such hearing and decision thereon the commission by filing with such schedule or contract and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension may suspend the operation of such schedule or contract or defer the use of such charge rule regulation or practice for a period of ninety (90) days and if the proceeding has not been concluded and a final order made within such period the commission may from time to time extend the period of suspension but not for a longer period in the aggregate than one hundred eighty (180) days beyond the time when it would otherwise become effective and after hearing whether completed before or after the charge rule regulation or practice becomes effective the commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective."

Amend Article XI, section 1101, page 98, line 12, by striking out after the word "application" the word "of" and inserting in lieu thereof the word "or".

Amend Article XII, section 1201, page 106, line 23, by inserting before the word "during" the word "corporation"; also same section, page 107, line 12, by inserting after the word "of" and before the word "such" the word "any".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Eckels,	McArdle,	Schrope,
Alexander,	Elpern,	McCullough,	Schumacher,
Allen,	Falkenstein,	McDermott,	Shaw,
Allmond,	Finnerty,	McElroy,	Shea,
Arnold,	Fitch,	McFall,	Shepard,
Shoemaker,	Atkins,	Flanagan,	McGee,
Aukerman,	Flannery,	Shugarts,	McShane,
Baine,	Flinchbaugh,	Siegel,	Melchiorre,
Baker, F. T.,	Ganser,	Mellott,	Simon,
Baker, J. J.,	Gerard,	Mihm,	Skale,
Balthaser,	Gillette,	Moomaw,	Sloan,
Bierly,	Gorski,	Mooney,	Smith, James A.,
Blank,	Habbyshaw,	Moran,	Smith, John A.,
Bohn,	Haberlen,	Moul,	Spengler,
Bois,	Hagerty,	Munley,	Stank,
Boltz,	Hamilton, F. P.,	Murrin,	Stewart,
Boose,	Hamilton, R. S.,	Nagel,	Stockham,
Boyer	Harkins,	O'Brien,	Strode,
Bradley	Harmuth,	O'Connor,	Thomas,
Brancato,	Hays,	O'Keefe,	Thompson,
Brigerman,	Hering,	Ominsky,	Toole,
Broad,	Hess,	O'Neill,	Tronzo,
Brown,	Hetrick,	Ostroff,	Trout,
Brownfield,	Hindman,	Patterson, C. S.,	Tumelty,
Burrows,	Hirsch,	Patterson, J. W.,	Valibus,
Caesar,	Holland,	Peale,	VanSickle,
Caputo,	Holmes,	Pearson,	Vogt,
Chervenak,	Holstrom,	Pershing,	Wagner,
Coakley,	Hontz,	Piole,	Walsh,
Cohen, H. B.,	Jirolanio,	Powers,	Wampole,
Cohen, R. E.,	Kane,	Preston,	Weiss, D. H.,
Coleman,	Keenan,	Readinger,	Weiss, S. A.,
Coolahan,	Kelso,	Reese,	Welliver,
Corrigan,	Kilroy,	Reising,	Welsh,
Costanzo,	Kroll,	Richter,	Westrick,
Davies,	LaRue,	Robinson,	Whalen,
Decker,	Levy,	Rothenberger,	Whitenight,
DeNote,	Long,	Ruffennach,	Woodside,
Dickinson,	Lopresti,	Rush,	Wright,
Donohoe,	Lovett,	Sarraf,	Yanoshat,
Dougherty,	Lyons,	Scanlon,	Yourishin,
Downey,	Marino,	Schor,	Zappala,
Dubbs,	Matthews, H. T.	Schrock,	Furman,
Dyson,	Matthews, J. F.		

NAYS—27

Cadwalader,	McDevitt,	Sollenberger,	Webster,
Fiss,	McKinney,	Sproul,	Weidemann,
Hall,	Muir,	Terry,	Wilson,
Huntley,	Perry,	Turner,	Winner,
Imbrie,	Royer,	VanAllsburg,	Wood,
Kline,	Serrill,	Wall,	Yeakel,
Leisey,	Snyder,	Watkins,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 348.

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows.

Amend section 1, page 1, by striking out in lines 4 and 5 the words and figures "Three hundred and two thousand dollars ($302,000.00)" and inserting in lieu thereof the words and figures "two hundred and seventy thousand dollars ($270,000.00)."

On the question,

Will the House concur in the amendment made by the Senate?

Mr. TURNER. Mr. Speaker, I move that the House do non-concur in the amendment made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 882. (HOUSE BILL No. 2517).

An Act to amend section seventeen of the act approved the twenty-fifth day of June one thousand nine hundred thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" by making further provisions for the cost of administering the act.

Referred to the Committee on Welfare.

RESOLUTION

RECALLING SENATE BILL No. 892 FROM THE GOVERNOR

Mr. HERBERT B. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 27, 1937.

Resolved (if the Senate concur), that Senate Bill No. 892, Printer's No. 376, entitled "An Act concerning children under six years of age with defective hearing imposing duties on the Department of Health the Department of Public Instruction on parents guardians nurses and physicians and placing certain costs on school districts," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 851:

An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations betweent public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act

HOUSE BILL No. 76.

An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives trains and other self propelled engines or machines with competent employes to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machine to provide the qualifications of certain employes and to provide a penalty for the violation thereof and the enforcement thereof by the Public Utility Commission

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

SYMPATHY EXTENDED

Messrs. FALKENSTEIN and SCANLON offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 26, 1937.

We acknowledge with sorrow the news of the death on Monday of Michael F. Long, father of the Honorable Benjamin L. Long, a member of this House; therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania take this means to express its condolence to our associate the Honorable Benjamin L. Long, and to the members of the bereaved family; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk to our fellow-member, and to the members of the family of the later Michael F. Long.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8:30 p. m. Are there objections? The Chair hears none and declares a recess until 8:30 p. m.

AFTER RECESS

The House reconvened at 8:30 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

RELIEF

Numerous petitions from residents of various counties opposing passage of legislation abolishing present system of general poor relief by elected Poor Directors.

Referred to the Committee on Welfare.

ELECTION CODE

A telegram from Pennsylvania Estate Employes Association Chapter 1, Philadelphia protesting passage of Election Code.

A communication from Nancy Gurmanick, Cannonsburg, protesting passage of Election Code.

A communication from Sailors Union protesting passage of Election Code.

Referred to the Committee on Elections.

LABOR

A communication from Constructors Association of Western Pennsylvania urging amendment of Senate Bill No. 1075.

A communication from the Pennsylvania Federation of Labor urging passage of certain labor legislation.

A telegram from the Observer Publishing Company, Washington, Pa. protesting passage of Senate Bill No. 1075.

Referred to the Committee on Labor.

VETERANS PREFERANCE

A communication from the Democratic Veterans Campaign Committee of Lackawanna favoring veterans preference.

Referred to the Committee on Military Affairs.

LICK HOLLOW TRACT

A communication from the Department of Forests and Waters pursuant to House Resolution No. 61 giving information in re Lick Hollow Tract.

Referred to the Committee on Mines and Mining.

BARBERS

A communication from the Pennsylvania State Association of Journeymen Barbers, Wilkes-Barre, urging amendment of House Bill No. 1524.

Referred to the Committee on State Boards.

LIQUOR

Petitions from the Community Betterment Association, Wilkinsburg, urging stringent liquor legislation.

Referred to the Committee on State Boards.

MEMBERS OF HOUSE EMPLOYED BY WORKS PROGRESS ADMINISTRATION

The SPEAKER laid before the House an opinion of the Attorney General addressed to Chief Clerk Gallagher, which was read by the clerk as follows:

DEPARTMENT OF JUSTICE

Harrisburg, Pa., May 25, 1937.

FORMAL OPINION No. 218.

Honorable W. P. Gallagher, Chief Clerk,
House of Representatives, Harrisburg, Pennsylvania.

SIR:

We have your request to be advised whether or not members of the House of Representatives who now hold supervisory positions wtih the Works Progress Administration, such as skilled foremen and labor foremen, may continue on the Works Progress Administration while serving in the General Assembly. You inform us that these members will have a leave of absence from the Works Progress Administration, and will resume their employment with that Administration when the regular session of the legislature adjourns sine die. You desire to be informed specifically whether or not these positions are incompatible.

That part of the Constitution of Pennsylvania that is pertinent to your inquiry reads, in part, as follows:

Article II, Section 6:

"No Senator or Representatives shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office."

Article XII. Section 2 of the Constitution of Pennsylvania prohibits the holding of any office by a member of Congress or person holding a position of trust or profit under the United States.

The Act of May 15, 1874, P. L. 186, Section 15 (65 PS Sec. 16) provides as follows:

"No Senator or Representatives shall during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth; and no member of Congress or other person holding any office, except of attorney-at-law or in the militia, under the United States or this Commonwealth, shall be a member of either House during his continuance in office. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other state."

Whether a member of the legislature may serve as a skilled foreman or a labor foreman on a leave of absence status, while he is serving in the General Assembly, depends entirely on the question of whether his position as skilled foreman or labor foreman is an office. The word "office" connotes a function charged with some degree of executive responsibility involving the exercise of descretion in the performance of the holder's duties.

There is a well recognized difference between an officer and a mere clerk or employe. Judge Henderson speaking for the Superior Court in Richie v. Philadelphia, 37 Super. Ct. 190 (1908) said, in part, as follows:

"* * * It is no doubt true that there are many persons engaged in the public service in subordinate positions exercising functions of such an inferior character that they could not be properly considered public officers within the meaning of the Constitution; this much is indicated in Com. v. Black, 201 Pa. 433, and Houseman v. Com., 100 Pa. 222, in the latter of which the court expressed the opinion that policemen, firemen, watchmen and superintendents of public property under the orders of the municipal department were subordinate ministerial

agents or employes, at he most, petty officers not intended to be embraced in the constitutional provision, and therefore subject to appointment and removal according to legislative regulation. Where, however, the officer exercises important public duties and has delegated to him some of the functions of government and his office is for a fixed term and the powers, duties and emoluments become vested in a successor when the office becomes vacant such an official may properly be called a public officer. The powers and duties attached to the position manifest its character. * * *"

In the case under consideration we have been informed by those in charge of the Works Progress Administration that foremen, including labor foremen and skilled foremen, are carried on the records as employes payable on a per diem basis, and not entitled to vacations. It is true that by virtue of their positions as foremen they have certain duties to perform, but in the performance of these duties they perform them in the capacity of employes only, inasmuch as they do not exercise a discretion in the performance of these duties. In these positions tenure is not defined, fixed and certain, but instead it arises out of a mere contract of employment.

This subject matter has been discussed and defined in the following opinions of the Department of Justice: Opinion of Attorney General Carson, rendered July 31, 1902, 12 District Reports 587; Opinion of Attorney General Bell, rendered December 13, 1911, Official Opinions of the Attorney General 1911-1912, page 195, and Opinion of Deputy Attorney General Collins, renedered May 17, 1917, 20 Dauphin County Reporter 161.

It is an established fact that members of the Legislature are appointed to various positions which do not arise to the dignity of civil officers. This has been from time immemorial. See Commonwealth ex rel. v. Binns, 17 S. & R. 219.

Concurring in the views expressed in the opinions above quoted, we are of the opinion therefore, and you are advised, that members of the House of Representatives who now hold supervisory positions with the Works Progress Administration, such as skilled foremen and labor foremen, may secure a leave of absence from the Works Progress Administration, and may resume their employment with the Works Progress Administration when the Legislature is not in session, these positions not being incompatible

Very truly yours,

DEPARTMENT OF JUSTICE.
SIGNED: Charles J. Margiotti,
Attorney General.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 278.

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie

HOUSE BILL No. 307.

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

HOUSE BILL No. 349.

An Act making an appropriation to the Sleighton Farm School for Girls situate in Delaware County Pennsylvania

HOUSE BILL No. 793.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the requirements for free transportation of pupils removing certain exemptions from the compulsory attendance act providing for standards for vehicles used requiring public liability insurance coverage and authorizing the withholding of reimbursement in certain cases

HOUSE BILL No. 904.

An Act relating to peace officers providing for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts

HOUSE BILL No. 906.

An Act creating a State Worlds Fair Commission defining the powers and duties of said commission providing for participation in the New York Worlds Fair and making an appropriation

HOUSE BILL No. 918.

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs requiring the auditors to file an annual financial report with said department conferring jurisdiction of certain cases upon justices of the peace and providing penalties.

HOUSE BILL No. 1085.

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" changing the manner of creation of townships of the second class

HOUSE BILL No. 1147.

An Act making an appropriation to the Navigation Commission for the Delaware River and its navigable tributaries

HOUSE BILL No. 1331.

An Act requiring all persons claiming damages from any county city borough town township or school district to file within six (6) months from the origin of such

claim a written notice with such county city borough town township or school district

HOUSE BILL No. 1333.

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1804) entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" requiring a certificate of the address of the defendants on the entry of certain judgments

HOUSE BILL No. 1462.

An Act providing for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes reviving such liens and restoring the treasurer's right to sell such lands in certain cases and saving the rights of intervening purchasers mortgagees lien holders and other encumbrance holders

HOUSE BILL No. 1504.

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by further defining and extending the scope of vocational education and enlarging the provisions for State subsidies under certain conditions

HOUSE BILL No. 1563.

An Act making an appropriation to the Department of Revenue to defray the expenses of investigation and litigation in the Estate of Henrietta E. Garrett Deceased.

HOUSE BILL No. 2136.

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring medical inspectors to make eye and ear tests annually providing for the use of scientific apparatus furnished by school districts and providing for certain instruction in State teachers' colleges for the appointment of certain experts in the Department of Public Instruction and making an appropriation.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1650.

An Act creating in counties of the first class the position of Bail Approval Commissioner prescribing the powers and duties thereof limiting jurisdiction to cases in which real property is offered as bail and conferring and imposing such powers and duties upon the controllers of counties of the first class providing for he appointment by such Bail Approval Commissioner certain necessary clerks and employees and prescribing the duties and compensation thereof imposing duties on Judges of the Court of Quarter Sessions and Oyer and Terminer and upon magistrates in counties of the first class and requiring all departments of counties and cities of the first class to supply certain information prescribing offenses and providing penalties therefor

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out the lines 10 and 11 the words "of the Court of Quarter Sessions and Oyer and Terminer" and inserting in lieu thereof the words "or officers of any of the Courts of Counties of the First Class."

Amend section 3, page 2, by inserting at the end of line 23 after the word "clerks" the word "and".

Amend section 5, page 3, line 15, by inserting after the word "judge" the words "or officer of any court;" also same section, page 4, by striking out in lines 24 to 26 inclusive the following: "and all such certificates shall be returned to the bail approval commissioner within forty-eight hours after the acceptance of such bail;" also same section, page 5, by inserting at the end of line 1 after the word "bail" the following: "and all such certificates shall be returned to the bail approval commissioner within forty-eight hours after the acceptance of such bail."

Amend section 6, page 5, line 7, by striking out the word "bill".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Skale,
Allmond,	Ganser,	Melchiorre,	Sloan,
Arnold,	Gerard,	Mellott,	Smith, James A.
Atkins,	Gillette,	Mihm,	Smith, John A.,
Aukerman,	Gorski,	Moomaw,	Snyder,
Baine,	Habbyshaw,	Mooney,	Sollenberger,
Baker, F. T.,	Haberlen,	Moran,	Spengler,
Baker, J. J.,	Hagerty,	Moul,	Sproul,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,

Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.	Schumacher,	Woodside,
Dyson,	Matthews, J. F.	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question, was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. O'NEILL, from the Committee on Highways, reported as committed, House Bill No. 2475, (Senate Bill No. 1263), entitled:

An Act to amend Route two hundred and ninety-eight of section one of an act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred forty-eight) entitled "An act establishing certain public roads as State highways and providing for certain construction and maintenance at the expense of the Commonwealth."

Mr. HERBERT B. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2512, (Senate Bill No. 1417), entitled:

An Act making an appropriation out of the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

Mr. HERBERT B. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2513, (Senate Bill No. 1418), entitled:

An Act making an appropriation out of the General Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

Mr. HERBERT B. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2514, (Senate Bill No. 1429), entitled:

An Act making an appropriation to the Department of Welfare for pensions for the blind.

Mr. HERBERT B. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2515, (Senate Bill No. 1430), entitled:

An Act making an appropriation to the Department of Welfare for Mothers' Assistance.

Mr. HERBERT B. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2516, (Senate Bill No. 1431), entitled:

An Act making an appropriation to the Department of Welfare for old age assistance.

Mr. HERBERT B. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2450, (Senate Bill No. 846), entitled:

An Act making an appropriation to the Department of Military Affairs to pay the traveling expenses of the respective Commanders of the Pennsylvania Departments of the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War or their representatives in accompanying the members of the United States Battle Monuments Commission to Europe to dedicate certain monuments.

Mr. HERBERT B. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2502, (Senate Bill No. 1259), entitled

An Act to amend sections one and four of the act approved the ninth day of March one thousand nine hundred and thirty-seven (Act No. 11) entitled "A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the Courts of Oyer and Terminer General Jail Delivery and Quarter Sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation" by empowering the commission to sit after the adjournment of the General Assembly and increasing the amount of the appropriations.

Mr. OMINSKY, from the Committee on Rules, reported as amended, House Resolution No. 89.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2475, (Senate Bill No. 1263), entitled:

An Act to amend Route two hundred and ninety-eight of section one of an act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred forty-eight) entitled "An act establishing certain public roads as State highways and providing for certain construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2512, (Senate Bill No. 1417), entitled:

An Act making an appropriation out of the Motor license Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2513, (Senate Bill No. 1418), entitled:

An Act making an appropriation out of the General Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2514, (Senate Bill No. 1429), entitled:

An Act making an appropriation to the Department of Welfare for pensions for the blind.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2515, (Senate Bill No. 1430), entitled:

An Act making an appropriation to the Department of Welfare for Mothers' Assistance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2516, (Senate Bill No. 1431), entitled:

An Act making an appropriation to the Department of Welfare for old age assistance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2450, (Senate Bill No. 846), entitled:

An Act making an appropriation to the Department of Military Affairs to pay the traveling expenses of the respective Commanders of the Pennsylvania Departments of the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War or their representatives in accompanying the members of the United States Battle Monument Commission to Europe to dedicate certain monuments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2502, (Senate Bill No. 1259), entitled:

An Act to amend sections one and four of the act approved the ninth day of March one thousand nine hundred and thirty-seven (Act Number 11) entitled "A Joint Reslution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the Courts of Oyer and Terminer General Jail Delivery and Quarter Sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation" by empowering the commission to sit after the adjournment of the General Assembly and increasing the amount of the appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1754

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 1754, Printer's No. 1175.

The Report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1754, entitled: "An act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three, (Pamphlet Laws 289), entitled 'An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation and dissolution of such corporaions; * * *,' by providing for and regulating the incorporation of non-profit corporations organized to provide hospitalization for subscribers and conferring powers on the Insurance Department with respect thereto; and further defining the scope of the act," respectively submit the following bill as our report:

WALTER S. PYTKO,
FRANK W. RUTH,
JOHN W. HOWELL,
Committee on the Part of the Senate.

HERBERT B. COHEN,
JAMES E. LOVETT,
EDWIN WINNER,
Committee on the Part of the House of Representatives.

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of non-profit corporations organized to provide hospitalization for subscribers and conferring powers on the Insurance Department with respect thereto and further defining the scope of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring

powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissioners and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 4 Scope of Act This act does not relate to does not affect and does not apply to

(1) Cooperative associations whether for profit or not for profit

(2) Beneficial benevolent faternal and fraternal benefit societies having a lodge system and a representative form of government or transacting any type of insurance whatsoever

(3) Any corporation whatsoever organized for any purpose or purposes involving pecuniary profit to its members or shareholders

(4) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of banking the Insurance Department the Pennsylvania Public Utility Commission or the Water and Power Resources Board Provided however That corporations subject by law to the limited supervision of the Insurance Department may be incorporated under and in accordance with the provisions of this act for the purpose of establishing maintaining and operating a non-profit hospital plan whereby hospitalization may be provided to subscribers of such plan by any hospital with which such corporations have a contract for such hospitalization

Section 2 That the said act is hereby amended by adding at the end of article two section two hundred eighteen as follows

Section 218 Corporations to Provide Hospitalization Whenever articles of incorporation for the incorporation of any corporation having for its purpose the establishing maintaining and operating of a non-profit hospital plan whereby hospitalization may be provided to subscribers to such plan by any hospital with which it has a contract for such hospitalization are filed with the prothonotary he shall forthwith transmit the articles to the Insurance Department Thereupon the department shall make a thorough investigation of the proposed corporation and the plan under which it proposes to operate and within sixty days shall certify upon the articles whether or not the proposed corporation meets with the approval of the department The court shall not approve such application unless and until the articles are returned by the department and unless the department shall have endorsed its approval threon

Section 3 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flanagan,	McFall,	Shugarts,
Alexander,	Flannery,	McGee,	Siegel,
Allen,	Flinchbaugh,	McKinney,	Simon,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Mihm,	Smith, John A.,
Baine,	Habbyshaw,	Moomaw,	Snyder,
Baker, F. T.,	Haberlen,	Mooney,	Sollenberger,
Baker, J. J.,	Hagerty,	Moran,	Spengler,
Balthaser,	Hall,	Moul,	Sproul,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Turner,
Brown,	Holmes,	Patterson, J. W.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Jirolanio,	Powers,	Walsh,
Coakley,	Kane,	Preston,	Wampole,
Cohen, H. B.,	Keenan,	Readinger,	Watkins,
Cohen, R. E.,	Kelso,	Reese,	Webster,
Coleman,	Kilroy,	Reising,	Weidemann,
Coolahan,	Kline,	Richter,	Weiss, D. H.,
Corrigan,	Kroll,	Robinson,	Weiss, S. A.,
Costanzo,	LaRue,	Rothenberger,	Welliver,
Davies,	Leisey,	Royer,	Welsh,
Decker,	Levy,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Lopresti,	Sarraf,	Whitenight,
Donohoe,	Lovett,	Scanlon,	Wilson,
Dougherty,	Lyons,	Schor,	Winner,
Downey,	Marino,	Schrock,	Wood,
Dubbs,	Matthews, H. T.	Schrope,	Woodside,
Dyson,	Matthews, J. F.	Schumacher,	Wright,
Eckels,	McArdle,	Serrill,	Yanoshat,
Elpern,	McCullough,	Shaw,	Yeakel,
Falkenstein,	McDermott,	Shea,	Yourishin,
Finnerty,	McDevitt,	Shepard,	Zappala,
Fiss,	McElroy,	Shoemaker,	Furman,
Fitch,			

NAYS—1

Tumelty,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1755

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 1755, Printer's No. 1176.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1755, entitled: "An act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospitalization for subscribers; prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospitalization; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties," respectively submit the following bill as our report:

WALTER S. PYTKO,
FRANK W. RUTH,
JOHN W. HOWELL,
Committee on the Part of the Senate.

HERBERT B. COHEN,
JAMES E. LOVETT,
EDWIN WINNER.
Committee on the part of the House of Representatives

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospitalization conferring powers on the Insurance Department and the Department of Welfare exempting such corporations from taxation and providing penalties

Be it enacted by the Senate and House of Representa-

tives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 This act shall be known and may be cited as the "Non-profit Hospital Plan Act"

Section 2 (a) Any non-profit corporation heretofore or hereafter organized under the Non-profit Corporation Law approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) for the purpose of establishing maintaining and operating a non-profit hospital plan whereby hospitalization may be provided to subscribers to such plan by any hospital with which such corporation has a contract for such hospitalization shall be subject to regulation by the Insurance Department as provided in this act Every such corporation shall be exempt from all other of the insurance laws of this Commonwealth and no law hereafter enacted shall apply to such corporation unless it be specifically designated therein

(b) It shall be unlawful for any person association or corporation other than a non-profit corporation especially organized for the purpose to establish maintain or operate a non-profit hospital plan of hospitalization may provided to subscribers under such plan as aforesaid

Section 3 Any non-profit corporation subject to the provisions of this act may enter into contracts for the rendering of hospitalization to any of its subscribers only with hospitals operated by the Commonwealth or its agencies or by political subdivisions or by corporations organized under the laws of this Commonwealth for hospital purposes or with such other hospitals as are approved by the Department of Welfare

Section 4 The rates charged to subscribers by non-profit corporations subject to the provisions of this act all rates of payments to hospitals made by such corporations pursuant to the contracts provided for in this act all acquisition costs in connection with the solicitation of subscribers to such hospital plans the reserves to be maintained by such corporations the certificates issued by such corporations representing their subscribers' agreements and any and all contracts entered into by any such corporation with any hospital shall at all times be subject to the prior approval of the Insurance Department Applications for such approval shall be made to the Insurance Department in such form and shall set forth such information as the department may require If any such application is not approved by the department notice thereof shall forthwith be served on the applicant either personally or by mail Within thirty days from the date of such notice the applicant may apply to the Court of Common Pleas of Dauphin County by petition and a rule to show cause why the action of the department should not be set aside and the application approved Solicitors or agents for every non-profit corporation subject to the provisions of this act shall meet the same prerequisites as existing law requires of agents for insurance companies

Section 5 Every non-profit corporation subject to the provisions of this act shall annually on or before the first day of March file with the Insurance Department a statement verified by at least two of the principal officers of the corporations showing its condition on the thirty-first day of December then next preceding Such statement shall be in such form and shall contain such matters as the department shall prescribe Every such non-profit corporation shall be subject to examination not less frequently than every three years by the Insurance Commissioner and his agents who shall have free access to all the books records papers and documents that relate to the business of the corporation and the power to examine the officers agents and members of the corporation under oath in relation to the affairs transactions and conditions of the corporation Such examinations shall be made at such times as the Insurance Department shall deem necessary

Section 6 Any law to the contrary notwithstanding the funds equal to the reserves of any non-profit corporation subject to the provisions of this act shall be invested in compliance with the requirements set forth by law for the investment of capital and reserves of life insurance companies The funds of any such corporation equal to its surplus shall be invested in compliance with the requirements set forth by law for the investment of surplus of life insurance companies

Section 7 No non-profit corporation subject to the provisions of this act shall be dissolved in the manner provided by law except with the prior approval of the Insurance Department No Court of Common Pleas shall enter a decree dissolving such a corporation unless and until a certificate of approval by the Insurance Department is filed with such court Any dissolution or liquidation of a corporation subject to the provisions of this act shall be under the supervision of the Insurance Commissioner who shall have all powers with respect thereto granted to him under existing laws governing the dissolution or liquidation of insurance companies

Section 8 Non-profit corporations subject to the provisions of this act are hereby declared to be charitable and benevolent institutions and all of their funds and investments shall be exempt from taxation by the Commonwealth and its political subdivisions

Section 9 Any person association or corporation violating any of the provisions of this act or any order of the Insurance Department made pursuant thereto shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or such person or the partners of such association or the officers or directors of such corporation responsible for such violation shall be sentenced to imprisonment for not more than six (6) months or both in the discretion of the court

Section 10 This act shall become effective immediately upon its final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flanagan,	McFall,	Shugarts,
Alexander,	Flannery,	McGee,	Siegel,
Allen,	Flinchbaugh,	McKinney,	Simon,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Mihm,	Smith, John A.,
Baine,	Habbyshaw,	Moomaw,	Snyder,
Baker, F. T.,	Haberlen,	Mooney,	Sollenberger,
Baker, J. J.,	Hagerty,	Moran,	Spengler,
Balthaser,	Hall,	Moul,	Sproul,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Turner,
Brown,	Holmes,	Patterson, J. W.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Coakley,	Jirolanio,	Powers,	Walsh,
Cohen, H. B.,	Kane,	Preston,	Wampole,
Cohen, R. E.,	Keenan,	Readinger,	Watkins,
Coleman,	Kelso,	Reese,	Webster,
Coolahan,	Kilroy,	Reising,	Weidemann,
Corrigan,	Kline,	Richter,	Weiss, D. H.,
Costanzo,	Kroll,	Robinson,	Weiss, S. A.,
Davies,	LaRue,	Rothenberger,	Welliver,
Decker,	Leisey,	Royer,	Welsh,
DeNote,	Levy,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Lopresti,	Sarraf,	Whitenight,
Dougherty,	Lovett,	Scanlon,	Wilson,
Downey,	Lyons,	Schor,	Winner,

Dubbs,	Marino,	Schrock,	Wood,
Dyson,	Matthews, H. T.	Schrope,	Woodside,
Eckels,	Matthews, J. F.	Schumacher,	Wright,
Elpern,	McArdle,	Serrill,	Yanoshat,
Falkenstein,	McCullough,	Shaw,	Yeakel,
Finnerty,	McDermott,	Shea,	Yourishin,
Fiss,	McDevitt,	Shepard,	Zappala,
Fitch,	McElroy,	Shoemaker,	Furman,

NAYS—1

Tumelty,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

Mr. McDEVITT in the Chair.

BILLS DROPPED FROM CALENDAR

Mr. HERBERT B. COHEN. Mr. Speaker, I move that all House Bills on the first reading calendar, be dropped from the calendar.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2399, (Senate Bill No. 1237), entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College subject to certain reservations the Mont Alto State Forest School and to accept a conveyance from said college of a tree nursery tract

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2487, (Senate Bill No. 1075), entitled:

An Act to protect the public health and welfare by regulating employment in this Commonwealth with respect to hours and conditions of employment providing for certain exceptions imposing duties liabilities and conditions on employers defining the powers and duties of the Department of Labor and Industry and its officers and representatives and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2464, (Senate Bill No. 955), entitled:

An Act authorizing and empowering cities of the first class with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to erect and construct water-works as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and lines in connection therewith and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2415, (Senate Bill No. 1139), entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of deficits arising from non-receipt of revenue during the year 1937 in three equal annual instalments and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits in the manner provided by this act and repealing any inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2466, (Senate Bill No. 1089), entitled:

An Act to supplement the act approved the twenty-fifth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" supplying a new Article XIX providing for the better government of such cities by regulating and improving the civil service of such cities establishing and regulating the powers and duties of Civil Service Commissions providing for the appointment of Civil Service Commissioners providing for the appointment and regulating the duties and powers of Civil Service Directors defining certain crimes and imposing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2385, (Senate Bill No. 630), entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" redefining authorized capital stock eliminating certain approvals of articles of incorporation and certificates of authority and further regulating the incorporation of business corporations and the amendments to the articles thereof regulating and extending the rights responsibilities authority powers and immunities of such corporations and of reorganized corporations and of the shareholders thereof and the rights powers qualifications and compensation

of the officers thereof providing for certificates of approval by the Department of State further providing for and regulating the merger or solidation and dissolution of such corporations and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2231, (Senate Bill No. 158), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for health rooms providing for enumeration of minors in certain cases requiring enumeration of illiterate children and alien residents providing for home and school visitors in lieu of or in addition to other attendance officers and for their compensation providing for the education of physically and mentally handicapped children and for the care of uneducable children authorizing school districts to provide care and treatment of defective ears of pupils and authorizing school districts of the fourth class to provide medical inspection at their own expense

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2384, (Senate Bill No. 629), entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" further regulating the incorporation of non-profit corporations regulating and extending and restricting in certain cases the rights responsibilities authority and powers of such corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof further providing for and regulating the merger or consolidation and the dissolution of such corporations and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2286, (Senate Bill No. 214), entitled:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases and defining the powers of the court in such cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2456, (Senate Bill No. 1069), entitled:

An Act relating to and regulating the mining of anthracite coal providing for the health safety and welfare of persons employed in and about the anthracite coal mines and for the protection and preservation of property connected therewith amending consolidating revising and changing the law relating thereto and imposing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2494, (Senate Bill No. 1322), entitled:

An Act to further amend section one of the act approved the eleventh day of May one thousand nine hundred eleven (Pamphlet Laws 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provision hereof" by eliminating certain conditions of removal of inspectors and providing for their appointment in counties of the first class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2372, (Senate Bill No. 770), entitled:

An Act to re-enact and amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as amended by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which all House Bills on first reading were dropped from the calendar be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen, vote on the motion?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky, vote on the motion?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, aside from the purpose of re-instating this bill, what is the purpose of re-instating it.

Mr. HERBERT B. COHEN. None whatsoever, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as this is a first reading bill, it is apparent that the bill cannot pass at this time, therefore why re-instate it?

Mr. HERBERT B. COHEN. Mr. Speaker, I do not believe that a date for final adjournment has been set by the House or Senate, at least a resolution of adjournment has not yet been adopted.

Mr. TURNER. Mr. Speaker, then why drop the first reading bills?

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the interrogation of the gentleman from Delaware, I would say we are dropping the first reading bills in order to save wear and tear on the printer.

Mr. TURNER. Mr. Speaker, wouldn't dropping this bill save more wear and tear?

Mr. HERBERT B. COHEN. The gentleman is still right, Mr. Speaker.

Mr. TURNER. Mr. Speaker, this bill smells like another ripper, and therefore as we have dropped the bills on the first reading calendar under agreement, it seems to me that the gentleman from York should not now come back on second thought. True it is I think that a woman is entitled to two guesses, but I never suspected the gentleman from York of belonging to the female of the species.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 792, entitled:

An Act providing for the inspection of weights and measures by the Department of Public Safety of cities of the first class and by its officers and agents as part of its police affairs, and abolishing the office of inspectors of weights and measures in counties of the first class transferring standard tests of weights and measures from such counties to such cities conferring powers and imposing duties on such departments of cities of the first class its officers and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2425, (Senate Bill No. 1270), entitled:

An Act to amend sections one and three of the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws thirty-two) entitled "An act requiring records of deeds to prepare and keep in their respective offices general direct and ad sectum indexes of deeds and mortgages recorded therein prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons" by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds and prescribing the effect thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2194, (Senate Bill No. 830), entitled:

An Act authorizing political subdivisions to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and usable for the payment of taxes due for said year

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Roy E. Fuman) in the Chair.

BILLS DROPPED FROM CALENDAR

Mr. HERBERT B. COHEN. Mr. Speaker, I move that all House Bills on the second reading calendar, with the exception of House Bill No. 2037, Printer's No. 1167, on page 9 be dropped from the calendar.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I agreed to the dropping of first and second reading bills, and there was one of my bills on second reading, on the understanding they were all going to be dropped. Now, having had a second thought on one bill, the Philadelphia ripper bill, is the gentleman going to have a second thought on these second reading bills after I have agreed to have my own dropped?

Mr. HERBERT B. COHEN. Mr. Speaker, I might say to the gentleman from Delaware, if the Chair would turn over the gavel to the gentleman from Philadelphia, Mr. McDevitt, it would not make any difference whether I had a second thought or not.

Mr. TURNER. Mr. Speaker, I might say that I agreed to the dropping of these bills, including this one of my own because it was my understanding that there was not going to be enough legislative time to get them through. I can't seem to find the bill, so I guess I will have to go along. Mr. Speaker, it looks as if they have already dropped it.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 2430, Senate Bill No. 776, Printer's No. 691 was passed over at the request of Mr. TURNER.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2037, as follows:

An Act to re-enact a part of section one of article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," providing for the removal and dismissal of policemen in cities of the second class.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That so much of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class" as relates to the removal and dismissal of policemen in cities of the second class is hereby re-enacted to read as follows:

No policeman or fireman appointed under this act shall be dismissed without his written consent except by the decision of a court either of trial or inquiry duly determined and certified in writing to the city recorder which court shall be composed of persons belonging to the police or fire force equal or superior in official position therein to the accused Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person The persons composing such court shall be appointed and sworn by the director of the department of public safety to perform their duties impartially and without fear or favor and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witness as is possessed by any justice of the peace of this Commonwealth.

Such charges may be of disability for service in which case the court shall be one of inquiry whose decision may be for the honorable discharge from the service of the person concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service.

It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any person charged as aforesaid until such trial can be had with or without pay as such court shall afterward determine but no trial shall be delayed for more than one month after charge has been made.

Section 2 The act approved the fourteenth day of April one thousand nine hundred and thirty-one (P. L. 38), entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" and its amendments are hereby repealed in so far as they relate to cities of the second class.

Section 3 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2322, (Senate Bill No. 1134), entitled:

An Act to repeal the act approved the seventh day of August, one thousand nine hundred thirty-six (Pamphlet Laws one hundred two) entitled, "An act transferring money from the State School Fund to the General Fund, and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer."

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2431, (Senate Bill No. 783), entitled:

An Act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employes Retirement Fund under the administration of the State Employes Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2451, (Senate Bill No. 1269), entitled:

An Act to further amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervisions of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto a new sub-division (h) consisting of sections 685 (six hundred and eighty-five) to 696 (six hundred and ninety-six) inclusive defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article VI of the act approved the seventeenth day of May one thousand nine hundred

and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto a sub-division (h) consisting of section 685 (six hundred and eighty-five) to section 696 (six hundred and ninety-six) to read as follows:

Section 685 Specific Powers and Financial Requirements of Title Insurance Companies

A Title insurance companies shall have the power to make insurance of every kind pertaining to or connected with titles to real estate and to make execute and perfect such and so many contracts agreements policies and other instruments as may be required therefor such insurances to be made for the benefit of owners of real estate mortgagees and others interested in real estate from loss by reason of defective titles liens and encumbrances.

B Title insurance companies shall have the power to take receive and hold any and all such pieces of real property as may have been or may hereafter be the subject of any insurance made by such companies under the powers hereinbefore recited whether given by law or by charter and the same to grant lease bargain sell convey and dispose of in any manner as they see proper Provided That no title insurance company shall continue to hold such real estate for more than five years from the date of the acquisition thereof unless it shall obtain the written approval of the Insurance Commissioner to hold such real estate for a longer period of time.

C Title insurance companies shall have a paid-in capital of not less than two hundred fifty thousand dollars and in addition a surplus paid-in at least equal to fifty per centum of the paid-in capital.

Section 686 Power to Insure Titles to Real Estate Loss of Power

A Every corporation which upon the effective date of this act shall lawfully possess and which has within one year prior to such date exercised the power to insure owners of real propertty mortgages and others interested in real property and others from loss by reason of defective titles liens and encumbrances shall subject to the conditions herein prescribed continue to possess such power.

B Every corporation which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances but which does not hereafter exercise such power for any consecutive period of one year shall be forever barred from the exercise of such power.

Section 687 Power to Accept Deposits Loss of Title Insurance Powers If any corporation which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances and also the further powers to receive deposits or otherwise to engage in a banking business shall not have exercised within one year preceding the effective date of this act any of such further powers then every such corporation which shall again exercise such further powers to receive deposits or otherwise engage in a banking business shall make no further contracts or policies of title insurance If any such corporation shall not hereafter exercise any of such further powers for any consecutive period of one year than each such corporation which shall again exercise such further powers to receive deposits or otherwise engage in a banking business shall make no further contracts or policies of title insurance.

Section 688 Power to Act as a Fiduciary Loss of Title Insurance Powers If any corporation which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances and also the further powers to act as trustee guardian executor administrator or in any other similar fiduciary capacity shall not have exercised within one year preceding the effective date of this act any of such further powers then every such corporation which shall again exercise any of such further powers shall make no further contracts or policies of title insurance If any such corporation shall not hereafter exercise any of such further powers for any consecutive period of one year than each such corporation which shall again exercise any of such further powers shall make no further contracts or policies of title insurance.

Section 689 Prohibition Upon Guaranteeing Mortgages A title insurance company shall not in any manner whatsoever guarantee the payment of the principal of the interest of bonds or other obligations secured by mortgages upon real property This section shall not however be construed to affect contracts and policies guaranteeing the payment of the principal or the interest of bonds or other obligations secured by mortgages upon real property when such contracts and policies have been lawfully executed by a title insurance company and are valid and outstanding upon the effective date of this act or any continuation extension or renewal thereof.

Section 690 Establishment and Maintenance of Re-insurance Reserve Fund Each company which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances shall establish and maintain a re-insurance reserve fund by setting aside a sum equal to ten per centum of the premium (that is the sum changed for insurance over and above examination and settlement fee) paid on each policy which such company may hereafter issue until the total amount set aside (including any reserve heretofore set up under any prior Act of Assembly) shall equal the sum of two hundred fifty thousand dollars and thereafter shall set aside a sum equal to five per centum of such premiums until the total amount shall equal a sum not less than five hundred thousand dollars provided that such premiums shall not be less than one-quarter of one per centum on the amount of insurance as issued or if less than one-quarter of one per centum the amount set aside shall be equal to two and one-half per centum of said one-quarter of one per centum provided that the total reserve fund or amounts in excess of that required by the foregoing provisions may be set aside at any time or from time to time out of such surplus or undivided profits as may be available for that purpose in accordance with existing law or the regulations of the Department of Banking and provided further that any company which at the time of the effective date of this act has set aside and is maintaining an insurance reserve fund as required by the Act of April 26 1929 Pamphlet Laws 834 is hereby empowered to use the same as part of the reserve required to be set up and maintained by this act The reserve fund set up by any company shall be maintained as herein provided so long as any policies shall be outstanding.

Section 691 Cancellation of Policy Whenever any policy of title insurance hereafter issued is surrendered or cancelled by the holder or liability thereon is completely discharged the company which shall have issued such policy of title insurance may withdraw the reserve of such policy or credit such reserve against any reserve that may be due.

Section 692 Establishment and Maintenance of Reserve Fund for Unpaid Losses Each company which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances shall at all times maintain reserve funds for unpaid losses in addition to funds for other reserves and liabilities and shall calculate said reserves by making a careful estimate in each case of the loss likely to be incurred by reason of every claim presented or that may be presented pursuant to notice from or on behalf of the insured of the occurrence of an event that may result in a loss. The sum of

the items so estimated shall be the total amount of the reserves for unpaid losses of said insurer.

Section 693 Custody of Reserve Funds

A The custody of funds equal in amount to the sum of the re-insurance reserve liability and the reserve for unpaid losses shall be retained by each company which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances and the said funds shall be earmarked and kept separate and apart from other assets of the company in the manner hereinafter provided The supervision of said funds shall be under the Insurance Commissioner whether the business of the company be confined exclusively to the title insurance business or whether the business of the company shall include in addition to the title insurance business a banking business or the business of acting in a fiduciary capacity.

B Said reserve funds of each such company shall be invested by each such company in those investments authorized by law for the investment of the reserve funds of life insurance companies.

C The income from said reserve funds shall become a part of the general assets of the company.

Section 694 Trust Funds Depletion of Reserve Funds

A The principal of such reserve funds shall be a trust for the protection of the policy-holders and shall be applied only for the benefit of the holders of policies of title insurance.

B If by reason of losses depreciation in the market price of any investments or other cause the reserve funds of any such company should on any date be less than the minimum amount herein required to be maintained in such reserve funds on such date such company shall forthwith give written notice thereof to the Insurance Commissioner and shall make no further contracts or policies of title insurance until the reserve funds have been restored and until it shall have received a certificate from the Insurance Commissioner authorizing it to issue such policies.

Section 695 Limit of Net Retention No such company shall issue a policy of title insurance for a single transaction the liability under which shall exceed an amount which is ten times the capital and surplus of such company but nothing herein contained shall prevent any one or more of such companies from assuming the liability on a single policy jointly with another such company or companies in excess of ten times its capital and surplus provided that the total amount of such insurance shall not exceed ten times the total combined capital and surplus of all such companies liable under such insurance and provided that each such company shall not assume more than its proportionate share of the total amount at risk.

Section 696 Additional Requirements Except for the requirements of this article all of the laws rules and regulations pertaining to stock casualty insurance companies shall apply and shall be applied to title insurance companies.

The title was read as follows:

An Act to further amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto a new sub-division (h) consisting of sections 685 (six hundred and eighty-five) to 695 (six hundred and ninety-six) inclusive defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies

On the question,

Will the House agree to the title?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 2, line 1 of the title, by striking out after the word "companies" and before the word "providing" the word "[and]"

Amend page 2, line 2 of the title, by striking out after the word "thereof" and before the word "prohibiting" the word "[and]"

Amend page 2, line 3 of the title, by inserting at the end of the line the following: "providing for reserves and limiting the amount of liability permissible under policies of title insurance for a single transaction"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2434, (Senate Bill No. 907), entitled:

An Act to repeal certain parts of acts relating to struck juries.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2237, (Senate Bill No. 951), entitled:

An Act providing for the service of process in civil actions on non-resident owners, tenants or users of real estate located within the Commonwealth of Pennsylvania, and the footways and curbs adjacent thereto, or any such resident of this Commonwealth who shall subsequently become a non-resident; and making the ownership, possession, occupancy, control maintenance and use of such real estate, footways, and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said non-resident, upon whom civil service may be served; and providing for further notice to the defendants in any such action.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2447, (Senate Bill No. 1313), entitled:

An Act to add section five hundred and fifty-three to the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing additional penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2390, (Senate Bill No. 958), entitled:

An Act to amend sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto" by further regulating the attendance of such witnesses and limiting the powers with respect thereto to judges learned in the law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2236, (Senate Bill No. 942), entitled:

An Act to amend subsection three of section one of the act approved the ninth day of July one thousand nine hundred and one (Pamphlet Laws 614) entitled "An act relating to the service of certain process in actions at law and the effect thereof and providing who shall be made parties to certain writs" as amended by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership possession occupancy control maintenance and use of real estate and the footways and curbs adjacent thereto in counties other than that wherein the real estate footways and curbs are located and the writ issues

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2488, (Senate Bill No. 1159), entitled:

An Act to amend subsection (e) of section 206 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by providing minimum capital and financial requirements to do business for title insurance companies

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2278, (Senate Bill No. 436), entitled:

An Act to further amend section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 479) entitled as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1351, (Senate Bill No. 308), entitled:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania State Police and the Pennsylvania State Highway Patrol

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2303, (Senate Bill No. 1130), entitled:

An Act to further amend the act approved the fifteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws five hundred thirty-four) entitled "An act relating to motion-picture films, reels, or stereopticon views or slides; providing a system of examination, approval and regulation thereof, and of the banners, posters, and other like advertising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of the act," by prohibiting the

possession of motion picture films, reels or views not approved; requiring permits in certain cases; and increasing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2472, (Senate Bill No. 1217), entitled:

An Act to enable the Courts of Quarter Sessions to restore to the possession and ownership of former owners thereof certain intoxicating liquors seized for violation of law notwithstanding the conviction of the owner of said liquor of an offense in respect thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2183, (Senate Bill No. 438), entitled:

An Act to amend section fifty-three of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws 568) entitled "An act relating to the commencement of actions" as amended fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2391, (Senate Bill No. 959), entitled:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states and imposing certain duties on magistrates aldermen and justices of the peace and the Secretary of the Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2491, (Senate Bill No. 1266), entitled:

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2422, (Senate Bill No. 1234), entitled:

An Act prohibiting during a declared emergency foreclosure entry of judgment and issuance of execution on agreements bonds and mortgages affecting real property because of failure to fully discharge municipal liens against such property where such liens pursuant to ordinance or resolution are being paid in installments.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2490, (Senate Bill No. 1265), entitled:

An Act to amend clause (c) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate for the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents" as amended permitting the assignment transfer payment and delivery to a foreign appointed executor administrator trustee guardian committee or other fiduciary of any moneys and property within this Commonwealth by any debtor bailee custodian agent attorney pledgee trustee fiduciary or other individual association partnership or corporation a resident thereof owing the same to or holding the same in the name or for the account of a decedent minor legal incompetent or cestui que trust a non-resident of Pennsylvania.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and con-

sideration of House Bill No. 2184, (Senate Bill No. 439), entitled:

An Act to amend section four of the act approved the seventeenth day of March one thousand eight hundred and sixty-nine (P. L. 8), entitled "An act relative to fraudulent debtors" fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service residence or appearance.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2469, (Senate Bill No. 1161), entitled:

An Act to amend section 101 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by including title insurance companies within the definition of the word "company" as used in the act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2395, (Senate Bill No. 1152), entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization jurisdiction and procedure of the Orphans' Courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the Orphans' Court to conduct jury trials to determine issues awarded by it and regulating the procedure and appeals in such cases.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2386, (Senate Bill No. 641), entitled:

An Act declaring certain rights grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void vesting power in the Department of Forests and Waters the Water and Power Resources Board and the Pennsylvania State Park and Forest Commission to revoke and declare void such rights grants and privileges and providing the procedure in such cases.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2301, (Senate Bill No. 1055), entitled:

An Act authorizing the compounding compromising and settlement by the Department of Public Instruction with the approval of the Department of the Auditor General and the Department of Justice of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions trades and occupations in the Department of Public Instruction.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2288, (Senate Bill No. 904), entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2448, (Senate Bill No. 1314), entitled:

An Act to amend sections two hundred fifteen and two hundred seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing for supervision over fire rating bureaus and prescribing penalties.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred fifteen and two hundred seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and

regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" are hereby amended to read as follows:

Section 215 Examination and Supervision of Fire Rating Bureaus The Insurance Commission shall have power to examine and supervise any fire rating bureau as often as he deems it expedient to do so and shall do so not less than once every three years A report thereof shall be filed in his office The Insurance Commissioner may waive such examination upon the filing with him of a report of such examination made by some other insurance department or proper supervising officers within such three years.

Section 217 Information from Fire Rating Bureaus Penalty The Insurance Commissioner may address inquiries to any individual association or bureau which is or has been engaged in making rates or estimates for rates for fire insurance upon property in this Commonwealth in relation to the organization maintenance or operation or any other matter connected with its transactions and may require the filing of schedules rates forms rules regulations and such other information as may be required Every such individual association or bureau or some officer thereof shall promptly make such filing or reply to such inquiries in writing Provided however That surveys and completed schedules on specific risks may be required only upon specific complaint being registered by the policy holder or applicant for insurance with the Insurance Commissioner.

Upon failure or refusal of any individual association or bureau to make any such filing or to reply to such inquiries in writing the Insurance Commissioner may in his discretion impose a penalty of not more than one thousand dollars ($1,000) for each such neglect or refusal From any such action of the Insurance Commissioner the party aggrieved may appeal to the Court of Common Pleas of Dauphin County.

On the question,

Will the House agree to the section?

Mr. SPROUL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

Amend sec. 1, page 2, line 4, by striking out the following: "sections two hundred fifteen and" and inserting in lieu thereof: "section"

Amend sec. 1, page 2, line 17, by striking out the word "are" and inserting in lieu thereof: "is"

Amend sec. 1, (sec. 215), page 2, lines 19 to 28 both inclusive by striking out all of said lines.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act to amend sections two hundred fifteen and two hundred seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing for supervision over fire rating bureaus and prescribing penalties

On the question,

Will the House agree to the title?

Mr. SPROUL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the following: "sections two hundred fifteen and" and inserting in lieu thereof: "section"

Amend title, page 1, lines 15 and 16 from top of page, by striking out the following: "by providing for supervision over fire rating bureaus and"

Amend title, page 1, line 17, from top of page, by inserting after the part-word "ing" the following: "certain"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2486, (Senate Bill No. 778), entitled:

An Act to amend section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that townships of the second class shall have the power to develop their own water supply

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2193, (Senate Bill No. 817), entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447) entitled, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on real estate; the dis-

charge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds, transcripts to the Court of Common Pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents."

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2477, (Senate Bill No. 1302), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer or magistrate and making such records proceedings and evidence available for inspection by the petitioner or his counsel

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2260, (Senate Bill No. 953), entitled:

An Act providing for the commencement of civil actions for damages arising from any accident or injury occurring upon real estate the footways sidewalks and curbs adjacent thereto and providing for the service of process in such cases

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2424, (Senate Bill No. 1252), entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2347, (Senate Bill No. 1051), entitled:

An Act declaring forfeitures of Commonwealth grants of public works, canals, rights and privileges, where the conditions, covenants or terms of such grants have been, or shall hereafter be, breached by disuse or otherwise by the owners or holders thereof; authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act; and ratifying any and all such pending proceedings.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2497, (Senate Bill No. 1328), entitled:

An Act prohibiting the wearing or imitation of the uniform of the Pennsylvania Motor Police prescribing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2373, (Senate Bill No. 782), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the

manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by consolidating the Pennsylvania State Police and the State Highway Patrol and their powers and duties into one agency to be known as the Pennsylvania Motor Police and establishing as part of such agency a Motor Police Force and making provision for the number selection qualifications promotion training and discipline of the members of such force

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2371, (Senate Bill No. 769), entitled:

An Act to amend the title and the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fourteen) entitled "An act providing for a system of recording the identification of persons convicted of crime and fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania State Police district attorneys police officers wardens or keepers of jails prisons work-houses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties" by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2374, (Senate Bill No. 784), entitled:

An Act to amend the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred fourteen) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police and providing for the payment into the Motor License Fund of moneys received or collected under the act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2377, (Senate Bill No. 887), entitled:

An Act to further amend sections two four and six and to amend section seven of the act approved the seventh day of May one thousand nine hundred twenty-three (Pamphlet Laws one hundred fifty-one) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2376, (Senate Bill No. 886), entitled:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fifty) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State police and defining their powers and duties providing for the investigation of the cause origin and circumstances of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations as-

sociations and fire rating agencies providing for the attendance of witnesses before the said State police and the enforcement of its orders and prescribing penalties" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2501, (Senate Bill No. 856), entitled:

An Act to amend the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by adding a new section thereto 11-A providing that in counties of the first class all appointments shall be equally divided between majority and minority commissioners

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" is hereby amended by adding thereto a new section 11-A to read as follows

Section 11-A All appointments made under the provisions of this act by the county commissioners in counties of the first class shall be equally divided between the majority commissioners and the minority commissioners so that the majority commissioners shall name one-half of all the appointees and the minority commissioners shall name one-half of all the appointees The provisions of this act apply to persons presently employed as well as to persons to be employed in the future and the county commissioners shall comply thereto within thirty days of the passage of this act

On the question,

Will the House agree to the section?

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Melchiorre.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. MELCHIORRE. I will, Mr. Speaker.

Mr. JAMES W. PATTERSON. Mr. Speaker, will the gentleman inform the House if this bill does not apply to the City of Philadelphia alone?

Mr. MELCHIORRE. Mr. Speaker, to which bill does the gentleman refer?

Mr. JAMES W. PATTERSON. Mr. Speaker, I refer to the bill at the top of page 21, Senate Bill No. 856, House Bill No. 2501, Printer's No. 672, calendar No. 45.

Mr. MELCHIORRE. Mr. Speaker and members of the House, in answer to the gentleman from Allegheny, I wish to inform him that this is Senator McCreesh's bill, and that he would have to go to the Senate to interrogate the Senator.

Mr. JAMES W. PATTERSON. Mr. Speaker, is it not true that the gentleman from Philadelphia, Mr. Melchiorre, is chairman of the Philadelphia delegation in the House?

MOTION TO DROP BILL FROM CALENDAR

Mr. JAMES W. PATTERSON. Mr. Speaker, in view of the fact that Senate Bill No. 856 is a bill that will amend an act which was repealed by the Election Code which was passed by this House and the Senate a couple days ago, and therefore will no longer be in effect when the Governor affixes his signature thereto, I move that this bill be dropped from the calendar.

On the question,

Will the House agree to the motion?

Mr. OMINSKY. Mr. Speaker, in view of the fact that the Election Code has not as yet been signed and therefore is not yet a part of our laws it is impossible that if this act is passed it will not be superseded by the Election Code, as it will be signed first, and therefore I oppose the motion of the gentleman from Allegheny to drop the bill from the calendar.

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to ask the gentleman from Philadelphia if the Election Code was not introduced in this House by the gentleman from Philadelphia, Mr. Long and the gentleman from Allegheny, Mr. Weiss at the instance of the Administration?

Mr. OMINSKY. In answer to that, Mr. Speaker, I would

say that the gentleman from Allegheny, Mr. Patterson, is correct.

Mr. JAMES W. PATTERSON. Mr. Speaker, I thank the gentleman, and his answer makes my motion even more satisfactory than it was before.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the noes appeared to have it. Whereupon a division was called for, forty-four members having voted in the affirmative and seventy-two in the negative the question was determined in the negative and the motion was not agreed to.

On the question recurring.

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P. L. 549) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by adding a new section thereto 11-A providing that in counties of the first class all appointments shall be equally divided between majority and minority commissioners

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2461, (Senate Bill No. 668), entitled:

An Act to amend Route 15176 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain strucures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2470, (Senate Bill No. 1210), entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons firms or corporations to erect an office building and to lease such office building for the use of the Commonwealth the same to become the property of the Commonwealth upon termination of said lease

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2493, (Senate Bill No. 1310), entitled:

An Act to amend section two and four of the joint resolution approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Act Number 127) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" by authorizing the several Courts of Common Pleas upon application of adjudge persons refusing to comply with subpoenas of the commission in contempt of court and by increasing the appropriation to the commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2397, (Senate Bill No. 1219), entitled:

An Act to amend sections one three eight and ten of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended qualifying members of the General Assembly as members of the State retirement system

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2511, (Senate Bill No. 1415), entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-seven and such time as the funds provided by the General Appropriation Act become available

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2496, (Senate Bill No. 1326), entitled:

An Act to amend section one thousand five hundred eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added requiring school districts of the first second and third classes to employ dental hygienists

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. THOMAS. Mr. Speaker, I move that this bill be recommited to the Committee on Education for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. SARRAF. Mr. Speaker, I would like to interrogate the gentleman from Mercer, Mr. Thomas.

The SPEAKER. Will the gentleman from Mercer permit himself to be interrogated?

Mr. THOMAS. I will, Mr. Speaker.

Mr. SARRAF. Mr. Speaker, I would like to ask the gentleman for what reason he would have this bill recommitted.

Mr. THOMAS. Well, Mr. Speaker, this bill provides for and makes mandatory the hiring of a dental hygienist in school districts of the first, second and third classes. They already have that privilege and this makes it mandatory in those school districts, creating an added expense. In view of the legislation we have already passed I do not believe it would be wise to pass this bill at this time.

Mr. HARKINS. Mr. Speaker, I ask the members of the House to oppose this motion, because this bill merely is carrying out a part of the health program in which the State of Pennsylvania is cooperating with the Federal Government in order to stamp out dental diseases, in order to better preserve the health, not only of the school children, but also of the entire population of Pennsylvania. Mr. Speaker, I further wish to state that this would not be an added cost, because the State of Massachusetts has had this in operation and where state aid is given to the individual district on the basis of attendance, that this type of dental service will improve the — —

POINT OF ORDER

Mr. O'CONNOR. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. O'CONNOR. Mr. Speaker, I desire to know if the gentleman from Allegheny is speaking on the motion?

The SPEAKER. The gentleman from Allegheny is not speaking on the motion. He is speaking on the merits of the bill.

Mr. HARKINS. Mr. Speaker, the only reason I did indulge in speaking on the merits of the bill was because I noticed that the person who made the motion to recommit the bill also did so.

The SPEAKER. The gentleman is correct.

Mr. HARKINS. Mr. Speaker, I say that this bill will not increase the cost to the districts, but they will get service for what they pay.

Mr. BROWNFIELD. Mr. Speaker, ladies and gentlemen of the House, when this bill came from committee last night there was some question as to whether it would not be a burden upon some of the already overburdened districts of the third class. We had to act hurriedly, however, and sent the bill out on short notice. I have made further inquiry in the matter and I find that to install this service in districts of the third class, will place a burden upon many of those that are already overburdened. I think it would be well to send the bill back.

Mr. DAVID H. WEISS. Mr. Speaker, I rise in support of the motion made by the gentleman from Mercer, Mr. Thomas and the gentleman from Fayette, Mr. Brownfield. Whenever two teachers want to save money for school districts, I believe they deserve support.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2453, (Senate Bill No. 876), entitled:

An Act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their

obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws

Section 101 of Article I was read as follows:

ARTICLE I

Preliminary Provisions

Section 101 Short Title This act shall be known and may be cited as the "County Institution District Law"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Welfare for purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2387, (Senate Bill No. 684), entitled:

A Joint Resolution proposing an amendment to Article eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2473, (Senate Bill No. 1229), entitled:

An Act to repeal section thirty of the act approved the first day of May one thousand eight hundred sixty-one (P. L. 450) entitled "An act relating to Allegheny County"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2444, (Senate Bill No. 1262), entitled:

An Act providing for the sale of Fort Necessity Park in Wharton Township to the government of the United States for National Military Park purposes and giving consent to the purchase of said park other lands of historical importance and with certain reservations ceding jurisdiction over such lands

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 197.

A Supplement to the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities" providing for the appointment of the members of the boards for the assessment and revision of taxes by the Auditor General of the Commonwealth terminating the terms of the existing members of such boards fixing the membership of the county salary boards for certain purposes and repealing existing law providing for the appointment of such boards by the county commissioners

SENATE BILL No. 638.

An Act to further amend section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (P. L. 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth

SENATE BILL No. 1121.

An Act providing for the erection construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority authorizing the Commonwealth to lease the new school and its grounds from The General State Authoirty upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon and conferring powers and imposing duties upon certain State departments boards commissions and officers

SENATE BILL No. 1122.

An Act providing for the erection construction and equipment of a Maximum Security State Penitentiary for the detention care maintenance and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion and the Department of Welfare to manage and operate the same providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries and conferring powers

and imposing duties upon certain State departments boards commissions and officers

Whereupon,

The SPEAKER, in the presence of the House signed the same.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2507, (Senate Bill No. 930), entitled:

An Act to repeal the laws relating to the Lancaster County Prison and relating to the election of a board of inspectors to manage said prison

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2465, (Senate Bill No. 1087), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by changing the method of issuance of licenses and making further provisions for records and returns thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Commitee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2378, (Senate Bill No. 883), entitled:

An Act relating to public assistance; providing for, and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board.

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title This act shall be known and may be cited as the "Public Assistance Law"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this Bill be recommitted to the Committee on Welfare for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2504, (Senate Bill No. 341), entitled:

An Act to re-enact and further amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with the transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing aditional duties on the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing additional filing fees and increasing fees for certain permits and providing for the disposition thereof further regulating the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the jurisdiction of court and local option procedue pohibiting certain interlocking business and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture posession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverges conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as hergin provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and

of fees and imposing penalties" as re-enacted and amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1246) are hereby re-enacted and further amended to read as follows

An Act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with the transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties

ARTICLE I

Short Title and Preliminary Provisions

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Liquor Control Act"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members

"Original container" shall mean all bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the names and address of the manufacturer of the malt or brewed beverages contained or to be contained therein permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing the same or to a label securely affixed to a bottle

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the public dining room or rooms in which food is regularly prepared for the public

The word "alcohol" means ethyl alcohol originally produced by the distillation of any fermented liquid whether rectified or diluted with or without water whatever may be the origin thereof and [includes] shall include synthetic ethyl alcohol but shall [it does] not mean or include ethyl alcohol whether or not diluted that has been denatured or otherwise rendered unfit for beverage purposes

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic [and] including all drinks or drinkable liquids preparations or mixtures and re-used recovered or re-distilled denatured alcohol [intended] usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume except pure ethyl alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing [bottling] manufacturing distilling rectifying or compounding of liquor alcohol and malt or brewed beverages in this Commonwealth or elsewhere

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor or alcohol [and malt or brewed beverages] as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof except as to incorporated clubs the term "person" shall mean such individual or individuals who under the by-laws of such club shall have jurisdiction over the possession and sale of liquor therein

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

"Sale" or "Sell" shall include any transfer of liquor alcohol or malt or brewed beverages for a consideration [and any gift in conection with or as a part of a transfer of property other than liquor] [or malt or brewed beverages for a consideration]

Section 3 Interpretation of Act

(a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor [and] alcohol and malt or brewed beverages which take place [wholly within the] in this Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor [and] alcohol and malt or brewed beverages within the Commonwealth through the instrumentality of the board and otherwise provide the means by which such control shall be made effective This act shall not be construed

as forbiding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

General Powers and Duties of Pennsylvania Liquor Control Board

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor and alcohol in the manner set forth in this act

(b) To control the manufacture possession sale consumpiton importation use transportation and delivery of liquor [and] alcohol and malt or brewed beverages in accordance with the provisions of this act and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania liquor stores Provided That in fixing sale prices the board shall not give any preference or make any discrimination as to classes brands or otherwise except where special sales are deemed necessary to move unsaleable merchandise The board shall require each Pennsylvania manufacturer and each non-resident manufacturer of [distilled] liquors other than wine selling [distilled] such liquors to the board which are not manufactured in this Commonwealth to make application for and be granted a permit by the board before [distilled] such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer Each such manufacturer shall pay for such permit a fee which in the case of a manufacturer of this Commonwealth shall be equal to that required to be paid if any by a manufacturer or wholesaler of the state territory or country of origin of the [distilled] liquors for selling liquors manufactured in Pennsylvania and in the case of a non-resident manufacturer shall be equal to that required to be paid if any in such state territory or country by Pennsylvania manufacturers doing business in such state territory or country In the event that any such manufacturer shall in the opinion of the board sell or attempt to sell [distilled] liquors to the board through another person for the purpose of evading this provision relating to permits the board shall require such person before purchasing [distilled liquors from him or it to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer All permit fees so collected shall be paid into the State Stores Fund The board shall not purchase any liquor fermented distilled rectified compounded or in any state territory or country the laws of which result in prohibiting the importation therein of liquors fermented distilled rectified compounded or bottled in Pennsylvania.

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities.

(d) To grant [and] issue suspend and revoke all [liquor] licenses and [to grant issue suspend or revoke alcohol] permits [as provided in this act] authorized to be issued under this act and the regulations of the board.

(e) Through the Department of Property and Supplies as agent to lease and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act.

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors examiners clerks and other employes as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act.

Such employes of the board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view except in private homes without warrant any person actually engaged in the unlawful sale importation manufacture or transportation [of] or having [illegal] unlawful possession of liquor alcohol or malt or brewed beverages contrary to the provisions of this act or any other law of this Commonwealth Such officers and investigators shall have power and authority upon reasonable and probable cause to search for and to seize without warrant or process except in private homes any liquor alcohol and malt or brewed beverages [so illegally] unlawfully possessed manufactured sold imported or transported and any stills equipment materials utensils vehicles boats vessels animals aircraft or any of them which are [being] or have been used in the unlawful manufacture sale importation or transportation of the same Such liquor alcohol malt or brewed beverages stills equipment materials utensils vehicles boats vessels animals or aircraft so seized shall be disposed of as hereinafter provided.

(g) To determine the nature form and capacity of all packages and original containers to be used for containing liquor alcohol or malt or brewed beverages and other law to the contrary nothwithstanding.

(h) Without in any way limiting or being limited by the foregoing to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder.

Section 202 General Power to Make Regulations The board may from time to time make such regulations as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable and shall be furnished to all licenses affected thereby.

Section 203 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and without limiting the general power conferred by the preceding section the board may make regulations regarding.

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor and alcohol are kept or sold and the books and records to be kept therein.

(b) The duties and conduct of the officers and employes of the board.

(c) The purchase as provided in this act of liquor and alcohol and its supply to Pennsylvania Liquor Stores.

(d) The classes varieties and brands of liquor and alcohol to be kept and sold in Pennsylvania Liquor Stores

(e) The issuing and distribution of price lists for the various classes varieties or brands of liquor and alcohol kept for sale by the board under this act.

(f) The sealing and labeling of liquor and alcohol sold under this act and of liquor and alcohol lawfully acquired by any person prior to January first one thousand nine hundred and thirty-four.

(g) Forms to be used for the purpose of this act.

(h) The issuance of licenses [to hotels restaurants clubs and railroad pullman or steamship companies] and permits and the sanitation equipment of [licensed] places licensed or included in permits.

i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue.

[(j) The issuance of alcohol permits].

(j) The solicitation by resident or non-resident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and in the case of non-resident vendors the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses.

ARTICLE III

Pennsylvania Liquor Stores

Section 301 Board to Establish State Liquor Stores The board shall establish operate and maintain at such places

throughout the Commonwealth as it shall deem essential and advisable stores to be known as "Pennsylvania Liquor Stores" for the sale of liquor and alcohol in accordance with the provisions of and the regulations made under this act When the board shall have determined upon the location of a liquor store in any municipality it shall give notice of such location by public advertisement in [at least] two newspapers of general circulation and no other advertisement of any kind or description shall be required any law to the contrary notwithstanding If within five days after the appearance of such advertisement fifteen or more taxpayers residing within a quarter of a mile of such location shall file a protest with the Court of Quarter Sessions of the county adverting that the location is objectionable because of its proximity to a church a school or to private residences the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence The court shall render its decision immediately upon the conclusion of the testimony and from its decision there shall be no appeal If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest the board shall abandon it and find another location The board may establish operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act.

The board may lease the necessary premises for such stores or establishments but all such leases shall be made through the Department of Property and Supplies as agent of the board The board through the Department of Property and Supplies shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments.

Section 302 Selection of Personnel

A No officer or employe except as otherwise hereinafter provided shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officers or employes engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shal be deemed povisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located except where a person has been employed in a liquor store for a period of two or more years and becomes a bona fide resident of another county in which case he may be employed in a liquor store in the county to which he has removed.

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to furnish a photograph of him or herself and that no application blank shall require the color religion or political affiliation of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed.

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examinations shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been established The examination papers of such candidates shall be marked by committees composed of representatives of the department and of persons not employed by the Commonwealth in any other capacity designated by the presidents of the colleges and universities receiving State aid from the Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper and additional rating of five per centum All such outside examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committees which may be necessary shall be determind by the department and each committee shall consist of three persons The selections made by the presidents of Stat-aided colleges and universities shall be submitted to the department in writing by each such president and the department shall designate committee members from the lists so submitted in rotation.

Except as hereinafter provided all offices places and employments in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons resident in this Commonwealth who have satisfactorily passed the examinations The persons receiving the highest grade shall be first appointed and so on and during their employment such appointees shall be at all times residents of this Commonwealth.

If a list of eligibles certified by the Department of Public Instruction is available for any position another examination shall not be given until after the expiration of twelve months from the date of the last examination for that position Such subsequent examination may be held in the discretion of the board at any time after the expiration of such twelve month provision and when such subsequent examination has been held and the list therefrom duly certified by the Department of Public Instruction the previous list shall expire and no further appointment shall be made from such previous dist Provided That when a position is to be filled by appoihtment from a list of eligible for appointment to such position is not available examination shall be held for that position at the earliest convenient date after the vacancy occurs.

B Vacancies in positions in the competitive class whether such positions be newly created or vacated for any reason by any former incumbent shall be filled so far as practicable by promotion from among persons holding positions in a lower grade In all cases a person to be promoted shall have served not less than six months in a position under the board Promotion shall be based on merit and upon the superior qualifications of the person promoted as shown by his previous service.

In the event it is not deemed practicable to fill a vacancy by promotion in the manner prescribed in the foregoing paragraph such vacancy shall be filled by appointment from such list except that no such appointment may be made to any position having a rate of compensation higher than that paid to any employe or employes who have been appointed from the same list within six months prior to the date o fthe current appointment and in order that this may be carried out the board shall make such changes as it deems advisable in the then status of any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment Provided however That such changes are not required except where they are necessary to insure that the most recent appointment shall be to a position which

does not have a higher rate of compensation than that paid to any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment.

C The tenure of any person holding a position under the provisions of this act shall be during good behavior but any such person may be removed demoted suspended without pay or with reduced pay transferred reprimanded or restored to his position or another position with such pay as may be equitable for any of the following causes Incompetency inefficiency insubordination dishonesty intemperance immorality profanity discourteous treatment of the public or other employes wilful disobedience violation of the provisions of this act or of the rules and regulations of the board or for any other failure of good behavior or any other act or acts which are incompatible with or inimical to the public service but no person shall be required to contribute to any political fund nor support any political party or organization nor shall any such person be removed or otherwise prejudiced for refusing to do so No such person shall hold any other office or position under this Commonwealth or any political subdivision thereof nor by his own act or permission become a candidate for nomination or election to any public office during the time of his employment by the board.

Whenever it is necessary because of lack of work or lack of funds or whenever it is advisable in the interests of economy to reduce the staff of the board it may lay off employes.

In the event that the board decides to abolish one or more positions or to temporarily discontinue the same because of lack of work or lack of funds or in the interests of economy then a number of employes of the board equal to the number of positions to be so abolished or discontinued shall be laid off.

When it becomes necessary for any employe to be removed demoted suspended without pay or with reduced pay transferred reprimanded or restored to a former position or another position with such pay as will be equitable for any of the above named causes or when it is necessary because of lack of work or lack of funds or in the interests of economy to lay off an employe or in the event the board decides to abolish or temporarily discontinue one or more positions because of lack of work lack of funds or in the interest of economy the employe or employes selected to be removed in any of the manners so mentioned shall have a right to appeal for a hearing and consideration of his case or complaint.

Further when any position is newly created or otherwise to be filled employes who have been previously placed on leave of absence because of the abolishment or temporary discontinuance of a position or other reduction in personnel because of lack of work or lack of funds or in the interest of economy such employes shall be recalled to service within their proper classification and in the order of their rank before any appointment can be made from a list created and certified at a later date than the list from which the furloughed employe was originally appointed.

In the foregoing section the terms "promotion" "transfer" and "demotion" shall be interpreted as follows.

"Promotion" means a change from one position to another position having a higher rate of compensation or involving a change of duties or responsibilities or either or both.

"Transfer" means a change from one position to another position at the same rate of compensation.

"Demotion" means a change from one position to another position having a lower rate of compensation or in which different and less respnsible duties are involved or either or both whether made for the purpose of better adjusting personnel to the needs of the board or as a disciplinary measure.

D Any person appointed under the provisions of this act may be removed by the personal action of the Governor whenever he deems the same to the best interests of the public service

Section 303 Management of Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores

Section 304 When Sales May Be Made at Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be open for business week days except legal holidays or any day on which a general municipal special or primary election is being held during such hours as the board in its discretion shall determine but shall not be open longer than fourteen hours [or less than seven hours] in any one day nor later than eleven o'clock post meridian The board may with the approval of the Governor temporarily close any store in any municipality

Section 305 Sales by Pennsylvania Liquor Store Every Pennsylvania Liquor Store shall keep in stock for sale such classes varieties and brands of liquor and alcohol as the board shall prescribe If any person shall desire to purchase any class variety or brand of liquor or alcohol which any such store does not have in stock it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board The customer shall be notified immediately upon the arrival of the goods

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival the store may place it in stock for general sale and the customer's deposit shall be forfeited

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels restaurants clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board or chemists The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia All other sales by such stores shall be at retail No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale

Whenever any checks issued in payment of liquor or alcohol purchased from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored the board shall charge a fee of five dollars per hundred dollars or fractional part thereof plus all protest fees to the maker of such check submitted to the board Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person

No liquor or alcohol shall be sold to any purchaser except in a package sealed with the official seal of the board required by this act which package shall not be opened on the premises of a Pennsylvania Liquor Store No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises nor shall any person consume any liquor or alcohol on such premises

The board may sell tax exempt alcohol to the Commonwealth of Pennsylvania and to persons to whom the board shall by regulation to be promulgated by it issue special permits for the purchase of such tax exempt alcohol

Such permits may be issued to the United States or any governmental agency thereof to any university or college of learning any laboratory for use exclusively in scientific research any hospital sanitorium eleemosynary institution or dispensary to physicians dentists veternarians

and pharmacists duly licensed and registered under the laws of the Commonwealth of Pennsylvania to manufacturing chemists and pharmacists or other persons for use in the manufacture or compounding of preparations unfit for beverage purposes

Every purchaser of liquor or alcohol from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor and alcohol the price paid therefore and such other information as the board may prescribe Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store

Section 306 Audits by Auditor General It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the board

At least one audit shall be made each year of the affairs of the board and all collections made by the Pennsylvania Liquor Stores shall be audited quarterly

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may in the judgment of the Auditor General appear necessary and shall be made whenever the Governor shall call upon the Auditor General to make them

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor

Unless the Department or the Auditor General shall neglect or refuse to make annual quarterly or special audits as hereinabove required it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for any audit of its affairs except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board

ARTICLE IV

Licenses and Permits

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs

(a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt or brewed beverages to guests patrons or members for consumption on the hotel restaurant or club premises Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license nor shall such a person have any interest directly or indirectly in any such license

Section 402 Application for Hotel Restaurant or Club Liquor Licenses Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe which shall be accompanied by [an application] a filing fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board If the applicant is a natural person his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least three years immediately preceding his application If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania that all officers directors and stockholders are citizens of the United States and that the manager of the hotel restaurant or club is a citizen of the United States The application shall be signed and verified by oath or affirmation by the owner if a natural person or in the case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post for a period of at least fifteen days beginning with the day the application is filed with the board in a conspicuous place on the outside of the premises for which the license is applied a notice of such application in such form of such size and containing such provisions as the board may require by its regulations Proof of the posting of such notice shall be filed with the board

All applications must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of a misdemeanor and upon indictment and conviction shall be subject to the penalties provided by this act

Section 403 Issuance of Hotel Restaurant and Club Liquor Licenses Upon receipt of the application the proper fees and bond and upon being satisfied of the truth of the statements in the application that the applicant is he only person in any manner pecunarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license only a member of his immediate family who is of good repute except as hereinafter permitted and that the applicant is a person of good repute that the premises applied for meet all the requirements of this act and the regulations of the board and the applicant seeks a license for a hotel restaurant or club as defined in this act the board shall in the case of a hotel or restaurant grant and issue to the applicant a liquor license and in the case of a club may in its discretion issue a license Provided however That in the case of any new license or the transfer of any license to a new location the board may in its discretion grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oils And provided further That the board shall not issue new licenses in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the application thereof shall have been filed at least thirty days before the effective date of the license

Section 404 License Hearings Appeals from Refusal of

Board to Issue Renew or Transfer Licenses The board may of its own motion and shall upon the written request of any applicant for club hotel or restaurant liquor license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for liquor license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application Such hearing shall be before the board a member thereof or an examiner designated by the board At such hearing the board shall present its reasons for its refusal or withholding of license renewal or transfer thereof The applicant may appear in person or by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board Such hearing shall be stenographically recorded The examiner shall thereafter report to the board upon such hearing The board shall thereupon grant or refuse the license renewal or transfer thereof If the board shall refuse such license renewal or transfer following such hearing notice in writing of such refusal shall be mailed to the applicant at the address given in his application In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant Any applicant who has appeared before the board or any agent thereof at any hearing as above provided who is aggrieved by the refusal of the board to issue a hotel or restaurant or club liquor license or to renew or transfer a hotel restaurant or club liquor license may appeal within twenty days from date of refusal to the Court of Quarter Sessions of the county in which the hotel or restaurant or club is located Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board which shall be represented in the proceeding by the Department of Justice [At such hearing testimony may be presented by the applicant and the board after the consideration of which the] [board shall certify and transmit a copy of the record in the case to the clerk of the court within ten days after such appeal petition was served] The court shall hear the application de novo at such time as it shall fix of which notice shall be given to the board The court shall either sustain the refusal of the board or order the issuance of the license to the applicant There shall be no further appeal Any appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise

Section 405 Display of License Every license issued under this act shall be constantly and conspicuously exposed under transparent substance on the licensed premises

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board [a surety] an approved bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars ($2,000) Such bond shall have as surety a duly authorized surety company or shall have deposited therewith as collateral security cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds In all cases where cash or securities in lieu of other surety have been deposited with the board the depositor shall be permitted to continue the same deposit from year to year on each renewal of license but in no event shall he be permitted to withdraw his deposit during the time he holds said license or until six months after the expiration of the license held by him or while revocation proceedings are pending against such license All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board After notice from the board that such a bond has been forfeited the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such a bond and when securities have been deposited as collateral with such a bond the State Treasurer shall sell at private sale at not less than the prevailing market price any such securities so deposited as collateral with any such forfeited bond The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities except that if the amount so realized after deducting proper costs and expenses is in excess of the penal amount of the bond such excess shall be paid over by him to the obliger on such forfeited bond All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors alcohol and malt or brewed beverages and the regulations of the board Such bonds shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act

Section 407 License Fees

(a) [Every applicant of a hotel liquor license or restaurant liquor license shall before receiving such license pay to the board the following license fees which] License fees for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decemial census of the United States in which the hotel or restaurant is located as follows

In municipalities having a population of less than fifteen hundred inhabitants one hundred fifty dollars ($150.-00)

In those having a population of fifteen hundred and more but less than ten thousand inhabitants two hundred dollars ($200.00)

In those having a population of ten thousand and more but less than fifty thousand inhabitants three hundred dollars ($300.00)

In those having a population of fifty thousand or more but less than one hundred thousand inhabitants four hundred dollars ($400.00)

In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants five hundred dollars ($500.00)

In those having a population of one hundred fifty thousand and more inhabitants six hundred dollars ($600.00)

(b) Every applicant for a club liquor license shall [before receiving such license] pay to the board a license fee of fifty dollars ($50.00) except clubs which cater to groups of non-members either privately or for functions in which case the board may issue a catering license and the license fee shall be the same as for hotels and restaurants located in the same municipality and the board shall by its rules and regulations define what constitutes catering under this clause

(c) All license fees authorized under this section shall be collected by the board for the use of the municipalities or townships in which such fees were collected

Section 408 Licenses Not Assignable Transfer

(a) Licenses issued under this act may not be assigned The board is hereby authorized to transfer any license from one person to another or from one place to another within the same municipality or both as the board may determine but no transfers shal be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not originally have been issued lawfully Upon any refusal to grant a transfer the person aggrieved shall have the right to appeal to the Court of Quarter Sessions in the same manner as herein provided for appeals from refusals to grant licenses The action of the Court of Quarter Sessions shall be final

(b) Every applicant for a transfer of a license shall file a written application with the board together with a filing fee of twenty dollars at such time as the board shall fix in its regulations and shall also file a surety bond as required on original applications for licenses Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year

[except a fee of twenty dollars ($20.00) to be paid to the board for the use of the Commonwealth]

(c) In the event that any person to whom a license shall have been issued under the [terms] provisions of this act shall become insolvent make an assignment for the benefit of creditors became a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In the case of death of a licensee the board may transfer the license to the surviving spouse or personal representative or to a person designated by such representative In all such cases the board shall have the sole and final discretion as to the propriety of the issuance or transfer of the license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 409 License Year Renewal of Licenses

(a) The board shall by regulation divide the State into convenient license districts and shall hold hearings on [such] applications for licenses and renewals thereof as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation sfor the purpose of hearing testimony for and against applications for new licenses and renewals thereof The board may provide for the holding of such hearings by examiners learned in the law to be appointed by the Governor who shall not be subject to the civil service provisions of this act Such examiners shall make report to the board in each case with their recommendations The board shall by regulation fix the license year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter Unless the board shall have given ten days' previous notice of objections to the renewal of his license based upon violation by the licensee or his servants agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act and the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new [surety] approved bond and shall pay the requisite application fee and license fee specified in this act

(c) In cases where a licensee or his servants agents or employes are arrested charged with violating any of the laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such licensee is pending before the board the board shall renew the license notwithstanding such alleged violations but such renewal license may be revoked by the board in the manner hereinafter provided for revocation of licenses if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited

Section 410 Revocation and Suspension of License [After a license has been issued under the provisions of this act upon the petition of the Attorney General the board the district attorney of any county or upon the petition of fifteen or more taxpayers residents of the ward borough or township where the place of business is located the Court of Quarter Sessions of the proper county upon sufficient cause being shown or proof being made that the licensee holding a license or any partners member officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors malt or brewed beverages or alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this act] Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulations of the board adopted pursuant to such laws or any violation of any laws of this Commonwealth or of the United States of America relating to the taxpayment of liquor or malt or brewed beverages by any licensee his officers servants agents or employes or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked Hearings on such citation shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the Board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the [court] board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within said year In all such cases the [Court of Quarter Sessions] board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the [court] board shall feel aggrieved by the action of the [Court of Quarter Sessions] board he shall have the right to appeal to the [Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence The action of the Superior Court shall be final In all such appeals the Superior Court may allow a supersedeas if the appellant shall have filed with the clerk of the Court of Quarter Sessions a penal bond in the sum of two thousand dollars ($2,000.00) to be approved by the court and conditioned for the prompt prosecution of the appeal by the appellant the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages and for the payment of all costs that may be assessed against the appellant] Court of Quarter Sessions in the same manner as herein provided for appeals from refusals to grant licenses Such appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise In those cases where the board

shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of hotel restaurant and club licensees the offer in compromise shall be at the rate of ten dollars for each day of suspension and in the case of importers and sacramental wine licensees the offer in compromise shall be at the rate of thirty dollars per day No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred days

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels [and clubs] to guests [or] and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employes other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employes shall sell on Sunday to non-members any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day and until two o'clock ante meridian of the following week day and shall not sell on Sunday or after two o'clock ante merdian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock ante meridian and seven o'clock ante meridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

Section 412 Sale of Malt or Brewed Beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person No licensee under this act shall at the same time be the holder of any other license except a retail dispensers license authorizing the sale of malt or brewed beverages only

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor and malt [liquor] or brewed beverages to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor or malt or brewed beverages to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited Such licenses shall be known as public service liquor licenses The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of mandamus may be brought against the board in the manner provided by law

Every applicant for a public service liquor license shall before receiving such license pay to the board for each of the maximum number of dining club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars ($20.00) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars ($100.00)

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of applications in such form as the board shall prescribe but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section

Sales of liquor and malt or brewed beverages by public service company licensees shall be made in accordance with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees

Section 414 Sacramental Wine Licenses [The Board may upon application] [grant to responsible persons of good character sacramental wine licenses The fee for such licenses shall be one hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and regulations of the board relating to] [the distribution sale and use of] [liquor]

[Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes and to sell the same only to priests clergymen or rabbis for such purposes under such regulations as the board shall prescribe Priests clergymen and rabbis may lawfully make purchase from such licensees under the regulations of the board but any wine purchased under the authority of this section shall not be used for any other than sacramental or religious purposes]

Every applicant for a sacramental wine license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of this Commonwealth and the regulations of the board relating to liquor alcohol and malt or brewed beverages Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other

m[illegible] information as may be required by the board [illegible] applicant is a natural person his application must show that he is a citizen of the United States and a resident of this Commonwealth If the applicant is an association or partnership each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that all officers directors and stockholders are citizens of the United States

Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes only and bottle and sell the same to priests clergymen and rabbis for use in the cathedral church synagogue or temple or for sustaining members of the congregation duly certified by such priest clergymen or rabbis The sale and use of wine for sacramental or religious purposes shall be subject to and in accordance with the regulations of the board

Any wine purchased under the authority of this section shall not be used for any other than sacramental or religious purposes Sacramental wine may not be sold by any person except the holder of a sacramental wine license All original containers from which sacramental wine is dispensed shall bear the seal of the board

Every sacramental wine licensee shall maintain on the licensed premises such records as the board may prescribe No deliveries of sacramental wine shall be made unless and until an order therefor is on file at the principal place of business in Pennsylvania All shipments into Pennsylvania of wine to be used for sacramental or religious purposes shall be consigned to the principal place of business maintained by the licensee

Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to [the distribution sale or use of] liquor and alcohol The procedure in such cases shall be the same as for the revocation and suspension of hotel restaurant and club licenses Upon the revocation of any such license the bond of the licensee may be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Section 415 Importers' License [The board may upon application] [grant to responsible persons of good reputation importers' licenses Such licenses shall permit the holders thereof to bring or import liquor] [from other states foreign countries and insular possessions of the United States and] [obtain] [tax paid liquor from manufacturers located within the Commonwealth to be sold outside of this Commonwealth] [and] [exclusively to Pennsylvania Liquor Stores within this Commonwealth]

[The fee for such licenses shall be one hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and of the regulations of the board relating to[[the distribution sale and use of] [liquor] Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of the Commonwealth and the regulations of the board relating to liquor alcohol and malt or brewed beverages Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board

The holder of an importer's license may have included in such license one warehouse wherein only his liquor may be kept and stored located in the same municipality or township in which his licensed premises is situate and not elsewhere unless such licensee secures from the board a license for each additional storage warehouse desired The board is authorized and empowered to issue to a holder of an importer's license a license for an additional storage warehouse or warehouses located in this Commonwealth provided such licensed importer files with the board a separate application for each warehouse in such form and containing such information as the board may from time to time require accompanied by a filing fee of ten dollars a license fee of twenty-five dollars and a bond of an approved surety company in the amount of ten thousand dollars Such bond shall contain the same provisions and conditions as are required in the other license bonds under this act

If the applicant is a natural person his application must show that he is a citizen of the United States and a resident of this Commonwealth If the applicant is an association or partnership each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that all officers directors and stockholders are citizens of the United States

Such licenses shall permit the holders thereof to bring or import liquor from other states foreign countries or insular possession of the United States and purchase liquor from manufacturers located within this Commonwealth to be sold outside of this Commonwealth or exclusively to Pennsylvania liquor stores within this Commonwealth

All importations of liquor into Pennsylvania by the licensed importer shall be consigned to the Pennsylvania Liquor Control Board or the principal place of business or authorized place of storage maintained by the licensee

Every importer shall maintain on the licensed premises such records as the board may prescribe [malt or brewed beverages alcohol or other alcoholic beverages] Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to liquor and alcohol The procedure in such cases shall be the same as for the revocation and suspension of hotel restaurant and club licenses Upon the revocation of any such license the bond of the licensee may be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

[Any such permit may be revoked or suspended by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor malt or brewed beverages alcohol or other alcoholic beverages]

ARTICLE V

Local Option

Section 501 Local Option Areas Authorized In any municipality an election may be held but not oftener than once in four years on the date of the primary election immediately preceding any general or municipal election to determine the will of the electors with respect to th granting of liquor licenses by the board to hotels restaurants and clubs within the limits of such municipality.

Section 502 Petition of Electors for Local Option Whenever electors equal to at least [ten] twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such liquor licenses the respective corporate authorities shall cause a question to be submitted at the primary immediately preceding the general or municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of liquor licenses for the sale of liquor in of ?	Yes / No	———

In the case of a tie vote or if a majority of the persons voting on such question vote "Yes" then liquor licenses shall be granted by the board to hotels restaurants and clubs in such municipality or township for the sale of liquors under the provisions of this act but if a majority of the persons voting on such question vote "No" then the board shall thereafter have no power to grant or to renew upon their expiration any liquor licenses in such municipality or township under the provisions of this act unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place after the expiration of his existing license in any local option area where the electors have voted against such sales but the sale of malt [liquors] or brewed beverages by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law

ARTICLE VI

Illegal Acts Penalties Forfeitures

Section 601 Restrictions on Certain Sales

(a) It shall be unlawful for any manufacturer or licensed importer of liquor in this Commonwealth his agents servants or employes to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores or to the holder of a sacramental wine [permit] license but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth

(b) It shall be unlawful for any person to sell alcohol to any person except in accordance with regulations promulgated by the board

Section 602 [Sales by Persons Other Than Manufacturers] Unlawful Acts

[(a)] (1) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any device to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospitals physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alcohol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmacopoena of the United States the National Formulary or the American Homeopathic Pharmacopoeia

[(b)] (2) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine licese or of an importer's license to possess or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store or in accordance with the board's regulations The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired But nothing herein contained shall prohibit the manufacture or possion of wine by any person in his home for consumption of himself his family and guests and not for sale not exceeding during any one calendar year two hundred gallons any other law to the contrary notwithstanding Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises

[(c)] (3) [Except as provided in this act] It shall be unlawful for any person within this Commonwealth by himself or by an employe or agent to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any liquor or alcohol from any person or source other than a Pennsylvania Liquor Store except in accordance with the provisions of this act or the regulations of the board

[(d)] (4) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine [permit] license to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board The use of decanters or other similar receptacles by licensees shall be permitted only in the case of wines and then only in accordance with the regulations of the board but nothing herein contained shall prohibit the manufacture and possession of wine as provided in clause (b) of this section

[(e)] (5) It shall be unlawful for any licensee or the board or any employe servant or agent of such licensee or of the board to sell furnish or give any liquor or malt or brewed beverages or to permit any liquor or malt or brewed beverages to be sold furnished or given to any person visiby intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

[(f)] (6) It shall be unlawful for any licensee his agent servant or employe to sell or offer to sell or purchase or receive any liquor or malt or brewed beverages except for cash excepting credit extended by a hotel or club to a bona fide guest or member No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or original containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the vendor if such original containers or packages have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennylvania when the liquor or malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth provided however that as to all transactions affecting malt or brewed beverages to be re-sold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces

[(g)] (7) It shall be unlawful for any licensee or the board or any employe servant or agent of a licensee or of the board to sell offer to sell or furnish any liquor or malt or brewed beverages to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for liquor or malt or brewed beverages

[(h)] (8) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth

[(i)] (9) It shall be unlawful for any licensee or his servants agents or employes except a manufacturer on his own premises to [advertise] display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which the licensed premises are situate or on any building of which the licensed premises are a

part any advertisement whatever relating to [any] liquor or malt or brewed beverages [by trade name trademark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages] unless the actual value of such advertisement if hereafter erected [or advertising device] shall not be more than twenty-five dollars No sign or advertisement leased furnished or sold by a manufacturer importer importing distributor or distributor shall contain thereon any thing except the trade name trade mark or place of manufacture of the liquor or malt or brewed beverage manufactured or sold by him

[(j)] (10) It shall be unlawful for any manufacturer or licensees or his servants agents or employes to hereafter give furnish lease or sell or for any other licensee to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages unless the actual value [for] of such advertising device including all displays in connection therewith shall not exceed ten dollars ($10) It shall be unlawful for any licensee to display or permit to be displayed any window or exterior advertising except in accordance with the regulations of the board

[(k)] (II) It shall be unlawful for any licensees his servants agents or employees to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer

[(l)] (12) It shall be unlawful for any licensee his agents servants or employes to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

[(m)] (13) It shall be unlawful for any licensee or his [or its] servants agents or employes to transport sell deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

[(n)] (14) It shall be unlawful for any licensee [except club licensees] to permit in any licensed premises or in any place operated in connection therewith theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not The board shall have power to provide for the issue of such special permits and to collect a fee [of twenty-five dollars ($25.00)] for such permits [authorizing theatricals floor shows or moving picture exhibitions] equal to one-fifth of the annual license fee but not less than twenty-five dollars ($25) All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusement in licensed places Any violation of this clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his liquor license

[(o)] (15) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

[(p)] (16) It shall be unlawful for any retail licensee his agents servants or employes to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

[(q)] (17) It shall be unlawful for any [licensee] person to have alcohol in his possession [on the licensed premises] except in accordance with this act and the regulations of the board

[(r)] (18) It shall be unlawful for any hotel restaurant or club licensee or any servant agent or employe of such licensee to be at the same time employed directly or indirectly by any other person engaged in the manufacture sale transportation or storage of liquor malt or brewed beverages or alcohol

[(s)] (19) It shall be unlawful for any licensee to fail to keep on the licensed premises for a period of at least two years complete and truthful records covering the operation of his licensed business particularly showing the date of all purchases of liquor and malt or brewed beverages the actual price paid therefore and the name of the vendor including State store receipts or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

[(t)] (20) It shall be unlawful for any hotel restaurant or club licensee to employ any minor or to permit any minor to render any service whatever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth

[(u)] (21) It shall be unlawful for any hotel restaurant or club licensee his servants agents or employes to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith except minors accompanied by parents guardians or under proper supervision

[(v)] (22) It shall be unlawful for any licensee or his servants agents or employes to cash pay roll checks except in accordance with board regulations

[(w)] (23) It shal be unlawful for any restaurant hotel or club licensee his servants agents or employes to fail to break any package in which liquors were contained within twenty-four hours after the original contents were removed therefrom

[(x)] (24) It shall be unlawful for any licensee his servants agents or employes to give furnish trade barter serve or deliver any liquor or malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling liquor or malt or brewed beverages

[(y)] (25) It shall be unlawful for any licensee or any officer director stockholder servant agent or employe of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to any hotel restaurant or club licensees licensed under this act or to any importing distributors distributors package retailers or retail dispensers licensed

under any other act of this Commonwealth relating to liquor or malt or brewed beverages

(26) It shall be unlawful for any restaurant or hotel licensee his servants agents or employes to sell any liquor or malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a hotel licensee or a restaurant licensee when the restaurant is located in a hotel from selling liquor or malt or brewed beverages in any room of such hotel occupied by a bona fide guest

(27) It shall be unlawful for any restaurant hotel or club licensee or the servants agents or employes of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell liquor or malt or brewed beverages except in the interior of the licensed premises where the display cannot be seen from the outside the price at which liquor or malt or brewed beverages will be sold by him

(28) It shall be unlawful for any licensee or his servants agents or employes to refuse the board or any of its authorized employes the right to inspect completely the entire licensed premises at any time during which the premises are open for the transaction of business

(29) It shall be unlawful for any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowence or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of liquor or malt or brewed beverages or any other commodity manufactured or sold by the licensee

(30) It shall be unlawful for any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employer or principal to purchase or contract to purchase liquor or malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

Section 603 Unlawful to Fortify Adulterate or Contaminate Liquor It shall be unlawful for any licensee or any employe or agent of a licensee or of the board to fortify adulterate or contaminate any liquor except as permitted by the regulations of the board or to refill wholly or in part with any liquid or substance whatsoever any bottle or other container previously sealed with the official seal of the board

Section 604 Things of Value Not to be Offered It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor or malt or brewed beverages or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage or for any licensee manufacturer or other persons to offer or give to trade or consumer buyers any prize premium gift or other similar inducement except advertising novelties of nominal value which the board shall define Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 605 Delivery Vehicles to Bear Name and Address of [Manufacturer] Licensee It shall be unlawful for a licensee permitted to deliver [any] liquor to make deliveries except in his own vehicle bearing his name [and] address and license number or each side in letters not smaller than four inches in height or in the vehicle of another person duly authorized to transport liquor within this Commonwealth

Section 606 Restrictions on Importation of Liquor and Alcohol into the Commonwealth It shall be unlawful for any person other than the board or the holder of a sacramental wine [permit] license or of an importer's license to import any liquor whatsoever into this Commonwealth but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth

It shall be unlawful for any person to import alcohol into this Commonwealth except in accordance with regulations to be promulgated by the board

Section 607 Restrictions on Members and Employes of the Board

(a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor [or] alcohol or malt or brewed beverages whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) [A manager] No member or employe of the board nor any employe of the Commonwealth shall [not] solicit or receive directly or indirectly any commission remuneration or gift whatsoever from any person having sold selling or offering liquor or alcohol for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor or alcohol to or purchasing at wholesale liqour or alcohol from the board either directly or indirectly to pay or offer to pay any commission profit or remuneration or to make or offer to make any gift to any member or employe of the board or other employe of the Commonwealth or to anyone on behalf of such member or employe

Section 608 Nuisances

(a) Any room house building boat vehicle structure or place except a private home where liquor is possessed sold offered for sale bartered or furnished in violation of this act and all liquor and property kept or used in maintaining the same is hereby declared to be a common nuisance and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties hereinafter provided

(b) Any action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General [of the State] or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by testimony to the satisfaction of the court that such nuisance exists a temporary writ or injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no liquor shall be sold offered for sale bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be oc-

cupied or used for one year hereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that liquor will not thereafter be manufactured sold offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 609 Interlocking Business Prohibited

(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel restaurant or club liquor license nor be the owner proprietor or lessor of any place covered by any hotel restaurant or club liquor license

(b) No manufacturer importer or sacramental wine licensee and no officer or director of a manufacturer importer or sacramental wine licensee shall own any stock or have any financial interest in any hotel or restaurant licensed under this act

(c) Excepting as herein [before] provided no manufacturer or officer director stockholder agent or employe of a manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same for which a hotel restaurant or club license is granted nor shall a manufacturer importer or sacramental wine licensee or officer director stockholder agent or employe of a manufacturer importer or sacramental wine licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to or guarantee the payment of any bond mortgage note or other obligation of any hotel [or] restaurant or club licensee his servant agent or employe for equipping fitting out or maintaining and conducting either in whole or in part a hotel [or] restaurant or club licensed for the selling of liquor for use and consumption upon the premises

(d) Excepting as herein [before] provided no hotel licensee restaurant licensee or club licensee and no officer director stockholder agent or employe of any such licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a manufacturer in manufacturing liquor or malt or brewed beverages nor shall any hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to any manufacin whole or in part an establishment used in the conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverages

(e) Except as herein provided no hotel restaurant or club licensee and no officer director stockholder agent or employe of any such licensee shall in any wise be interested directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a distributor importing distributor package retailer retail dispenser licensed under the Beverage License Law or by an importer or sacramental wine licensee in the conduct of his business nor shall ny hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to any distributor importing distributor package retailer retail dispenser importer or sacramental wine licensee for equipping fitting out or maintaining and conducting either in whole or in part an establishment used in the conduct of his business

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and is herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the township of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to [the effective date of this act] July 18 1935

Section 610 Penalties

(a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) and on failure to pay such fine to imprisonment for not less than one month nor more than three months and for any subsequent offense shall be sentenced to pay a fine of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00) and to undergo imprisonment for a period of not less than three months nor more than one year

(b) The right of the [court] board to suspend and revoke licenses granted under this act shall be in addition to the penalty set forth in this section

Section 611 Forfeiture of Property Illegally Possessed or Used

(a) No property rights shall exist in any liquor alcohol malt or brewed beverage illegally possessed or in any still equipment material utensil vehicle boat vessel animals or aircraft [illegally] used in the illegal manufacture or illegal transportation of liquor alcohol malt or brewed beverages and the same shall be deemed contraband and shall be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the Court of Quarter Sessions it appears that any liquor alcohol or malt or brewed beverage was so illegally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all such condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the [same] liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order Except that any vehicle container boat vessel animals or aircraft seized under the provisions of this act shall be disposed of a hereinafter provided

(2) In any case in which (I) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels containers animals and aircraft) publicly destroyed by the sheriff except that the court may order the [same] liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel container animal or aircraft seized under the provisions of this act and condemned the court shall order [a public sale thereof by the sheriff of the county] the same to be delivered to the board for its use or for sale or disposition by the board in its discretion Notice of such sale shall be given in [the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias] such manner as the board may prescribe The

proceeds of such sale shall be paid [to the county treasurer for the use of the county In the event any such vehicle boat vessel or aircraft is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle boat vessel or aircraft is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgagee or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle boat vessel or aircraft has not been found within the jurisdiction of the court the sheriff shall give ten (10) days notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon] into the State Stores Fund

(c) In addition to the foregoing provisions the court may in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol or malt or brewed beverages in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle [or to such person and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation] Provided That a license may be issued for such motor vehicle to the board or to any purchaser of the vehicle after the [public] sale thereof as above provided

(d) (1) The proceedings for the forfeiture or condemnation of all property [the destruction or sale of which is provided for in subsection (2) and (3) of clause (b) of this section] shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant A petition shall be filed in the Court of Quarter Sessions verified by oath or affirmation of any officer or citizen containing the following (I) A description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possessed or used or was inteded for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth [and condemned and be ordered sold ir destroyed (as the case may be) according to law] unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of Within Described Property

"You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property"

Said notice shall be signed by petitioner or his attorney or the district attorney or the Attorney General

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given [by the sheriff] by an advertisement in [a] only one newspaper of general circulation published in the county where such property shall have been seized once a week for [three (3)] two (2) successive weeks

No other advertisement of any sort shall be necessary any other law to the contrary nothwithstanding Said notice shall contain a statement of the seizure of said property with a description thereof the place and date of seizure and shall direct any claimant thereof to file a claim therefor on or before a date given in said notice which date shall not be less than ten (10) days from the date of the last publication

(4) Upon the filing of any claim for said property setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (I) that he is the owner of said property [or the holder of a chattel mortgage or contract of conditional sale thereon] (II) that he lawfully acquired the same and (III) that it was not unlawfully used or possessed [by him and (IV) in the event that it shall appear that the property was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge or consent]

[(6) Any person claiming the ownership of] [or right of possession to or claiming to be the holder of a chattle mortgage or contract of conditional sale upon any liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel] [or aircraft the disposition of which is provided for in this section may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto] [or his lien thereon or reservation of title thereto] [and if upon public hearing thereon due notice of which having been given to the district attorney] In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel container animal or aircraft was lawfully acquired possessed and used then the court may order the same returned or delivered to the claimant [by him] [or] but if it [appearing] appears that the property was unlawfully used [by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise] it shall be destroyed or [sold] be turned over to the board (as the case may be) as hereinabove provided

[(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) day after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived].

(e) The provisions of this section shall apply to the disposition of any liquor alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act.

ARTICLE VII

Disposition of Moneys

Section 701 License Fees to Be Returned to Municipalities All license fees collected by the board under the provisions of this act except fees for public service liquor licenses sacramental wine and importers licenses shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund" Fees for public service licenses sacramental wine [and] importers licenses permit fees and compromise penalties in connection with the suspension of licenses shall be paid into the State Stores Fund The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the respective municipalities and townships in which the res-

pective licensed places are situated in suc hamounts as represent the aggregate license fees collected from licensees in such municipalities during the preceding period.

Section 702 [Application] Filing Fees Forfeitures Penalties and Receipts from Pennsylvania Liquor Stores to Be Retained by the Commonwealth All [application] filing fees and moneys accuring from sales of liquor and alcohol at Pennsylvania Liquor Stores and all forfeitures and compromises penalties collected received or recovered under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund" All moneys in such fund shall be available for the purposes for which they are appropriated by law.

Section 703 Taxes All taxes collected or received by the board on sales of taxable alcohol under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into the General Fund

Section 704 The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or over-charge on a liquor license fee In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and townships the board shall have the authority to deduct from the next semi-annual payment to the respective municipalities and townships the amount of any over-payment previously refunded by the board to any person on account of an over-charge or over-payment on a liquor license fee.

ARTICLE VIII

Effective Date and Repeal

Section 801 Effective Date This amendment and re enactment shall become effective [immediately upon its final enactment] on the first day of July one thousand nine hundred and thirty-seven except the board may adopt and circulate its regulations at any time after the final enactment of this act and the board may receive and collect additional amusement and entertainment permit fees prior to July first one thousand nine hundred and thirty-seven in order that such permits may be kept in effect for the entire license year.

Section 802 Repeal The following acts are hereby repealed The act approved the twenty-seventh day of March one thousand nine hundred twenty-three (Pamphlet Laws thirty-four) entitled "An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic license laws.

The act approved the fourteenth day of April one thousand eight hundred and sixty-three (Pamphlet Laws three hundred eighty-nine) entitled "An act to prohibit the use of deleterious drugs in the manufacture and sale of intoxicating malt or alcoholic liquors

The act approved the ninth day of July one thousand eight hundred and eighty-one (Pamphlet Laws one hundred sixty-two) entitled "An act to prohibit the granting of a license for the sale of liquors to proprietors lessees keepers or managers of theatres or other places of amusement".

All other acts and parts of acts including special or local acts inconsistent herewith are hereby repealed.

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, (sec. 302), page 18, line 10, by adding at the end of said line the following: "but no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position."

Amend sec. 1, (sec. 308), page 18, lines 21 to 25, by striking out, with light-faced brackets the following: "committees" in line 21 and all of lines 22 to 24, both inclusive, and "universities receiving State-aid from the Commonwealth" in line 25, and inserting in lieu thereof: "a committee designated by the department, with the approval of the Governor, consisting of school teachers in this Commonwealth."

Amend sec. 1, (sec. 302), page 19, line 7, by inserting after the word "centum" the following: "and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined) and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service shall be rated an additional five per centum over and above the five per centum hereinbefore set forth and in either case the total per centum mark or grade thus obtained shall determine the order of standing of such persons on any list of eligibles."

Amend sec. 1, (sec. 302), page 19, lines 7 and 8, by striking out with light-faced brackets, the following "such outside."

Amend sec. 1, (sec. 302), page 19, lines 12 to 16, by striking out with light-faced brackets the following: "The selections made by the presidents of" in line 12, and all of lines 13 to 16, both inclusive.

Amend sec. 1, (sec. 302), page 19, line 20, by striking out the following: "residents in this Commonwealth."

Amend sec. 1, (sec. 302), page 19, line 20, by striking out with light-faced brackets the following: "who" and inserting in lieu thereof: "who shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and in the district in which such appointee is to be employed for a period of not less than six months prior to such appointments and who shall."

On the question,

Will the House agree to the amendments?

Mr. HERBERT B. COHEN. Mr. Speaker, in view of the fact that it is contemplated to have the bills dealing with liquor and beer legislation and taxes recommitted to the Committee on State Boards after second reading, and further in view of the fact that all the amendments which are desired to be presented can be submtited to that committee, and I feel sure that full and complete consideration of all amendments will be given, I would request that the gentleman from Franklin, Mr. Moomaw, withdraw the amendments which he has submitted to the bill at this time.

Mr. MOOMAW. Mr. Speaker and members of the House while I feel that these amendments are not controversial because they place within the limitation of the Civil Service Commission the one hundred ninety employes under the Compensation Act which was recently signed by the Governor and passed by this House without opposition, in order to expedite matters, I agree to withdraw my amendments.

Mr. NAGEL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, (sec. 411), page 15, lines 19 and 20, by striking out with light-faced brackets the following: "two o'clock ante meridian of the following" and inserting in lieu thereof: "midnight of the same".

Amend sec. 1, (sec. 411), page 15, line 21, by striking out the following: "after two o'clock ante meridian"

Amend sec. 1, (sec. 411), page 45, lines 26 and 27, by striking out the following: "three o'clock ante meridian" and inserting in lieu thereof: "midnight"

Amend sec. 1, (sec. 602), page 63, lines 17 to 19, by striking out with light-faced brackets the following: "unless the licensee shall" in line 17, all of line 18, and "provide such entertainment" in line 19

Amend sec. 1, (sec. 602), page 63, lines 21 to 29, by striking out with light-faced brackets the following: "regardless of whether a" in line 21, all of lines 22 to 28, and "paid into the State Stores Fund" in line 29

Amend sec. 1, (sec. 602), page 64, lines 5 to 7, by striking out the following: "No such permit" in line 5, all of line 6, and "prohibits amusements in licensed places" in line 7

On the question,

Will the House agree to the amendments?

Mr. HERBERT B. COHEN. Mr. Speaker, I make the same request of the gentleman from Beaver, Mr. Nagel. I don't know the nature of his amendments but I assure him if they are of the nature that the gentleman from Beaver usually submits, I assure him that they will have full and complete consideration by the committee.

Mr. NAGEL. Mr. Speaker and members of the House, I have offered these amendments in all sincerity in the hope that I may have them incorporated in this bill. However, I do not want to hold up the proceedings when we are trying to rush matters through. I will agree to withdraw these amendments since they have been read for the information of the House, and that they will have the careful consideration of the committee.

Mr. HERBERT B. COHEN. That I can assure him, Mr. Speaker.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 [The board shall have power to extend existing licenses granted under the act to which this is an amendment for such period of time as to it may appear proper and to provide for the payment of license fees for such period on the schedule of fees provided in this act in order to put into effect the system of staggered license dates provided for in this act and shall have power to determine such extensions in any licensing district at any time when arrangements have been completed and licenses issud in such district

In the event the board shall establish license districts in any of which the license year for a district shall begin prior to January first one thousand nine hundred and thirty-six all holders of hotel restaurant or club licenses in such districts shall file written applications with the board for licenses for the ensuing license year in accordance with board regulations and those to whom licenses are issued shall be given credit on the license fee for the ensuing license year for the unused portion of the license fee paid by such licensee for the year one thousand nine hundred and thirty-five In the event any licensee shall be refused a license by the board for the ensuing license year for the district in which his licensed place is located his license shall continue in force for the remainder of the calendar year one thousand nine hundred and thirty-five unless revoked or suspended In the event that any person who at the time of the final enactment of this act is the holder of a hotel restaurant or a club liquor license shall fail to apply for a license at a time to be fixed by the board for the ensuing license year for the district in which such a licensed place may be located the holder of such license shall unless his license shall be revoked or suspended continue to operate until the expiration of the license year for which his license issued but shall not be eligible to apply for a license for such location until after the expiration of one year from the first day of January one thousand nine hundred and thirty-six] All amusement and entertainment permits issued under this act prior to the effective date of these amendments shall be effective for the remainder of the license year for which issued (unless sooner revoked) if the increased permit fees provided for by these amendments shall be paid to the board before July first one thousand nine hundred and thirty-seven If such increased permit fees are not so paid such permits shall expire on June thirtieth one thousand nine hundred and thirty-seven The increased permit fees so payable shall be determined as follows The permit fee fixed by this act for a yearly amusement or entertainment permit shall be divided by twelve and one-twelfth of the total yearly permit fee shall be due and payable for each and every month of the remainder of the license year commencing with the month of July one thousand nine hundred and thirty-seven less a credit against each such monthly fee of two dollars and eight and one-third cents ($2.08 1/3) theretofore paid by the permittee prior to the commenceemnt of the license year

An Act to re-enact and further amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district atorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing additional filing fees and increasing fees for certain permits and providing for the disposition thereof further regulating the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the jurisdiction of courts and local option procedure prohibiting certain interlocking business and providing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Boards for the purpose of further study and amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2506, (Senate Bill No. 343), entitled:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P L 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board Quarter Sessions Court district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licensees application for licenses and sales by licensees and fixing fees for amusement permits regulating the granting suspension revocation and transfer of licenses and the procedure therefor and conferring jurisdiction on certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the disposition of application license permit fees forfeitures and penalties and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as re-enacted and amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1217) are hereby re-enacted and further amended to read as follows

An Act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon [county treasurers] the Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt or brewed beverage" means any beer lager beer ale porter or similar fermented malt [liquor] or brewed beverage containing one-half of one per centum or more of alcohol by volume by whatever name such [liquors] malt or brewed beverage may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons holding licenses issued by the board to engage in the manufacture [bottling] transportation and sale of malt or brewed beverages also all persons engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States outside the Commonwealth of Pennsylvania

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the re-sale of malt or brewed beverages except to importing distributors and distributors in the original sealed [packages] containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than seventy-two fluid ounces

(e) The term "importing [distributors] distributor" means and includes persons licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers and importing distributors under this act and the resale of malt or brewed beverages in the original sealed [packages] containers as prepared for the market by the manufacterer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than seventy-two fluid ounces

(f) The term ["retailer" means and includes persons licensed by the treasurer to engage in the retail sale of malt or brewed beverages classified and defined as follows] "retail dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee with the privilege of selling malt or brewed beverages in quantities not in excess of seventy-two fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof or to be delivered by the licensee

(g) The term "original containers" means and includes bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(h) The term "license" means and includes both the person making the aplication therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(i) "Eating place" means a premise where food is regularly and customarily prepared and sold having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accomodating thirty persons at one time

(j) ["Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired] "Club" means any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of malt and brewed beverages shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse or quarters for the use of members Contin-

uous existence must be proven by satisfactory evidence The board shall refuse to grant a license if it appears that the charter is not in possession of the original incorporators or their direct and legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board may prescribe

(k) "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(l) As used in this act the singular shall include the plural and the masculine gender shal linclude the feminine and neuter

(m) The term "manufacture" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(n) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accomodations and meals and which in a city has at least [eight] ten and in any other place at least [four] six permanent bedrooms for the use of guests and a public dining room or [eating place] rooms operated by the same management accomodating at least thirty persons at one time and a kitchen apart from the public dining room or [eating place] rooms in which food is regularly prepared for the public

(o) The term "sale" or "sell" shall include any transfer of malt or brewed beverages for a consideration

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold any malt or brewed beverages unless such persons holds a valid retail dispenser license issued under this act [by the treasurer] or a valid license issued under any other act authorizing the sale of spiritous and vinous liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another except as herein otherwise provided in the case of retail dispensers or as may be otherwise authorized by law any malt or brewed beverages not for consumption upon the premises where sold unless such person holds a valid license issued under this act permitting such sale

Section 5 Manufacturers' Distributors' and Importing Distributors' Licenses

(a) It shall be unlawful for any person to manufacture malt or brewed beverages unless such person holds a valid manufacturer's license issued by the board The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a manufacturer's license to produce and manufacture malt or brewed beverages and to transport sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original [packages] containers in quantities of not less than seventy-two fluid ounces anywhere within the Commonwealth Each individual applicant for manufacturer's license and in the case of partnerships and associations each member thereof shall be a citizen of the United States and have been residents of this Commonwealth at least two years prior to the date of their respective applications In the case of corporations organized or registered under the laws of this Commonwealth it must appear that all of the officers and directors and the owners of at least fifty-one per centum of the capital stock of the corporations are citizens of the United States and have for a period of at least two years prior to the date of application been residents of this Commonwealth Licenses for places of storage shall be limited to those maintained by manufacturers on July 18 1935 and thereafter the board shall issue no licenses for places of storage in addition to those maintained on July 18 1935 The application for such license shall be in such form and contain such information as the board shall require All such licenses shall be granted for the calendar year Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof

(b) The board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter requird a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages not for consumption on the premises where sold and in quantities of not less than seventy-two fluid ounces and in original [packages] containers as prepared for the market by the manufacturer at the place of manufacture Such licenses shall be issued only to reputable individuals partnerships and associations who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporations are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than seventy-two fluid ounces anywhere within the Commonwealth of Pennsylvania which in the case of distributors have been purchased only from persons licensed under this act as manufacturers or importing distributors and in the case of importing distributors have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from [persons] manufacturers or importing distributors licensed under this act

Section 6 Malt and Brewed Beverages [Retailers'] Retail Licenses

(a) Subject to the restrictions hereinafter provided [the treasurer shall issue to a person who conducts a reputable hotel or any reputable incorporated club or a reputable bona fide eating place where food is regularly and customarily prepared and sold and who makes application upon a form as hereinafter prescribed pays the license fees hereinafter prescribed and files the bond hereinafter required a retail dispensers license for such place] in this act and upon being satisfied of the truth of

the statements in the application that the premises and the applicant meet all the requirements of this act and the regulations of the board that the applicant seeks a license for a reputable hotel eating place or club as defined in this act the board shall in the case of a hotel or eating place grant and issue and in the case of a club may in its absolute discretion grant and issue to the applicant a retail dispenser's license

[Such] In the case of hotels and eating places license shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania all of whose officers and directors are citizens of the United States In the case of incorporated clubs licenses shall be issued only to those incorporated under the laws of Pennsylvania

No retail dispensers license shall be granted in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt or brewed beverages may be sold for consumption on the premises where sold

(b) In the case of any new license or the transfer of any license to a new location the board shall in its discretion grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil The board shall not issue new licenses except as herein otherwise provided in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the application therefor is filed at least thirty days before the effective date of the license Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post for a period of at least fifteen days beginning with the day the application is filed with the board in a conspicuous place on the outside of the premises for which the license is applied a notice of such application in such form of such size and containing such provisions as the board may require by its regulations Proof of the posting of such notice shall be filed with the board

Section 7 License Hearings Appeals from Refusal of Licenses The board may of its own motion and shall upon the written request of any applicant for license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application Such hearing shall be before the board a member thereof or an examiner designated by the board At such hearing the board shall present it reasons for its refusal or withholding of license renewal or transfer thereof The applicant may appear in person or by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board Such hearing shall be stenographically recorded The examiner shall thereafter report to the board upon such hearing The board shall thereupon grant or refuse the license renewal or transfer thereof If the board shall refuse such license renewal or transfer following such hearing notice in writing of such refusal shall be mailed to the applicant at the address given in his application In all such cases the board shall file of record of at least a brief statement in the form of an opinion of the reasons for the ruling or any order Any person aggrieved by the refusal of the board [or treasurer] to issue renew or transfer a license may appeal to the Court of Quarter Sessions of the county in which the premises applied for are located within twenty days of date of refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board [or treasurer] [whereupon] [a hearing shall be held upon said petition by the court upon thirty days' notice to the board or treasurer which shall be represented in the proceeding by the Department of Justice or the district attorney as the case may be At said hearing testimony may be presented by the applicant and the board or treasurer after the consideration of which The court shall hear the application de novo at such time as it shall fix of which notice shall be given to the board The court shall either sustain the refusal of the board [or treasurer] or order an issuance of the license to the applicant There shall be no further appeal any appeal shall act as a superseadeas unless upon sufficient cause shown the court shall determine otherwise

Section 8 Public Service Licenses The board may issue public service malt and brewed beverage licenses to a railroad pullman or steamship company permitting malt or brewed beverages to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited Such licenses shall only be granted to reputable persons and for fit places The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated The board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee Any person aggrieved by the decision of the board in refusing suspending or revoking any such license [may within twenty days thereafter appeal to the Court of Common Pleas of Dauphin County which shall fix a time for hearing of which notice shall be given to the board as the court may provide The court shall hear the appeal de novo and shall make such order affirming modifying or reversing the order of the board as to it shall appear just The action of the court shall be final] may appeal to the Court of Quarter Sessions of Dauphin County in the same manner as provided in this act for appeals from refusals of license

Section 9 License Year Mercantile License Exemption

(a) Licenses issued under this act to distributors importing distributors and retail dispensers [licensees] shall unless revoked in the manner provided in this act be valid for the license year which [in the case of retail dispensers shall begin on the first day of June of each year and in the case of distributors and importing distributors shall be for such license year as] may be established by the board for the particular license district in which the license issues [Retail dispenser's licenses may be issued at any time during the license year]

(b) Licenses issued under this act to manufacturers and public service companies shall unless revoked in the manner provided in thi act be valid for the calendar year for which they are issued Licenses to manufacturers and public service companies may be issued at any time during a calendar year

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt or brewed beverages and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt or brewed beverages from his gross income from all sources in making his returns for mercantile license tax purposes

Section 10 Filing of Applications for Distributors' Importing Distributors' and [Retailer's] Retail Dispensers' Licenses Every person intending to apply for a distributor's license as aforesaid in any municipality or township of this Commonwealth shall file with the board [or treasurer as the case may be] his or its application [In the case of distributors and importing distributors] All such applications shall be filed at a time to be fixed

by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act The applicant shall at the time of filing the application and bond pay said board [or treasurer as the case may be] the filing fee of ten dollars as specified in this act

Section 11 Application for Distributors' Importing Distributors' and [Retailers'] Retail Dispensers' Licenses Application for distributors' importing distributors' and [retailers] retail dispensers' licenses shall contain the following information and statements

(a) The name and residence of the applicant and how long he has resided there and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application

(b) The particular place for which the license is desired and a detailed description thereof

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director if the application is for a distributor's importing distributor's or retail dispensers license and the applicant therefor is a corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that at least fifty-one per centum of the capital stock of the corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of all stockholders

(d) Name of owner of premises and his residence

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter permitted

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter permitted

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof

(h) A full description of that portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution of malt or brewed beverages a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location and such additional information as the board may require

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The [treasurer] board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club or if incorporated it was not incorporated in Pennsylvania

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt or brewed beverages are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe that each and all the statements contained in the petition are true and they therefore believe that the application should be granted and that the license should issue

The application must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of the crime of perjury A license shall not be granted by the board [or treasurer as the case may be] unless the application contains the information herein required and the premises meet such reasonable sanitary requirements as the board by regulation shall prescribe

Section 12 Prohibitions Against the Grant of Licenses

(a) Any retail dispenser may be granted licenses to maintain operate or conduct any number of places for the sale of malt or brewed beverages but a separate license must be secured for each place where malt or brewed beverages are sold

(b) No person shall possess or be issued more than one distributor's importing distributor' license no person shall possess or be issued more than one class of license No distributor [or] or importing distributor shall maintain or operate any place where sales are made other than for which the license is granted No distributor [or] or importing distributor shall maintain any place for the storage of malt or brewed beverages except in the same municipality or township in which the licensed premises is located and unless the same has been approved by the board In the event there is no place of cold storage in the same municipality or township the board may approve for an importing distributor or distributor a place of cold storage in the nearest municipalit yor township No distributor's [or] importing distributor's or package retailer's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor or malt or brewed beverages

(c) Licenses shall be granted by the board [or treasurer] only to reputable individuals or to associations partnerships and corporations whose members or officers and directors are reputable individuals

A retail dispenser license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident of the county wherein his place of business is or is to be located

No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or any of the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any manufacturer's importing distributor's distributor's or retail dispensers license nor shall such a person have any interest directly or indirectly in any such license

Section 13 Revocation and Suspension of Licenses

(a) After a license has been granted by the treasurer upon petition of the Attorney General the board the treasurer the district attorney or fifteen or more taxpayers residents of the ward borough or township where the place of business is located to the Court of Quarter Sessions and upon sufficient cause being shown or proof being made to the court that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of malt or brewed beverages or relating to the manufacture sale or transportation of alcohol or other alcoholic beverages it may upon due notice and proper hearing being given to the person so licensed suspend or revoke the said retail license issued by the treasurer The court shall assess or remit the costs in its discretion

Any licensee whose retail license is revoked shall be ineligible to have a license or permit under this act or

under another act relating to the manufacture sale or distribution of malt liquor or other alcoholic liquors until the expiration of three years from the date his license was revoked

(b) The board upon sufficient cause being shown or proof being made that any licensee holding a license issued by the board or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the manufacture sale possession or transportation of male or brewed beverages alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed suspend or revoke the license issued by the board under the provisions of this act In all cases where the board shall suspend or revoke a license it shall set forth its finding of fact the evidence from which such findings of fact are made and the reasons upon which its action is based Any licensee whose license is revoked by the board shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any person aggrieved by the suspension or revocation of a license issued by the board under this act may within twenty days after such suspension or revocation appeal to the Court of Quarter Sessions of the county in which the premises in which said license was conducted are located Such appeal shall be upon the petition of the person aggrieved who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court after ten days notice to the board which shall be represented in the proceedings by the Department of Justice At such hearing testimony may be presented by the applicant and the board after the consideration of which the court shall either sustain the suspension or revocation of the license modify or reverse the order of the board In all such cases of appeal the Court of Quarter Sessions shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order

(c) Any person aggrieved by the action of the Court of Quarter Sessions shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence presented to it The action of the Superior Court shall be final] Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulations of the board adopted pursuant to such laws or any violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor or malt or brewed beverages by any licensee his officers servants agents or employes or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within the said year In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the Court of Quarter Sessions in the same manner as herein provided for appeals from refusals to grant licenses In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of a manufacturer the offer in compromise shall be at the rate of one hundred dollars ($100) for each day of suspension in the case of an importing distributor thirty dollars ($30) and a distributor twenty dollars ($20) for each day of suspension and in the case of a retail dispenser or transporter for hire ten dollars ($10) for each day of suspension No offer in compromise may be accepted by the board in those cases wheer the suspension is for a period in excess of one hundred days

Section 14 Licenses Not Assignable Transfers

(a) Licenses issued under this act may not be assigned The board upon payment of the transfer filing fee and the execution of a new board [or treasurer as the case may be] is hereby authorized to transfer any license issued by it [or him] from one person to another or from one place to another or both within the same municipality or township as the board [or treasurer] may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally nor except as herein provided to a place as to which a license has been revoked [within one year of the date of application] Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the board [or treasurer] may determine such circumstances to justify its [or his] action transfers of licenses may be made only at times fixed by the board [or the treasurer] In the case of the death of a licensee the board may trnsfer the license to the surviving spouse or personal representative or to a person designated by him From any refusal to grant a transfer the person aggreived shall have the right to appeal to the Court of Quarter Sessions of the county in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses

(b) In the event that any person to whom a license shall have been issued under the [terms] provisions of this act by the board shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action [or shall have a receiver appointed by any court whether by voluntary or involuntary action] the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In all such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 15 Applications for Transfers Fee Every applicant for a transfer of a license shall file a written ap-

plication together with a filing fee of ten dollars with the board [or treasurer as the case may be] in such form as the board [or treasurer] shall prescribe and at such time as the board [or treasurer] shall fix and shall also file a bond as required on original applications for license

Whenever any license is transferred no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year except the filing fee of ten dollars ($10)

Section 16 Renewal of Licenses [All applicants for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter Unless within one month of the date of filing of such application for renewal the applicant shall have been notified by the board or treasurer as the case may be of objections to the granting thereof filed by persons authorized so to do upon the payment of the license fee and the filing of a bond as in the case of an original application for license the board or treasurer shall issue such renewal of license Objections to the granting of the renewal of the license shall be limited to those filed by persons authorized to file petitions for the revocation or suspension of licenses as provided in section thirteen hereof] All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless the applicant shall have been formally notified by the board of objections to the renewal of his license based upon the violation by the licensee or his servants agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act or the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new bond and shall pay the requisite filing fee and license fee specified in this act

(c) In case where a licensee or his servants agents or employes are arrested charged with violating any of the laws of this Commowealth relating to liquor alcohol or malt or brewed beverages and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board the board may in its discretion renew the license notwithstanding such alleged violations but such renewal license may be revoked by the board in the manner herein provided for the revocation of licensee if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no license shall authorize sales until this section has been complied with

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor importing distributor or [retailer] retail dispenser or to any railroad pullman or steamship company until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed Bonds of all applicants except manufacturer's shall have sufficient sureties either personal or as surety a surety company authorized to do business in this Commonwealth or shall have deposited therewith as collateral security cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds In all cases where cash or securities in lieu of other surety have been deposited with the board the depositor shall be permitted to continue the same deposit from year to year on each renewal of license but in no event shall he be permitted to withdraw his deposit during the time he holds said license or until six months after the expiration of the license held by him or while revocation proceedings are pending against such license All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board After notice from the board that such a bond has been forfeited the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond and when securities have been deposited with such a bond the State Treasurer shall set at private sale at not less than the prevailing market price any such securities so deposited as collateral with any such forfeited bond The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities except that if the amount so realized after deducting proper costs and expenses is in excess of the penal amount of the bond such excess shall be paid over by him to the obligor on such forfeited bond Bonds with personal surety shall be executed by not less nor more than two individuals as sureties each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2000) or more Bonds of manufacturers shall have as surety a surety company authorized to do business in this Commonwealth Such bonds shall not be accepted until approved by the board [or treasurer as the case may be] All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to [the] alcohol alcoholic liquors and malt or brewed beverages and the regulations of the board [the manufacture sale possession or transportation of malt or brewed beverages or alcohol or any other alcoholic beverages] All bonds shall be filed with and retained by the board [or treasurer as the case may be] The penal sum of bonds filed by the manufacturers shall be ten thousand dollars ($10,000) for each place at which the licensee is authorized to manufacture The penal sum of bonds filed by distributors shall be one thousand dollars ($1,000) and for importing distributors two thousand dollars ($2,000) The penal sum of bonds filed by all other licensees shall be one thousand dollars ($1,000) for each place at which the licensee is authorized to sell malt or brewed beverages except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand dollars ($1,000) irrespective of the number of licensed cars or ships operated by such companies Every such bond may be forfeited when a license is revoked and shall be turned over to [the district attorney or] the Attorney General [as the case may be to be sued out] for collection if and when the licensee's license shall have been revoked and his bond forfeited as herein provided

Section 19 License Fees Distribution of Revenues No license shall be issued to any manufacturer distributor importing distributor or retail dispenser and no public service licenses shall be issued until the licensee shall have first paid an annual license fee [for such grant] as follows

(a) In the case of a manufacturer the license fee shall be one thousand dollars ($1,000) for each place of manufacture and shall be paid to the board The fee for all such licenses when applied for and issued on or after April 1 but prior to July 1 shall be three-fourths of the annual fee July 1 but prior to October 1 shall be one half of the annual fee October 1 but prior to January 1 shall be one quarter of the annual fee

(b) In the case of a distributor the license fee shall be four hundred dollars ($400.00) and shall be paid to the board

(c) In the case of an importing distributor the license fee shall be nine hundred dollars ($900.00) and shall be paid to the board

(d) In the case of a retail dispenser except clubs the license fee shall be graduated according to the population of the municipal unit or township in which the place of business is located and shall be paid to the [treasurer] board as follows

		[Retail] [Dispenser]
[(a)]	(1) Less than 10,000	$100
[(b)]	(2) 10,000 and more but less than 50,000	150
[(c)]	(3) 50,000 and more but less than 100,000	200
[(d)]	(4) 100,000 and more but less than 150,000	250
[(e)]	(5) 150,000 and more	300

(e) In the case of [an incorporated] a club the fee shall be twenty-five dollars in all cases and shall be paid to the [treasurer] board

[(f)] (f) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board

[(g)] (g) In the case of a public service license for the sale of malt or brewed beverages on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board

[(h)] (h) The fee for filing applications for licenses and for renewals shall be ten dollars which together with fees for transfers shall be paid to the board [or treasurer issuing the licenses]

[(i)] (i) The license fees fixed by this section shall be paid before the license or renewal is issued

[(j)] (j) The license fees for manufacturers distributors importing distributors and public service licenses and all filing fees for such licenses and all permit fees forfeitures and compromise penalties collected received or recovered under the provisions of this act shall be transmitted to the State Treasurer by the Board and shall be paid into the State Stores Fund Fees paid for retail dispensers licenses shall be paid into the State Treasury through the Department of Revenue into the special fund known as the "Liquor License Fund" The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the [treasurer] board to the municipalities and townships in which the licensed places are located in such amounts as represent the aggregate license fees collected from retail dispenser licensees in such municipalities and townships during the preceding period [Filing fees collected by the treasurer shall be for the use of the county]

(k) The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and townships the board shall have the authority to deduct from the next semi-annual payment to the respective municipalities and townships the amount of any over-payment previously refunded by the board to any person on account of an over-charge or over-payment on a license fee

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board nor in quantities of less than seventy-two fluid ounces nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken

Section 21 Sales by Distributors and Importing Distributors No distributor or importing distributor shall purchase receive or resell any malt or brewed beveages except in the original containers as pepared for the market by the manufacturer at the place of manufacture No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than seventy-two fluid ounces Provided That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor or in any place provided for such purpose by such distributor or importing distributor

Section 22 Sales by [Retailers] Retail Dispensers

(a) No [retailer] retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed Provided however That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of seventy-two fluid ounces and provided further That no club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club

No [retailer] retail dispenser shall sell any malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a retail dispenser [licensee] from selling malt or brewed beverages in a hotel or club house in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same

(b) The board may with the approval of the Governor temporarily close all licensed premises within any municipality or township during any period of emergency proclaimed to be such by the Governor

Section 23 Unlawful Acts It Shall be Unlawful

[(a)] (1) For any manufacturer or the servants agents or employes of the same to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday or for any distributor or importing distributor or the servants agents or employes of the same to sell transport trade or barter in malt or brewed beverages between the hours of nine o'clock post meridian of any Saturday and two o'clock ante meridian of the following Monday

[(b)] (II) For any hotel [restaurant] or eating place holding a retail dispenser's license or public service licensee or the servants agents or employes of such licensees to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock ante meridian and seven o'clock ante-meridian of any week day

[(c)] (III) For any licensee or his servants agents or employes to sell furnish or give any malt or brewed beverages to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

[(d)] (IV) For any hotel [restaurant] or eating place holding a retail dispenser's license or public service licensee or his servants agents or employes to sell furnish or give any malt or brewed beverages to any person after two o'clock ante meridian or until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

[(e)] (V) For any licensee or his servants agents or employes to sell or offer to sell or purchase or receive any malt or brewed beverages except for cash excepting credits extended by a hotel or club to bona fide registered guests or members No rights of action shall exist to collect any claims for credit extended contrary to the provisions of

this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for [packages or] original containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on such containers when title is retained by the vendor if such containers [or packages] have been returned to the manufacturer distributor importing distributor or other vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth provided however that as to all transactions affecting malt or brewed beverages to be resold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces

[(f)] (VI) For any licensee or his servants agents or employes to sell offer to sell or furnish any malt or brewed beverage to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

[(g)] (VII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or For any licensee or his servants agents or employes except a manufacturer on his own premises to hereafter lease purchase or receive for display or to [advertise] display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part any advertisement whatsoever relating to malt or brewed beverages [by trade name trademark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any beverage] unless the actual value of such [advertising device] advertisement shall be not more than [seventy-five dollars ($75.00)] twenty-five dollars ($25.00) No sign or advertisement furnished leased or sold by any manufacturer importing distributor or distributor shall contain any thing except the trade name trade mark or place of manufacture of the malt or brewed beverage manufactured or sold by him

[(h)] (VIII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or for any other licensee or his servants agents or employes to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular malt or brewed beverage or the manufacturer producer or place of manufacture or production of any malt or brewed beverage unless the actual value of such advertising device including all displays in connection therewith shall not exceed ten dollars ($10) It shall be unlawful for any licensee to display or permit to be displayed any window advertising except in accordance with the regulations of the board

[(i)] (IX) For any licensee or his servants agents or employes to advertise or hold out for sale any malt or brewed beverage by trade name or other designation which would indicate the manufacturer or place of production of the said malt or brewed beverage unless he shall actually have on hand and for sale a sufficient quantity of the particular malt or brewed beverage so advertised to meet requirements to be normally expected as a result of such advertisement or offer

[(j)] (X) For any retail dispenser or his servants agents or employes to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

[(k)] (XI) For any licensee or his [or its] servants agents or employes to transport sell deliver or purchase any malt or brewed beverage upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverages was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

[(l)] (XII) For any [retail] licensee his servants agents or employes [except clubs] to permit in any licensed premises dancing theatricals floor show or moving picture exhibitions of any sort unless the licensee shall have first received from the board a special permit to provide such entertainment or for any retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The board shall have power to provide for the issue of such special permits and to require a fee [of twenty-five dollars] for permits [authorizing theatricals floor shows or moving picture exhibitions] equal to one-fifth of the annual license fee but not less than twenty-five dollars All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places Any violation of this clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his license

[(m)] (XIII) for any distributor or importing distributor or his servants agents or employes without the approval of the board and then only in accordance with board regulations to engage [on the licensed premises] in any other business whatsoever except the business of distributing malt or brewed beverages [or non-intoxicating beverages]

[(n)] (XIV) For any distributor importing distributor or retail dispenser or his servants agents or employes to have in his possession or to permit the storage of on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises [of] any spirituous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages

[(o)] (XV) For any licensee or his servants agents or employes except a manufacturer to manufacture import sell transport store trade or barter in any spirituous vinous or other alcoholic liquors or alcohol except malt or brewed beverages

[(p)] (XVI) For any licensee or his servants agents or employes to issue publish or post or cause to be issued published or posted any advertisement of [a] malt or brewed beverages including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

[(q)] (XVII) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substntial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

[(r)] (XVIII) For any licensee or his servants agents

or employes to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties of nominal value which the board shall define

[(s)] (XIX) For any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages or any other commodity manufactured or sold by the licensee

[(t)] (XX) For any importing distributor distributor retail dispenser or his servants agents or employes to fail to keep on the licensed premises for a period of at least two years such complete and truthful records as the board may prescribe covering the operation of his licensed business and particularly showing the date of all purchases of malt or brewed beverages the actual price paid therefor and the name of the vendor or for any licensee his servants agents or employes to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

[(u)] (XXI) For any licensee or his servants agents or employes to refuse the board or any of its authorized employes the right to completely inspect the entire licensd premises at any time during which the premises are open for the transaction of business

[(v)] (XXII) For any retail dispenser or his servants agents or employes to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

[(w)] (XXIII) for any person to hawk or peddle malt or brewed beverages

[(x)] (XXIV) For any licensee or his servants agents or employes to be directly or indirectly employed by any person engaged in the manufacture storage transportation or sale of spirituous or vinous liquors alcohol or malt or brewed beverages

[(y)] (XXV) For any licensee or his servants agents or employes to knowingly sell any malt or brewed beverages to any person engaged in the business of illegally selling liquor or malt or brewed beverages

[(z)] (XXVI) For any person to transport within or import any malt or brewed beverages into this Commonwealth except in accordance with the rules and regulations of the board or for any person to transport malt or brewed beverages into or within this Commonwealth unless there shall be affixed to the original containers in which such malt or brewed beverages are transported stamps or crowns evidencing the payment of the malt liquor tax to the Commonwealth Provided however That this clause shall not be construed to prohibit transportation of malt or brewed beverages through this Commonwealth and not for delivery therein if such transporting is done in accordance with the rules and regulations of the board

(XXVII) For any manufacturer importing distributor or distributor or his servants agents or employes except with board approval to deliver or transport any malt or brewed beverages in any vehicle in which any other commodity is being transported

(XXVIII) For any importing distributor distributor or retail dispenser or the servants agents or employes of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell malt or brewed beverages except in the interior of the licensed premises where the display cannot be seen from the outside the price at which malt or brewed beverages will be sold by him

XXXIX For any retail dispenser to employ any minor or to permit any minor to render any service whatsoever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth.

XXX For any licensee his servants agents or employes to cash payroll checks except in accordance with board regulations.

XXXI For any retail dispenser his servants agents or employes to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith except minors accompanied by parents guardians or under proper supervision.

XXXII For any licensee his servants agents or employes to give furnish trade barter serve or deliver any malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling malt or brewed bverags.

XXXIII For any club retail dispenser or its servants agents or employes to sell malt or brewed beverages between the hours of three o'clock ante meridian and seven o'clock ante meridian on any day.

XXXIV For any importing distributor or distributor engaged in the sale of products other than malt or brewed beverages to fail to keep such complete separate records covering in every respect his transactions in malt or brewed beverages as the board shall by regulation require.

XXXV For any licensee or any officer director stockholder servant agent or employe of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to importing distributors distributors or retail dispensers licensed under this act or to hotel restaurant or club licensees licensed under any other act of this Commonwealth relating to liquors or malt or brewed beverages provided however that the provisions of this subsection shall not apply to such a conflicting interest if it has existed for a period of not less than three years prior to January first one thousand nine hundred and thirty-seven and the board shall approve

XXXVI For any importing distributor or distributor to sell or deliver any malt or brewed beverages after the hour of seven o'clock post meridian of any day on which they may legally sell malt or brewed beverages except that on Saturdays and days preceding National holidays sales and deliveries may be made until nine o'clock post meridian.

Section 24 Things of Value Not to Be Offered It shall be unlawful for any person licensed to sell malt or brewed beverages or his servants agents or employes to offer or give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt or brewed beverages or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of such malt or brewed beverages or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof.

Section 25 Unlawful to Fortify Adulterate or Contaminate Malt or Brewed Beverages It shall be unlawful to fortify adulterate contaminate or in any wise to changes the character of purity of the malt or brewed beverages from that as originally marketed by the manufacturer at the place of manufacture.

Section 26 Transportation in Original Packages It shall be unlawful for any [licensee or transporter for hire] person to transport any malt or brewed beverages except in the original containers It shall be unlawful for any [transporter for hire] person to transport for another any malt or brewed beverages within this Commonwealth unless such [transporter] person shall hold a permit issued by the board and shall have paid to the board such permit fee not exceeding one hundred dollars and shall have filed with the board a bond in the penal sum of not more than two thousand dollars as may be fixed by the rules and regulations of the board any other law to the contrary notwithstanding.

Section 27 Delivery Vehicles to Bear Name and Adress of [Distributor Importing Distributor or Manufacturer]

Licensee It shall be unlawful of a [manufacturer importing distributor or distributor] licensee to deliver or transport any malt or brewed beverages excepting in vehicles bearing the name and address and license number of such [distributor importing distributor or manufacturer] licensee painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

Section 28 Interlocking Business Prohibited

(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor importing distributor or retail dispenser or an officer director or stockholder or creditor of any distributor importing distributor or retail dispenser or not except as hereafter provided be the owner proprietor or lessor of any place [covered directly or indirectly by any distributor's importing distributor's malt or brewed beverages or liquor license] for which a license has been issued for any importing distributor distributor or retail dispenser under this act or for which a hotel restaurant or club liquor license has been issued under any other act of this Commonwealth.

(b) No distributor or importing distributor and no officer or director of any distributor or importing distributor shall at the same time be a manufacturer [or] a retail dispenser or a liquor licensee or be an officer director stockholder or creditor of a manufacturer [or] a retail dispenser or a liquor licensee or directly or indirectly own any stock of or have any financial interest in or be the owner proprietor or lessor of any place covered by any other malt or brewed beverage or liquor license.

(c) No licensee licensed under this act and no officer or director of such licensee shall directly or indirectly own any stock of or have any financial interest in any other class of business licensed under this act.

(d) Excepting as hereinafter provided no manufacturer importing distributor or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage against the same for which a liquor or retail dispenser's license is granted nor shall a manufacturer importing distributor or distributor either directly or indirectly lend any moneys credit or equivalent thereof to or guarantee the payment of any bond mortgage not or other obligation of any liquor licensee or retail dispenser in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business operated under a liquor or retail dispenser's license excepting only the usual and customary credits allowed for returning [packages or] original containers in which malt or brewed beverages were packed for market by the manufacturer at the place of manufacture.

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a distributor's or importing distributor's license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or their equivalent to or guarantee the payment of any bond mortgage not or other obligation of any distributor or importing distributor in equipping fitting out or maintainng and conducting either in whole or in part an establishment or business where malt or brewed beverages are licensed for sale by a distributor or importing distributor excepting only the usual credits allowed for thereturn of [packages or] original containers in which malt or brewed beverages were originally [packages] packaged for the market by the manufacturer at the place of manufacture.

(f) No distributor importing distributor or retail dispenser shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any officer director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institution in which another licensee or any officer director or firm member of another licensee has substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establshment or business operated under a distributors importing distributor's or retail dispenser's license excepting only the usual and customary credits allowed for the return of [packages or] original containers in which malt or brewed beverages were [packed] packaged for the market by the manufacturer at the place of manufacture.

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or indirectly evade the provisions of this section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a distributor importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July 18 1935.

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth.

Section 29 Malt or Brewed Beverages Manufactured Outside This Commonwealth In addition to compliance with all other provisions of this act the board shall require each person desiring to sell any malt or brewed beverages manufactured outside this Commonwealth to Pennsylvania licensees and shall require each Pennsylvania licensee who desires to purchase and resell any such malt or brewed beverages to pay to the board the same fees as are required to be paid by Pennsylvania licensees or by persons or licensees in any state territory or country outside of Pennsylvania who desire to sell malt or brewed beverages manufactured in Pennsylvania to licensees in such other state territory or country of origin of such malt or brewed beverages not manufactured in Pennsylvania and to observe and comply with the same regulations prohibitions and restrictions as are required of or enforced against Pennsylvania licensees or persons who desire to purchase and resell malt or brewed beverages manufactured in Pennsylvania in such other state territory or country of origin In all cases where the board shall have issued any reciprocal regulations or orders concerning malt or brewed beverages manufactured in any state territory or country other than Pennsylvania No Pennsylvania licensee shall purchase any such malt or brewed beverages if their importation has been prohibited or if not entirely prohibited unless such regulations or orders have been observed and complied with by the Pennsylvania licensee and by the person from or through whom the Pennsylvania licensee desires to purchase Any malt or brewed beverages manufactured outside of Pennsylvania which are sold transported or possessed in Pennsylvania contrary to any such regulations or orders of the board or without the payment of the fees herein required shall be considered contraband and shall be confiscated by the board and disposed of in the manner as any other illegal liquor or malt or brewed beverages.

Upon learning of the commission by a manufacturer of malt or brewed beverages whose principal place of business is outside this Commonwealth or by any servant agent employe or representative of such manufacturer within or partly within and partly outside this Commonwealth of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulation of the board adopted pursuant thereto or of any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages the board shall cite such manufacturer to appear before it or its examiner not less than ten nor more than fifteen days from the date of mailing such manufacturer at his principal place of business wherever located by registered mail a notice to show cause why the further importation into this Commonwealth of malt or brewed beverages manufactured by him should not be prohibited Upon such hearing whether or not an appearance was made by such outside manufacturer if satisfied that any

such violation has occured the board is specifically empowered and directed to immediately issue an order prohibiting the importation of malt or brewed beverages manufactured by such manufacturer into this Commonwealth for a period of not less than six months nor more than three years Notice of such board action shall be given immediately to such manufacturer and to all persons licensed to import malt or brewed beverages within this Commonwealth by mailing a copy of such order to such manufacturer at its principal place of business wherever located and to such licensees at their licensed premises Thereafter it shall be unlawful for any person licensed to import malt or brewed beverages within this Commonwealth to purchase or sell any malt or brewed beverages manufactured by such outside manufacturer during the term of such prohibition Any violation of such prohibitory order shall be a misdemeanor and shall be punished in the same manner as herein provided for any other violation of this act and shall also constitute grounds for revocation or suspension of a license to import malt or brewed beverages In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order Any outside manufacturer aggrieved by the action of the board may appeal to the Quarter Sessions Court of Dauphin County in the same manner as herein provided for appeals from refusals to grant licenses

Section [29] 30 Penalty

(a) Any person copartnership association or corporation or any officer director servant employe or agent of any copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine [not exceeding] of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) and on failure to pay such fine to imprisonment for not less than one month nor more than three months for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine [not exceeding] of not less than three hundred dollars ($300) nor more than five hundred dollars ($500) [Any such person or the members agents servants or employes of any such partnership or association or the officers directors agents servants or employes of any such corporation responsible for any violation of any of the provisions of this act in addition to the fines hereinbefore prescribed may upon a first conviction be sentenced to imprisonment for a term not exceeding six months and upon a second or subsequent conviction] and shall be sentenced to imprisonment for a term of not less than three months nor more than one year

(b) Upon proof being made that the licensee or any servant agent or employe of such licensee under this act has violated any of the provisions of this act or regulations of the Board or any of the laws of the Commonwealth relating to liquor alcohol or malt or brewed beverages or the payment of tax thereon or the laws of the United States of America relating to the payment of tax on liquor alcohol or malt or brewed beverages the board[or the Court of Quarter Sessions of the proper county as the case may be] may in its discretion revoke or suspend any license issued under this act to any such licensee The right to suspend or revoke licenses as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this section

Section (30) 31 Nuisance

(a) Any room house building boat vehicle structure or place where malt or brewed beverages are manufactured sold transported offered for sale bartered or furnished in violation of this act and all such beverages and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided by this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General [of the State] or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no beverage shall be manufactured sold offered for sale transported bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which proceeding are instituted and conditioned that malt or brewed beverages will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section [31] 32 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of the primary election immediately preceding any municipal election to determine the will of the electors with respect to the granting of licenses to retail dispensers under the provision of this act Whenever electors equal to at least [ten] twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such licenses the said corporate authorities shall cause a question to be submitted at the primary immediately preceding the municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the of ?	Yes	
	No	

In case of a tie vote or if a majority of the persons voting on such question vote "yes" then malt and brewed beverages retail dispenser licenses shall be granted by the [treasurer] board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the [treasurer] board shall thereafter have no power to grant or to renew upon their expiration any retail dispenser's licenses in such municipality or township under the provisions of this act

No such licenses shall be granted under the provisions of this act as amended in any municipality or township

wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) and its amendments voted prior to the adoption of this amendment against the granting of retail [beverage] dispenser licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section [32A] 33 Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section [32B] 34 [(a) All licenses or permits issued to manufacturers and railroad pullman and steamship companies prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the first day of January one thousand nine hundred and thirty-six

(b) All licenses issued to distributors for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall be in force subject to adjustment as hereinafter provided for such period of a whole license year as the amount of license fee paid to the county treasurer bears to the amount of the license fee payable for a distributor's license under this act but no such license shall be deemed to expire prior to July first one thousand nine hundred and thirty-five notwithstanding the amount of the license fee paid The board shall have power without hearing to issue to the holders of such distributor's licenses new licenses under the provisions of this act to expire on the date fixed by the board as the expiration date of licenses in the district in which granted for which license a fee shall be paid equal to one-twelfth of the fee fixed by this act for each month such license is to be in force In fixing the expiration dates of existing licenses granted to distributors by county treasurers and the dates when licenses issued by the board shall become effective the board shall not divide any calendar month but shall have full discretion to adjust the time for which credit shall be given for the license fee paid to county treasurers except as above excepted

(c) Upon final enactment of this act the board is authorized to issue importing distributors' licenses to those who qualify without hearings for such period of time as the board determines will expire between such date and the beginning of the license year for the district in which the licensed place is located upon payment of a license fees at the schedule of rates herein set forth said fee to be determined on a monthly basis] All licenses heretofore granted by county treasurers for the license year ending May thirty-first one thousand nine hundred and thirty-seven and in force when this act becomes effective and all licenses and amusement permits granted by the board shall remain in full force and effect (unless sooner revoked) until the end of the license year for which issued and no additional license or permit fees shall be required to be paid by such licensees for such license year In the event that any county treasurer shall have received under the provisions of the act hereby re-enacted and amended from any person an application for the issuance or the renewal of a retail dispenser license together with a filing fee and or a license fee for such license which has become effective for the license year beginning June first one thousand nine hundred and thirty-seven Such license or renewal thereof issued by a county treasurer shall confer upon any person the right to sell malt or brewed beverages for the license year for which issued in the same manner and subject to the terms and conditions of this act as if issued under this act by the board The first licenses and amusement permits issued by the board under the provisions of this act shall be issued for license years or fractions thereof according to the license districts in which issued and applications for all such licenses and permits shall be filed at such time as may be specified by the board The board shall have power to grant the first licenses and permits under this act in any district for a period of one year or any period more or less than one year in order to provide a staggered system of license dates in the various districts and in such cases the fees for such license and amusement permits shall be one-twelfth of that fixed by this act multiplied by the number of months the first license or permit shall be effective

Section 35 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the board subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

On the question,

Will the House agree to the section?

Mr. VAN ALLSBURG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 32), page 64, line 29, by inserting after the word "act" the following: "Provided, however, where an election was heretofore held at the municipal election in any year another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election"

Amend sec. 1 (sec. 32), page 65, lines 3 and 4, by striking out with light-face brackets the words "corporate authorities of the municipality or township" and inserting in lieu thereof "county commissioners of the county"

Amend sec. 1 (sec. 32), page 65, line 6, striking out with light-face brackets the words "corporate authorities" and inserting in lieu thereof "county commissioners"

Amend sec. 1 (sec. 32), page 65, lines 8, 9 and 10, by striking out with light-face brackets the words "by certifying a resolution duly adopted to the county commissioners for submission of such question"

On the question,

Will the House agree to the amendments ?

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to compliment the gentleman from Erie, Mr. Van Allsburg, for his legislative astuteness. I think he has an amendment that requires a considerable amount of consideration, and I think it is quite an improvement on the bill as it is now drafted. I had nothing to do with the drafting of the bill and I do not wish to find fault with the individuals who did draft it, but I thing in the interest of saving time they did overlook a very important feature of the act to which Mr. Van Allsburg has called attention. In order to further expedite the matter I would suggest, if it meets with the approval of Mr. Van Allsburg, that the amendment be withdrawn and referred to the Committee on State Boards, to which this bill will be referred immediately after its passage on second reading .

Mr. VAN ALLSBURG. Mr. Speaker, under the circumstances I will withdraw the amendments, with the

understanding that they will be given careful consideration by the committee.

Mr. NAGEL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 42, line 5, by striking out with light-faced brackets "two o'clock ante meridian," and inserting in lieu thereof: "midnight"

Amend sec. 1, page 42, line 16, by striking out: "two o'clock ante meridian," and inserting in lieu thereof: "midnight"

Amend sec. 1, page 46, lines 9 and 10, by striking out with light-faced brackets: "unless the licensee shall have first received from the board a special permit to provide such entertainment"

Amend sec. 1, page 46, lines 12 to 20, by striking out the following: "re-" in line 12, all of lines 13 to 19, and "be paid into the State Stores Fund" in line 20.

Amend sec. 1, page 46, lines 25 to 27, by striking out the following: "No such" in line 25, all of line 26, and "dinance prohibits amusements in licensed places" in line 27

On the question,

Will the House agree to the amendments?

Mr. KANE. Mr. Speaker, I would like permission to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, if the bill is recommitted now to the Committee on State Boards, will there be an opportunity to offer amendments on the floor if the bill is reported back to the House?

Mr. HERBERT B. COHEN. Mr. Speaker, I might say that there will be. If all the legislative objectives of this House are not accomplished, the gentleman from McKean well knows that he can re-amend the bill on the floor of the House, even though it had passed second reading, and I wish to assure the gentleman from McKean that full consideration to all amendments that are submitted will be given by the the committee. Both bills are very important to the people of the Commonwealth of Pennsylvania, and the amendments that are put into the bill should be put in in consideration of all the sections rather than the particular section being amended. I wish to assure the gentleman from McKean that full consideration will be given to his amendments.

Mr. KANE. Mr. Speaker, I wish to thank the gentleman from York and to say that in view of his statement I for one will offer no amendments and will ask the other amenders to withdraw their amendments and to submit them to the committee.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from York whether we are correct in our understanding then that if this bill comes out of committee, and there are amendments offered on the floor by these gentlemen, their amendments not having been accepted by the committee, whether he is then willing to take the bill back to second reading in order that the amendments may be offered.

Mr. HERBERT B. COHEN. I didn't say that, Mr. Speaker. I did say that I believe the amendments are susceptible of being placed in the bill when it comes out on the floor of the House. The gentleman from Delaware, I know, is an experienced parliamentarian, and when the bill is up on third reading he knows the manner in which the bill can be amended, that it is possible with unanimous consent of the House to introduce amendments on third reading, and it is possible to gain that unanimous consent by majority vote.

Mr. TURNER. Mr. Speaker, it was for the very reason that I understood the parliamentary procedure that I was amazed at the statement of the gentleman from York, and I didn't know whether he was bleeding again or whether in that line of language he was simply beclouding the issue. I thought that the gentleman from McKean would understand that he would have to offer his amendments and get unanimous consent or would have to move to take the bill back, but in view of the fact that the gentleman from York had so frankly stated that opportunity would be given to offer amendments, I though we ought to have a clear understanding as to whether he meant he was going to allow the bill to be taken back to second reading, because that is the only way the amendments could be offered except by unanimous consent. So I am not correct in my understanding that the gentleman is going to take it back to second reading?

Mr. HERBERT B. COHEN. The gentleman is correct, Mr. Speaker. We can take it back to second reading unless the will of the House prevents. I dare say that the amendments that will be submitted will be acceptable to the House.

Mr. TURNER. Mr. Speaker, it hasn't so far. I thank the gentleman.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from York one more question.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would ask the gentleman from York whether or not as the matter now stands, if the bill goes back to the committee as planned, it will be necessary to have the unanimous consent of the House to offer any amendments when it is returned to the floor of the House?

Mr. HERBERT B. COHEN. Mr. Speaker, I would say that it would be necessary to have the will of the majority of the House to offer amendments on third reading. I, however, will assure the gentleman from McKean that I would not object to having the amendments read so that the merits of the amendments could be determined by the House.

Mr. KANE. Mr. Speaker, I would like to know whether the gentleman from York would have any objections to returning the bill to the committee before it passes second reading instead of afterwards so that it will not require unanimous consent to offer amendments? I do not believe it would delay the matter to have it sent back to the committee before it passes second reading. Would the gentleman be willing to return the bill to committee before it passes second reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I would say that our objective in sending it back to the committee after passing second reading is to save a legislative day.

I assure the gentleman from McKean and all of the members of the House that full consideration will be given to all amendments, and if those amendments which they submit are not placed in the bill when it appears on third reading, an opportunity will be given to have the amendments read and to have the will of the House in determining on those amendments. Permission will be given to the gentleman from McKean and all other members of the House.

Mr. KANE. Mr. Speaker, I will be very glad to accept the assurances of the gentleman on this point.

Mr. HERBERT B. COHEN. Mr. Speaker, I am going to request the gentleman from Beaver to withdraw the amendments that he has submitted so that they may be considered in committee. They are rather involved, and I think that the committee should have the benefit of the opportunity to study the entire bill and all the amendments.

Mr. NAGEL. Mr. Speaker, inasmuch as these amendments or at least the latter part of them are a strike-out, and inasmuch as I have noticed that very few members of the House were following the reading of them, I would imagine that very few members of this House know what is carried in them. Therefore, I would be willing to withdraw these amendments, provided I am given the privilege of discussing them, the time for which I assure you will not exceed one hour and a half.

The SPEAKER. With no time limit attached?

Mr. HERBERT B. COHEN. Mr. Speaker, I will be glad to accede to the request of the gentleman from Beaver.

The SPEAKER. The gentleman from Beaver, Mr. Nagel, withdraws his amendments.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that the amendments of the gentleman from Beaver have been withdrawn, and I further understand by a sidebar conference that the gentleman from Beaver desires to make a few remarks on these amendments. I would ask unanimous consent of the House for the gentleman from Beaver, Mr. Nagel, to make his remarks, which he assures me will not take more than three minutes.

The SPEAKER. The gentleman from York, Mr. Cohen, asks unanimous consent of the House to permit the gentleman from Beaver, Mr. Nagel, to speak for a period not exceeding three minutes on the amendments which he has submitted and which he has withdrawn. Are there objections? The Chair hears none and consent is granted.

Mr. NAGEL. Mr. Speaker, I rather hesitate to say that they are withdrawn, because I have not had much time on this matter of consent. However, I do appreciate this opportunity.

Early in the session I introduced two bills in this House, one of which would have taken care of these amendments in No. 341 and another bill would have put these amendments in No. 343. However, these bills have never come out of committee. The reason I want to bring these before you this evening is because the latter part of this amendment is a strike-out. It has to do with music, dances and entertainment in places where drink is served. I think this is not a thing that we as American people should do. I have had many requests and petitions, hundreds of letters from people in my own county congratulating me on the bills I have introduced covering these amendments. It is felt by these people that the grocery stores, drug stores and hardware dealers do not need music and entertainment to entice young people into their places of business in order to sell their goods. We are training our children in our schools, trying to build up their bodies, and giving them such things as hygiene, and giving them such things as vitamin tablets, and now this bill would permit them to go and be lured into places where they will become perhaps habitual users of alcoholic drinks which will be destructive to their bodies.

Now, I know the gentleman from York is a most honorable man, and he has never been know to make a promise that he has not fulfilled, and he has never been known, to my knowledge, to tell anything that is not the truth. Therefore, I ask that he use his influence to have these amendments placed in the bill.

On the question recurring,

Will the House agree to the Section?

It was agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 This act and the amendments thereto shall become effective immediately upon final enactment

Section 3 The act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled "A Supplement to the act approved the twenty-seventh day of March one thousand nine hundred and twenty-three (P. L. 34) entitled 'An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverages purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic liquor license laws' providing for the registering of Federal permits also regulating under permit through a Pennsylvania Alcohol Permit Board created in the Department of Welfare the manufacture production distillation development use in manufacture denaturization redistillation recovery reuse holding in bond holding in storage by bailees for hire sale at wholesale and transportation for hire of any alcohol or alcoholic liquid by certain persons also providing for fees and the disposition thereof also authorizing the inspection of the records of permittees and purchasers of said alcohol or alcoholic liquid also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" and the amendments thereto also the act of July ninth one thousand eight hundred and eighty-one (P. L. 162) entitled "An act to prohibit the granting of a license for the sale of liquors to proprietors lessees keepers or managers of theatres or other places of amusement" are hereby repealed in so far as the same relate to the manufacture and sale of malt and brewed beverages and malt liquors and in so far as the same are inconsistent with the provisions of this act relating to the transportation of malt or brewed beverages

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political sub-

divisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licensees application for licenses and sales by licensees and fixing fees for amusement permits regulating the granting suspension revocation and transfer of licenses and the procedure therefor and conferring jurisdiction on certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the disposition of application license permit fees forfeitures and penalties and providing penalties

And said bill having been read at leigth the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Boards for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2505, (House Bill No. 342), entitled:

An Act to re-enact and amend the act approved the nineteenth day of February one thousand nine hundred twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further regulating the manufacture sale use and traffic in alcohol and alcoholic liquids conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing filing fees changing the method of caculating certain license fees providing for the use of the word "license" instead of "permit" regulating and providing the procedure for the granting suspension and revocation of licenses and for compromises in certain cases providing for the disposition of fees compromise penalties and forefeitures regulating the jurisdiction of courts and providing penalties

And said bill having been read at leigth the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Boards for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2375, (Senate Bill No. 877), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections 201 202 206 207 209 214 709 and 2303 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the exectuive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive

Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies [and] Department of Revenue and Department of Public Assistance and by the following independent administrative boards and commissions Board of Game Commissioners Board of Fish Commissions and The Public Service Commission of the Commonwealth of Pennsylvania

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and of the Pennsylvania State Police

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State
State Employes' Retirement Board
In the Department of Justice
Board of Pardons
Board of Commissioners on Uniform State Laws
In the Treasury Department
Board of Finance and Revenue
In the Department of Internal Affairs
Board of Property
State Aeronautics Commission
In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Shildren
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopatic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Undertakers
State Board of Veterinary Medical Examiners
State Board of the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspector's Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers
In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
State Athletic Commission
In the Department of Banking
Board of License Private Bankers
Pennsylvania Securities Commission
In the Department of Agriculture
State Farm Products Show Commission
In the Department of Forests and Waters
Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
Anatomical Board
In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board
In the Department of Welfare
State Council for the Blind
Pennsylvania Alcohol Permit Board
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Cumberland Valley State Institution for Mental Defectives
Board of Trustees of Selinsgrove State Colony for Epileptics

In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Public Assistance
State Board of Public Assistance
All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 206 Department Heads Each administrative department shall have as its head an officer who shall either personally by deputy or by the duly authorized agent or employe of the department and subject at all times to the provisions of this act exercise the powers and perform the duties by law vested in and imposed upon the department

(a) The following officers shall be the heads of the administrative departments following their respective titles
Secretary of the Commonwealth of the Department of State
Attorney General of the Department of Justice
Auditor General of the Department of the Auditor General
State Treasurer of the Treasury Department
Secretary of Internal Affairs of the Department of Internal Affairs
Superintendent of Public Instruction of the Department of Public Instruction
Adjutant General of the Department of Military Affairs
Insurance Commissioner of the Insurance Department
Secretary of Banking of the Department of Banking
Secretary of Agriculture of the Department of Agriculture
Secretary of Forests and Waters of the Department of Forests and Waters
Secretary of Mines of the Department of Mines
Secretary of Highways of the Department of Highways
Secretary of Health of the Department of Health
Secretary of Labor and Industry of the Department of Labor and Industry
Secretary of Welfare of the Department of Welfare
Secretary of Property and Supplies of the Department of Property and Supplies
Secretary of Revenue of the Department of Revenue
Secretary of Public Assistance of the Department of Public Assistance

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Superintendent of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue the Secretary of Public Assistance and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 209 Compensation of the Governor Lieutenant Governor the Heads of Departments Annual salaries shall be payable in equal semi-monthly installments as follows
To the Governor eighteen thousand dollars
To the Lieutenant Governor eight thousand dollars
To the Secretary of the Commonwealth ten thousand dollars
To the Attorney General twelve thousand dollars
To the Auditor General twelve thousand dollars
To the State Treasurer twelve thousand dollars
To the Secretary of Internal Affairs ten thousand dollars
To the Superintendent of Public Instruction twelve thousand dollars
To the Adjutant General ten thousand dollars
To the Insurance Commissioner ten thousand dollars
To the Secretary of Banking ten thousand dollars
To the Secretary of Agriculture ten thousand dollars
To the Secretary of Forests and Waters ten thousand dollars
To the Secretary of Mines ten thousand dollars
To the Secretary of Highways twelve thousand dollars
To the Secretary of Health ten thousand dollars
To the Secretary of Labor and Industry ten thousand dollars
To the Secretary of Welfare ten thousand dollars
To the Secretary of Property and Supplies ten thousand dollars
To the Secretary of Revenue twelve thousand dollars
To the Secretary of Public Assistance ten thousand dollars

Neither the Governor Lieutenant Governor nor the head of any administrative department shall receive any additional compensation for any services rendered to the Commonwealth in any capacity

Section 214 Employment and Compensation of Directors Bureau Chiefs and other Employes [The] Except as otherwise provided in this act the heads of the several administrative departments except the Auditor General and State Treasurer and the independent administrative boards and commissions shall appoint and fix the compensation of such directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeeepers messengers and other assistants and employes as may be required for the proper conduct of the work of their respective departments boards or commissions Except as otherwise provided in this act the heads of the respective administrative departments shall appoint and fix the compensation of such clerks stenographers and other assistants as may be required for the proper conduct of the work of any departmental administrative bodies boards commissions or officers and of any advisory boards or commissions established in their respective departments

[The] Except as otherwise provided in this act the number and compensation of all employes appointed under this section shall be subject to approval by the Governor and after the Executive Board shall have fixed the standard compensation for any kind grade or class of service or employment the compensation of all persons in that kind grade or class appointed hereunder shall be fixed in accordance with such standard

Section 709 Executive Board [The] Subject to the provisions of this act the Executive Board shall have the power

(a) To standardize the qualifications for employment and all titles salaries and wages of persons employed by the administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the service is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments

other than the Department of the Auditor General and the Treasury Department and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given to approve or disapprove recommendations of department heads or of independent administrative boards or commissions for the bonding of officers or employes of their departments or members or officers or employes of departmental administrative boards or commissions or officers or employes of independent administrative boards or commissions to fix the amounts of the bonds of all such members officers or employes required to give bond and to require any bond or bonds to be executed by a surety or sureties even though the Commonwealth may have established its own indemnity fund as elsewhere in this act provided

(h) To approve or disapprove the establishment of branch offices outside of the Capital City by or for administrative departments boards or commissions

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth and State officers and employes arising out of the operation of State automobiles by such officers and employes

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies acting either on its own behalf or as purchasing agency for any other department except the Department of the Auditor General and the Treasury Department or for any board or commission and to make rules and regulations for the use of State automobiles by State officers and employes except the Department of the Auditor General and the Treasury Department

Section 2303 Supervisory Powers The Department of Welfare shall have supervision over

(a) All State institutions

(b) All supervised institutions as defined in this article

(c) All children's institutions within this Commonwealth

(d) All maternity homes and hospitals within this Commonwealth

[(e) The administration of any system provided by the Commonwealth for assistance to mothers]

[(f)] (e) Any labor or system of labor carried on in the penal correctional or reformatory institutions of the State

[(g)] (f) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves fire flood or other casualty and constituting a menace to public safety and welfare

[(h)] (g) All boarding homes for children which have been licensed by the State

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Welfare for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2311, (Senate Bill No. 809), entitled:

An Act to amend section three of Article twelve of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled, "An act for the better government of cities of the first class of this Commonwealth," by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments trusts and officers regulating commitments by officers and providing for the audit of firemen's pension funds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2400, (Senate Bill No. 1260), entitled:

An Act to amend section one thousand four hundred and thirty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation to be paid attendance officers and home and school visitors in school districts of the first class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2269 (Senate Bill No. 893), entitled:

An Act to amend the act approved the eighth day of June, one thousand nine hundred seven (Pamphlet Laws, four hundred ninety-six), entitled "An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," as amended and supplemented, by abolishing the Board of Commissioners of Navigation for the River Delaware and its navigable tribu-

taries, terminating the terms of the members thereof, and creating as successor to such board the Navigation Commission for the Delaware River, as a departmental administrative commission in the Department of Forests and Waters; transferring to such commission the records, employes, property and equipment of the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; providing that all licenses, orders, rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed, changed or modified by the Navigation Commission for the Delaware River; transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation; and providing fees and further conditions relative to licenses.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as supplemented by the act approved the ninth day of May one thousand nine hundred thirteen (Pamphlet Laws one hundred eighty-five) and the act approved the eight day of July one tthousand nine hundred nineteen (Pamphlet Laws seven hundred thirty-seven) as amended is hereby amended to read as follows

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there [shall be established a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries to consist] is hereby created a departmental administrative commission in the Department of Forests and Waters to be known as the Navigation Commission for the Delaware River and its navigable tributaries consisting of six members two to be appointed by the Governor one of whom shall be appointed from among the residents of the Chester and Marcus Hook areas two to be appointed by the Mayor of the City of Philadelphia one to be the Secretary of Forests and Waters who shall serve ex officio and one to be the Director of Wharves Docks and Ferries of the City of Philadelphia who shall serve ex officio [one of whom shall be the Director of the Department of Wharves Docks and Ferries for the City of Philadelphia who shall be the President thereof two of whom shall be appointed by the mayor of said cities from such commercial bodies as the councils of said cities may designate one of whom shall be elected by the council of the City of Chester and one of whom shall be elected by the burgess and council of the Borough of Bristol Their principal office shall be at the office of the President] The Governor shall designate one of the commissioners to be the president of the said commission The principal office of the commission shall be in the City of Philadelphia

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 8, by striking out at the beginning of the line the word "is" and inserting in lieu thereof the word "its"

Amend section 1, page 3, line 24 of the act by striking out the word "to" and inserting in lieu thereof: "of whom shall"

On the question,

Will the House agree to the amendments?

They were agreed to.

Mr. STOCKHAM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 1), page 3, line 18, by striking out the word "six" and inserting in lieu thereof: "seven"

Amend sec. 1 (sec. 1), page 3, line 19, by striking out the following: "two" and inserting in lieu thereof: "three"

Amend sec. 1 (sec. 1), page 3, line 19, by striking out the following: "one" and inserting in lieu thereof: "two"

Amend sec. 1 (sec. 1), page 3, lines 20 and 21, by striking out the following: "the Chester and Marcus Hook areas" and inserting in lieu thereof: "Delaware County and one of whom shall be appointed from among residents of Bucks County"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 That section two of the said act as supplemented is hereby amended to read as follows

Section 2 The [Board of Commissioners of Navigation] members of the Navigation Commission for the [River] Delaware River and its navigable tributaries hereinafter referred to as the Commissioners shall hold office for a term of four years and until their successors are appointed and qualified and may be re-eligible to office They shall serve without compensation but shall be reimbursed for necessary expenses A majority of the Commissioners appointed by the Governor and the Mayor of the City of Philadelphia shall constitute a quorum for the transaction of business

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, page 4, line 21, by striking out the word "re-eligible" and inserting in lieu thereof the following: "eligible for re-appointment"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 That section three of the said act as supplemented is hereby amended to read as follows

Section 3 The Commissioners shall [employ] have a secretary and such clerks as may be necessary to keep fair minutes and entries of all orders regulations and transactions of the said Commissioners in a book or books to be kept for that purpose and the said minutes and entries shall be submitted to the inspection of any per-

son or persons who shall desire to see and peruse the same and the said Commissioners shall give true copies of all such entries or minutes made in the said book or books as may be required to such person or persons as shall demand the same he or they paying to the said Commissioners one cent per line for each copy thereof The Commissioners [shall] may also have [authority to employ one competent] if the Secretary of Forests and Waters approve a civil engineer and such other employes as are necessary to the proper transaction of the business of the [Commission of Navigation] Navigation Commission for the Delaware River

The Secretary of Forests and Waters shall appoint the secretary and all employes of the commission whose salaries shall be fixed as provided in The Administrative Code The Attorney General shall furnish such advice or legal service as may be needed or may designate counsel to represent the commission and fix his compensation as provided by The Administrative Code

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 3, page 5, by striking out of line 3 the word "fair" and inserting in lieu thereof the following: "accurate"

Amend section 3, page 5, line 18, by inserting after the word "River" the following: "and its navigable tributaries The said Commissioners shall have authority to maintain adequate offices and a meeting room"

Amend section 3, page 5, line 20, by inserting after the word "Commission" the follwing: "other than counsel"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 That section seven of the said act as supplemented and as amended by the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 138) is hereby further amended to read as follows

Section 7 Whenever any person or persons shall desire to construct extend or alter any wharf or pier or to erect extend alter or improve any bridge or other harbor structure wholly within the State into or on the aforesaid river and its navigable tributaries such person or persons shall make application to the president of the commissioners stating in writing the nature and extent of such intended wharf pier or other harbor structure or building in the nature of a wharf or harbor structure aforesaid and file in the office of the president of the commissioners the plans and specifications showing fully the proposed erection construction extension alteration or improvement and produce their deed or deeds or other evidence of title to the property to be so occupied altered or improved [whereupon] Every such application shall be accompanied by a filing fee of five dollars ($5.00) to be paid into the State Treasury through the Department of Revenue Upon receipt of any such application the president of the commissioners shall give notice of the time and place of hearing such application to all parties interested by advertising twice a week for two successive weeks in two newspapers of general circulation published within the county in which such work is to be done and by posting such notice upon the premises referred to in such application and if the commissioners upon said hearing shall approve the plans and specifications offered in such application they shall give their assent and issue a license for the erection construction extension alteration or improvement for which application shall have been made and cause the same to be recorded in the office of the president of the commissioners in a book to be kept by the said president of the commissioners for that purpose and such license shall not be unreasonably withheld Provided That for the purposes of this section the commissioners shall not have jurisdiction within any city of the first class All such licenses hereafter granted shall contain a condition imposing upon the licensee the duty of keeping slips or docks free and clear of silt and other deposits or refuse so as to maintain a navigable depth therein to the extent fixed in the license Said license shall also contain a condition requiring the licensee to apply for and obtain a permit from the Water and Power Resources Board and to pay such encroachment charges as said board may fix according to law No license hereafter granted shall be valid until a permit is granted by the Water and Power Resources Board

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 4, page 6, line 3, by striking out the word "or"

Amend section 4, page 6, line 3, by inserting after the word "persons" the following: "association other than a corporation, corporation or municipal corporation"

Amend section 4, page 6, line 8, by striking out the first word "or"

Amend section 4, page 6, line 8, by inserting after the word "persons" the following "association other than a corporation, corporation or municipal corporation"

Amend section 4, page 6, line 13, by striking out before the word "plans" the word "the"

Amend section 4, page 7, line 5 by inserting after the word "purpose" the following: "and the record of the issuance of every license certified to the Secretary of Forests and Waters and to the Water and Power Resources Board"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read and agreed to as follows:

Section 5 That section ten of the said act as supplemented is hereby amended to read as follows

Section 10 The [Board of Commissioners] Navigation Commission after a hearing of the parties in interest is authorized to regulate the services and to fix the maximum rates for wharfage cranage and dockage Provided That for the purposes of this section the commissioners shall not have jurisdiction within any city of the first class

The sixth section was read as follows:

Section 6 (a) The Board of Commissioners of Navigation for the River Delaware and its navigable tributaries is heerby abolished as of the effective date of this act and the terms of the members of such board now holding office shall expire and terminate upon that date

(b) All the vessels boats launches books records maps and other property and equipment whatsoever in the possession of the said Board of Commissioners of Navigation or of any commissioner officer or employe of said commission shall upon the effective date of this act be delivered or turned over to the Navigation Commission for the Delaware River and its navigable tributaries

(c) All employes of said Board of Commissioners of Navigation on the effective date of this act shall become

employes of the said Navigation Commission and shall continue to perform their usual duties upon the same terms and conditions as theretofore until removed or appointed to other positions by the commission Persons who upon the effective date of this act are employes of said Board of Commissioners of Navigation shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to have been continuous as if the Board of Commissioners of Navigation had not been abolished

(d) All petitions hearings and other proceedings pending before the said Board of Commissioners of Navigation and all investigations begun by such commission or any member or officer thereof and not completed upon the effective date of this act shall continue and remain in full force and effect as if the said commission had not been abolished and may be completed before or by the said Navigation Commission

(e) All licenses orders rules and regulations made or issued by the said Board of Commissioners of Navigation prior to and in force upon the effective date of this act shall remain in full force and effect until revoked or modified by the said Navigation Commission

(f) Whenever the term "Board of Commissioners of Navigation" occurs in any law supplementing the act amended by this act or otherwise contract or document or whenever in any law supplementing the act amended by this act or otherwise contract or document reference is made to such board such term or reference shall be deemed to refer to and include the Navigation Commission for the Delaware River created by this act it being hereby declared to be the legislative intent that all the powers and duties which under existing law were vested in or directed to be performed by the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries or by the Board of Wardens for the Port of Philadelphia prior to the abolition of said board shall after the effective date of this act be performed by the Navigation Commission for the Delaware River and its navigable tributaries

(g) The unexpended balance existing on the effective date of this act in any appropriation whatsoever made to the said Board of Commissioners of Navigation is hereby transferred and appropriated to the said Navigation Commission for the Delaware River for the same purposes as expressed in any act making such an appropriation and any such unexpended balance also is hereby appropriated to the said Navigation Commission for the payment of any bills or encumbrances incurred by the said Board of Commissioners of Navigation prior to and remaining unpaid on the effective date of this act

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 6 (c), page 8, line 18, by striking out the word "commission" and inserting in lieu thereof the following: "Secretary of Forests and Waters"

Amend section 6 (f), page 9, lines 11, 12 and 13, by striking out the following; beginning on line 11 and ending on line 13: "otherwise contract or document or whenever in any law supplementing the Act amended by this Act or otherwise" and inserting in lieu thereof the following: "whenever"

Amend section 6 (f), page 9, line 13 by inserting after the word "is" the following: "elsewhere"

Amend section 6 (f), page 9, line 16, by inserting after the word "River" the following: "and its navigable tributaries"

Amend section 6 (g), page 9, line 28, by inserting after the word "Navigation" the following: "or existing in any funds in the hands of the Board of Commissioners of Navigation"

Amend section 6 (g), page 10, line 2, by inserting after the word "River" the following: "and its navigable tributaries"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh section was read and agreed to as follows:

Section 7 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act to amend the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulk-heads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River as a departmental administrative commission in the Department of Forests and Waters making provision for the designation and employment of a secretary an attorney and other necessary employes of such commission transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation and providing fees and further conditions relative to licenses

On the question,

Will the House agree to the title?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title of the Act, page 2, line 1, by inserting after the word "river" the words: "and its navigable tributaries"

Amend title of the Act, page 2, line 4 by striking out the words: "an attorney and inserting in lieu thereof the word: "counsel"

Amend title of the Act, page 2, line 15, by inserting after the word "River" the words "and its navigable tributaries"

Amend title of the Act, page 2, line 17, by inserting after the word "River" the words: "and its navigable tributaries"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2483 (Senate Bill No. 683), entitled:

An Act to further amend sections six ten and twenty-nine of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and town and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll roads forming all or part of any State highway and prcedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by amending Route Fifty-two by adding thereto borough bridges over mill races as the responsibility of the Department of Highways by providing that no assessment shall be made against the Commonwealth to assist in the reconstruction of any structure eliminating grade crossings and by further authorizing the Attorney General under certain conditions to enter into agreements with townships of the payment in installments of certain claims of the Department of Highways against such townships for construction reconstruction or maintenance of State highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2329, (Senate Bill No. 1171), entitled:

A Joint Resolution proposing an amendment to article nine section fifteen of the Constitution of the Commnwealth of Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2454, (Senate Bill No. 878), entitled:

An Act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as "The Support Law"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Welfare for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2185, (Senate Bill No. 676), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain land located in the City of Allentown Lehigh County Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and con-

sideration of House Bill No. 2439, (Senate Bill No. 1216), entitled:

An Act to further amend subsection (e) of section eight hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring all motor vehicles trailers and semi-trailers to have red reflectors at the rear

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (e) of section eight hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated town townships within this Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by section fourteen of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows:

(e) Reflectors Every [motor bus motor omnibus commercial] motor vehicle trailer or semi-trailer when operated on a highway shall display at the rear a red reflector meeting the following requirements

Whenever a red reflector is so used or whenever red or green reflectors are used as hereinafter provided it or they shall be mounted upon the vehicle at a height not to exceed forty-two (42) inches and not less than twenty-four (24) inches above the ground upon which the vehicle stands and every such reflector shall be of a type which at the time of its use is approved by the secretary and shall be so designed and maintained as to be visible at night from all distances within five hundred (500) feet to fifty (50) feet from such vehicles when directly in front of or opposed to a motor vehicle displaying lawfully lighted head lamps as provided in this act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1955, (Senate Bill No. 479), entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws 30) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter in criminal prosecutions the venue may be changed by the Supreme Court of Pennsylvania or the court in which the indictment shall be pending on application of the defendant or defendants only and not on applicaton of the Commonwealth or the prosecutor

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agrreably to order,

The Rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2243, (Senate Bill No. 735), entitled:

An Act restricting the granting of licenses to marry to divorced persons

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no license to marry shall issue in this Commonwealth to any person who has been divorced until a period of six months shall have elapsed between the date of the decree of divorce and the application for the marriage license

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. TUMELTY. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2509, (Senate Bill No. 943), entitled:

An Act authorizing and empowering any city county school district or other municipality which shall have acquired a limited title to real estate for municipal purposes to secure a title in fee simple to any such real estate and providing and regulating the procedure in such cases

And said bill having been read at length the second time agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2457, (Senate Bill No. 1072), entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That until the next United States decennial census is taken and an apportionment made thereon the Senate shall consist of fifty members and the State is hereby apportioned into fifty senatorial districts each of which shall be known by the number herein attached thereto and shall each be entitled to elect one Senator as follows to wit

First District The first second twenty-sixth thirty-ninth and forty-eighth wards of the city of Philadelphia

Second District The twenty-first twenty-eighth thirty-seventh thirty-eighth and forty-third wards of the city of Philadelphia

Third District The third fourth fifth sixth seventh eighth ninth tenth eleventh twelfth thirteenth fourteenth fifteenth thirtieth and thirty-sixth wards of the city of Philadelphia

Fourth District The twenty-seventh fortieth forty-sixth and fifty-first wards of the city of Philadelphia

Fifth District The sixteenth seventeenth eighteenth nineteenth twentieth twenty-fifth thirty-first and thirty-second wards of the city of Philadelphia

Sixth District The twenty-second forty-second forty-ninth and fiftieth wards of the city of Philadelphia

Seventh District The twenty-fourth twenty-ninth thirty-fourth forty-fourth and forty-seventh wards of the city of Philadelphia

Eighth District The twenty-third thirty-third thirty-fifth forty-first and forty-fifth wards of the city of Philadelphia

Ninth District The county of Delaware

Tenth District The city of Scranton and the borough of Dunmore in the county of Lackawanna

Eleventh District The county of Berks

Twelfth District The county of Montgomery

Thirteenth District The county of Lancaster

Fourteenth District The counties of Carbon Monroe Pike and Wayne

Fifteenth District The counties of Dauphin and Lebanon

Sixteenth District The counties of Lehigh and Bucks

Seventeenth District The cities of McKeesport Duquesne and Clairton the boroughs of Braddock East Pittsburgh Elizabeth Glassport Liberty Munhall North Braddock Port Vue Rankin Versailles and Whitaker and the townships of Elizabeth Forward Lincoln North Versailles South Versailles and Versailles in the county of Allegheny

Eighteenth District The county of Northampton

Nineteenth District The county of Chester

Twentieth District The residue of the county of Luzerne not included in the twenty-first district

Twenty-first District The cities of Pittston and Wilkes-Barre the boroughs of Ashley Avoca Dupont Duryea Exeter Hughestown Laflin Luzerne Pringle Sugar Notch Swoyersville Warrior Run West Pittston West Wyoming Yatesville and the Townships of Hanover Jenkins Pittston Plains and Wilkes-Barre in the County of Luzerne

Twenty-second District The residue of the county of Lackawanna not included in the tenth district

Twenty-third District The counties of Bradford Susquehanna and Wyoming

Twenty-fourth District The counties of Columbia Lycoming Montour and Sullivan

Twenty-fifth District The counties of McKean Potter and Tioga

Twenty-sixth District The counties of Cameron Clarion Clinton Elk and Forest

Twenty-seventh District The counties of Northumberland Snyder and Union

Twenty-eighth District The county of York

Twenty-ninth District The county of Schuylkill

Thirtieth District The counties of Blair and Huntingdon

Thirty-first District The counties of Cumberland Juniata Mifflin and Perry

Thirty-second District The county of Fayette

Thirty-third District The counties of Adams Franklin and Fulton

Thirty-fourth District The counties of Centre and Clearfield

Thirty-fifth District The county of Cambria

Thirty-sixth District The counties of Bedford and Somerset

Thirty-seventh District The counties of Indiana and Jefferson

Thirty-eighth District The sixteenth seventeenth eighteenth nineteenth twentieth twenty-ninth thirtieth thirty-first and thirty-second wards of the city of Pittsburgh and the boroughs of Greentree Ingram Mount Oliver Brentwood and Castle Shannon in the county of Allegheny

Thirty-ninth District The county of Westmoreland

Fortieth District The boroughs of Aspinwall Avalon Bellevue Ben Avon Ben Avon Heights Blaw Knox Brackenridge Bradford Woods Cheswick Edgeworth Emsworth Etna Fox Chapel Glenfield Haysville Leetsdale Millvale Oakmont Osborne Sewickley Sharpsburg Springdale Tarentum Verona and West View and the townships of Aleppo East Deer Fawn Franklin Frazer Hampton Harmar Harrison Indiana Kilbuck Leet Marshall McCandless O'Hara Ohio Penn Pine Plum Reserve Richland Ross Sewickley Sewickley Heights Shaler Springdale and West Deer in the county of Allegheny

Forty-first District The counties of Armstrong and Butler

Forty-second District The first second sixth ninth twenty-first twenty-second twenty-third twenty-fourth twenty-fifth twenty-sixth twenty-seventh wards of the city of Pittsburgh in the county of Allegheny

Forty-third District The third fourth fifth seventh eighth tenth eleventh and twelfth wards of the city of Pittsburgh in the county of Allegheny

Forty-fourth District The thirteenth fourteenth and fifteenth wards of the city of Pittsburgh the boroughs of Chalfont Churchill East McKeesport Edgewood Forest Hills Pitcairn Swissvale Trafford Turtle Creek Wall Wilk-

insburg and Wilmerding and the townships of Braddock Patton and Wilkins in the county of Allegheny

Forty-fifth District The twenty-eighth ward of the city of Pittsburgh the boroughs of Bridgeville Carnegie Coraopolis Crafton Dormont Dravosburg Heidelberg Homestead McDonald McKees Rocks Oakdale Rosslyn Farms Thornburg West Elizabeth and West Homestead and the townships of Baldwin Bethel Collier Crescent Finley Jefferson Kennedy Mifflin Moon Mount Lebanon Neville North Fayette Robinson Scott Snowden South Fayette Stowe and Upper Saint Clair in the County of Allegheny

Forty-sixth District the counties of Greene and Washington

Forty-seventh District The counties of Beaver and Lawrence

Foryt-eight District The counties of Venango and Warren

Forty-ninth District The county of Erie

Fiftieth District The counties of Crawford and Mercer

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 3, line 8, after the word "Versailles" insert the word "Dravosburg"

Amend sec. 1, page 5, line 28, after the word "Dormont" strike out the word "Dravosburg".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the fifth sections inclusive and title were separately read and agreed to as follows:

SENATORIAL APPORTIONMENT

Section 2 The districts as above enumerated shall be based on the decennial census of the United States for the year one thousand nine hundred and thirty and shall take the lines and boundaries and include all the territory within the same as said lines and districts respectively exist at the effective date of this act

Section 3 The nomination and election of a State Senator shall be made held and conducted and the return of votes cast at primary and general elections for the nomination and election of such members shall be made computed canvassed and certified as now or hereafter may be provided by law

Section 4 At the general election in the year one thousand nine hundred and thirty-eight and quadriennially thereafter Senators shall be chosen to serve for four years in the even-numbered districts At the general election in the year one thousand nine hundred and forty and quadriennially thereafter Senators shall be chosen to serve for four years in the odd-numbered districts

The Senators now in office shall continue in such office and shall respectively represent the districts as herein apportioned in which they reside until the expiration of the terms for which they were elected

Section 5 The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 449) entitled "An act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial district as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators" and its amendments are hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

An Act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

HOUSE BILLS ON THIRD READING DROPPED FROM CALENDAR

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that the Senate has adjourned and there will be no advantage in passing House Bills on third reading, and I therefore move that the following House Bills:

HOUSE BILL No. 2108.
HOUSE BILL No. 236.
HOUSE BILL No. 1437.
HOUSE BILL No. 670.
HOUSE BILL No. 1800.
HOUSE BILL No. 151.
HOUSE BILL No. 1841.
HOUSE BILL No. 1537.
HOUSE BILL No. 450.
HOUSE BILL No. 1364.
HOUSE BILL No. 1482.
HOUSE BILL No. 1916.
HOUSE BILL No. 1362.
HOUSE BILL No. 1762.
HOUSE BILL No. 2019.
HOUSE BILL No. 189.
HOUSE BILL No. 1853.
HOUSE BILL No. 1749.
HOUSE BILL No. 2109.
HOUSE BILL No. 588.
HOUSE BILL No. 1393.

be dropped from the calendar.

The motion was agreed to.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that House Bill No. 1881, Printer's No. 928 on page 41 of today's calendar be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1400, as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for

the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended regulating the sale and further regulating the installation use and operation of traffic regulation devices signals signs and markings and the operation of motor vehicles on the highways affecting the powers of municipal authorities in certain cases and of the Secretary of Highways and changing and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections nine hundred and five and nine hundred and six of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by sections twenty-seven and twenty-eight of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) are hereby further amended to read as follows

Section 905 Permits for Excessive Size and Weight

(a) The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may in their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a vehicle or combination of vehicles or a vehicle and load or a combination of vehicles and their load or loads of a size or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible When a permit has been issued by the Secretary of Highways no other authorities shall require any further or additional permit for any portion of the route specified therein Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules regulations restrictions or conditions as shall be deemed necessary by the authority granting such permit Provided That upon request included in the application a combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit The Secretary of Highways may in his discretion issue a single permit for any fixed number of movements across the highway of vehicles or combinations thereof exceeding the maximum size of weight specified in this act at specified locations Whenever any such permit shall have been issued for crossing the highway it shall be unlawful to move said vehicles along the highway The movement of any vehicle or load requiring a permit shall impose the obligation on the permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not such damage may be attributable to negligence on the part of the permittee Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways of this Commonwealth or to any person having collision with or suffering injury from such vehicle

Section 906 Special Limitations

(a) No vehicles shall be operated upon any highway where such operation has been prohibited or restricted by the Secretary of Highways or local authorities as set forth in section one thousand one hundred and one (1101) of this act when [appropriate] official signs are erected and maintained

(b) It shall be unlawful for any person to drive or cause to be driven upon any bridge causeway or viaduct any vehicle which together with its load exceeds the maximum weight permitted and [mentioned] stated in the [posted] official signs erected and maintained in accordance with the requirements as set forth in section one thousand one hundred and two (1102) of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 2 That subsections (b) and (d) of section one thousand and two of said act as last amended by section twenty-nine of the act approved the sixteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws 1056) are hereby further amended to read as follows

Section 1002 Restrictions as to Speed

(b) Subject to the provisions of subsection (a) of this section speeds in excess of the maximum limits hereinafter provided shall be unlawful

1 Ten (10) miles an hour speed limit

All vehicles when passing any interurban or street car taking on or discharging passengers at an intersection where a safety zone has been established or where traffic is controlled by a peace officer or a traffic signal

2 Fifteen (15) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds when passing a school building during school recess or while children are going to or leaving school during opening or closing hours [Twenty (20) miles an hour speed limit All vehicle except those restricted by this act to lower maximum speeds within business or residence districts where signs erected by the proper authorities on the right-hand side of the highway facing the traffic to be controlled are displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height This limit shall be observed for a distance beyond said sign for not more than one-eighth (⅛) of a mile An additional sign shall be placed at intervals not greater than one-eighth (⅛) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be a sign similarly placed as to traffic bearing the words "END OF TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height]

Twenty (20) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet

of a railway grade crossing where [sign] official signs erected by the proper authorities are displayed [bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height] All vehicles except those being operated on through highways and those restricted by this act to lower maximum speeds when approaching within fifty (50) feet and in traversing an intersection of highways within a business or residence district when the driver's view is obstructed except on highways controlled at intersections by peace officer or traffic signal A driver's view shall be deemed to be obstructed if during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection

(b) 4 Twenty-five (25) or Thirty-five (35) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where official signs erected by the proper authorities on the right-hand side of the highway facing the traffic to be controlled or on the left-hand side of one-way streets are displayed This limit shall be observed for a distance beyond said sign for not more than one-eighth (⅛) of a mile An additional sign shall be placed at intervals not greater than one-eighth (⅛) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be an official sign similarly placed as to traffic indicating the end of the limited zone

(b) [4] 5 [Forty (40)] Fifty (50) miles an hour speed limit All vehicles except those otherwise restricted by this act to lower maximum speeds

(d) When the rate of speed of any vehicle is timed on any highway within a business or residence district where ["TWENTY MILE SPEED LIMIT"] official speed limit signs are erected as provided in this section for the purpose of ascertaining whether or not the operator of such vehicle is violating a speed provision of this act such time shall be taken by not less than two (2) peace officers one of whom shall have been stationed at each end a measured stretch and no conviction shall be had upon the unsupported evidence of one (1) peace officer except as hereinafter provided and no such measured stretch shall be less than one-eighth (⅛) of a mile in length Under all other conditions the rate of speed shall be timed for a distance of not less than one-quarter (¼) mile by a peace officer using a motor vehicle equipped with a speedometer tested for accuracy within a period of thirty (30) days prior to the alleged violation

Section 3 That subsection (d) of section one thousand and eight subsection (d) of section one thousand and eleven and subsections (a) and (b) of section one thousand and sixteen of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 1008

(d) The driver of a vehicle shall not overtake and pass or attempt to pass any other vehicle proceeding in the same direction between any points indicated by the placing of official temporary warning or caution signs indicating that men are working on the highway

Section 1011

(d) Local authorities when [proper] official signs are erected may prohibit turning at intersections and may when the center of the intersection is occupied by a monument grass plot or any permanent structure other than a traffic control device direct traffic to keep to the right when [proper] official signs are erected

Section 1016

(a) It shall be unlawful for the driver or operator of any vehicle street car or trackless trolley omnibus except as is otherwise provided in this section before entering a through highway to fail to come to a full stop within a reasonable distance before entering the intersection on such through highway when an official "THRU TRAFFIC STOP" [sign has] sign or signs have been erected in accordance with the provisions of this act

(b) It shall be unlawful for the driver or operator of any vehicle street car or trackless trolley omnibus except as is otherwise provided in this section before entering a stop intersection to fail to come to a full stop within a reasonable distance before entering the intersection when [a "STOP" sign has] an official "STOP" sign or signs have been erected in accordance with the provisions of this act

Section 4 That subsection (b) of section one thousand and eighteen and subsection (a) of section one thousand and nineteen of said act are hereby amended to read as follows

Section 1018

(b) [No person shall drive a vehicle to the left of a safety zone where appropriate sign has been erected as provided in this act] Traffic may move on either side of a safety zone unless prohibited from driving to the left thereof by the erection of an official sign as provided in this act

Section 1019

(a) No person shall park or leave standing any vehicle whether attended or unattended upon the paved or improved or main traveled portion of any highway outside of a business or residence district when it is practicable to park or leave such vehicle standing off the paved or improved or main traveled portion of such highway provided In no event shall any person park or leave standing any vehicle whether attended or unattended upon any highway unless a clear and unobstructed width of not less than fifteen (15) feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon nor unless a clear view of such vehicle may be obtained from a distance of [two] three hundred [(200)] (300) feet in each direction upon such highway And further provided No person shall park or stand any vehicle whether attended or unattended in any no parking area where official "No Parking" signs have been erected in accordance with the provisions of section one thousand one hundred and thirteen (1113) of this act

Section 5 That paragraph twelve of section one thousand and twenty and subsections (b) (c) and (e) of section one thousand and twenty-six of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 1020

12 At any place where official [traffic] signs have been erected prohibiting standing and parking

Section 1026

(b) Whenever traffic at an intersection is alternately directed to stop and go by the use of traffic signals the [words or] colored lights [or combination thereof] shall indicate as follows except as otherwise provided in this section

1 Green [or "Go"] Traffic facing the signal may proceed straight ahead and make right or left turns except where no such turns are permitted when so indicated by [proper] official signs Vehicular traffic shall yield the right of way to pedestrians crossing or who have started to cross the roadway on the green signal and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited

2 Yellow [or "Caution"] When Shown Alone [Traffic facing the signal shall stop before entering the intersection and no movement of traffic shall be made except the traffic then within the intersection and a "U" turn on a two-way street back of the intersection when so indicated by proper signs] Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection

3 Red [or "Stop"] Traffic facing the signal shall stop before entering the intersection and remain standing until

green [or "Go"] is shown [alone] No movement or turns shall be lawful or red [or "Stop" except that "U" turns may be made on a two-way street back of the intersection when so indicated by proper signs] except as otherwise provided in this section

4 No "U" turns shall be made on a two-way street in a business or residence district unless they shall be made back of the intersection on such signal and at such times and places as may be indicated by official signs

(c) Where official signs indicate turns as [above] provided in this section they shall be attached to the traffic signals or immediately adjacent thereto [and the letters shall be at least two (2) inches in height] and they shall be clearly illuminated at night

(e) Local authorities may provide for turns or movements straight ahead on special green arrow signals Where a left turn is provided for in the above manner there shall be no left turns on green [or "Go"] as above provided when so indicated by [proper] official signs

Section 6 That section one thousand and twenty-nine of said act is hereby amended to read as follows

Section 1029 Regulating Speed on Bridges No person shall drive any vehicle upon any public bridge causeway or viaduct other than interstate bridges as now provided by law at a speed which is greater than the maximum speed which can with safety to such structure be maintained thereon when such structure is [sign] posted with official signs as provided in section one thousand one hundred and eleven (1111) of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 7 That section one thousand one hundred and one of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 1101 When Authorities May Restrict Right to Use Highways

(a) The Secretary of Highways of this Commonwealth and local authorities may by ordinance or resolution or ruling prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles and their loads for a total period not to exceed ninety (90) days in any one (1) calendar year when operated upon any highway under the jurisdiction of and for the maintenance of which the Secretary of Highways of this Commonwealth or local authorities are responsible whenever any said highway by reason of deterioration rain snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced The Secretary of Highways of this Commonwealth and local authorities enacting or making any such ordinance or resolution or rule shall erect or cause to be erected and maintained official signs designating the provisions of the ordinance or resolution or rule at each end of that portion of any highway affected thereby and at intersections thereof and the ordinance or resolution or rule shall not be effective until or unless such official signs are erected and maintained

(b) Whenever necessary for the protection of any highway or the safety of traffic thereon the Secretary of Highways of this Commonwealth or local authorities may also by ordinance or resolution or rule prohibit the operation of motor vehicles trailers or semi-trailers on designated highways as to the weights and loads thereon which prohibitions and limitations shall be designated by [appropriate] official signs placed on such highways and their intersections

Section 8 That section one thousand one hundred and two of said act is hereby amended to read as follows

Section 1102 Regulating Weight of Vehicles on Bridges [Where] If any bridge causeway or viaduct owned or maintained whether owned in whole or in part by this Commonwealth or local authorities other than interstate bridges as now provided by law shall have [a sign] official signs properly posted in [a] conspicuous [place] places at the [entrance] entrances thereto stating the gross maximum weight permited thereon it shall be unlawful for any person to drive or cause to be driven upon any such bridge causeway or viaduct any vehicle which together with its load shall be of greater gross maximum weight than is [mentioned in] stated on such [sign] signs [Provided however That the restrictions as to the maximum weight mentioned in such signs shall not apply for a period exceeding one (1) year from the date of posting of such signs unless a further extension of time is authorized by the Secretary of Highways of this Commonwealth]

Section 9 That subsection (a) of section one thousand one hundred and three of said act as amended by section thirty-six of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 1103

(a) Local authorities except as expressly authorized by this act shall have no power or authority to alter any speed limitations declared in this act or to enact or enforce any ordinance rule or regulation contrary to the provisions of this act except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of peace officers or official traffic signals on any portion of the highway where traffic is heavy or continuous and may regulate or prohibit parking stopping or loading of vehicles or prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages and may regulate the kinds and classes of traffic and its turning on certain highways at all or certain hours and may regulate the transportation by motor vehicles of passengers for compensation within the limits of a city or from points in the city to points beyond the city limits and make and enforce regulations for the operation of such vehicles not inconsistent with this act and designate certain streets upon which such vehicles may be operated Provided however that any regulations of the kinds and classes of traffic on State Highway Routes within cities shall be subject to the approval of the Secretary of Highways first had and obtained

Local authorities may designate any highway or any part of a highway under their jurisdiction a "Play Highway" and may close such designated highway to general traffic where interference to traffic will not be serious Such highways or portions of highways shall be used for play purposes and shall be clearly designated by appropriate signs specifying the hours between which such highways shall be closed to general traffic

Section 10 That subsections (a) and (b) and the section heading of section one thousand one hundred and five of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 1105 Uniformity and Control of Traffic Signs Signals and Markings

(a) The Secretary of Highways of this Commonwealth shall forthwith make and publish regulations for the design [and] location and operation of all official traffic signs signals and markings in this Commonwealth and such traffic signs signals and markings shall correlate with and so far as [possible] practicable conform with the system adopted [in other states] by the Fourth National Conference on Street and Highway Safety published November one thousand nine hundred and thirty-five and amendments thereto Local authorities are directed to follow the uniform regulations for traffic signs signals and markings as so provided and no other system shall be regarded as official

(b) The Secretary of Highways of this Commonwealth shall have authority over the type installation location operation and maintenance of all traffic signs signals

and markings on State highways [in township] in this Commonwealth and [authority over the installation location and maintenance of all signs and markings] on highways in cities boroughs and incorporated towns where such highways form connecting links between or continuations of State highways and shall have the power and it shall be his duty to cause the removal alteration or adjustment of any [such] signs signals or markings that do not conform with the regulations of the Department of Highways

Section 11 That section one thousand one hundred and six of said act is hereby amended to read as follows

Section 1106 Local Traffic Signs Local authorities in their respective jurisdiction may cause official signs in accordance with section one thousand one hundred and five of this act to be erected and maintained as may be appropriate to give notice of legal parking and other local ordinances rules regulations Local parking and other local ordinances rules and regulations shall not be enforceable against an alleged violator if at the time and place of the alleged violation an [appropriate] official sign giving notice thereof is not posted conspicuously by the municipalities making the same at points where any highway affected thereby joins other highways

Section 12 That section one thousand one hundred and eight of said act as amended by section thirty-eight of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 1108 Defacing Signs Signals or Markings It shall be unlawful for any person to deface damage knock down or remove any traffic sign signal or marking [posted] placed as provided in this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [ten (10)] ninety (90) days

Section 13 That section one thousand one hundred and nine of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 1109 Establishment of Safety Zones The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to establish safety zones The Secretary of Highways of this Commonwealth and local authorities when establishing a safety zone shall erect and maintain official signs [bearing the words "SAFETY ZONE"] illuminated at night or so designated to reflect light from headlamps

Section 14 That section one thousand one hundred and ten of said act as amended by section thirty-nine of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 1110 Erection of Traffic Signs Signals and Markings

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain official traffic signs signals and markings Before local authorities except in cities of the first and second class [in counties or townships] shall erect or cause to be erected traffic signals [on a State Highway] they must first obtain the approval of the Secretary of Highways of this Commonwealth

(b) Wherever it is desired to erect or maintain any traffic signal in this Commonwealth the need thereof shall first be established upon the basis of safety and/or convenience to traffic The basis of determination of the need for a traffic signal shall be the volume of traffic entering the intersection the number of accidents that have occurred in each of the three preceding years and other factors The Secretary shall establish minimum standards for each of the factors upon which approval of the erection or maintenance of the signal shall be based

[(b)] (c) Traffic signals electrically operated shall conform to the following

1 [Where a] A three-color system [is] shall be used [the] No yellow light [following] shall follow the red light in signals hereafter erected In signals heretofore erected the yellow light following the red light shall not exceed three (3) seconds in length [The timing of all lights shall be determined by the volume of traffic and other conditions]

2 [Where three colored lights are used the yellow shall be in the center] The sequence or order of illumination of the colored lens of all traffic signals shall be as follows The green light followed by the yellow light followed by the red light followed by the green light and repeat Green arrows if used may be illuminated either alone or in combination with any other lens There shall be no yellow lens illuminated following the red lens Traffic signals erected or reconstructed after January first one thousand nine hundred and thirty-eight shall conform to the provisions of this section

(3) The [light] lamps shall be of such power as to cause the signal to be visible for at least three hundred (300) feet

4 Traffic signals of the pedestal type shall be placed at a height of no less than eight (8) feet above the pavement to the bottom of the signal [if] If on a mast arm or if suspended the bottom of the signal shall clear the pavement by at least fifteen (15) feet Provided That the requirements as to height of traffic signals shall not apply to such signals installed and in operation prior to January first one thousand nine hundred thirty except that replacement of present traffic signals made in the interim shall conform to these provisions

[(c)] (d) Traffic signals manually operated or commonly known as semaphores shall conform to the following

1 There may be four vanes or sides the stop vanes having a red field with the word "STOP" plainly visible thereon and the go vanes a green field with the word "GO" plainly visible thereon

2 When used at night they shall be equipped with red and green lights corresponding with the vanes or sides and with the same visibility as electrically operated signals

[(d)] (e) All traffic signals shall be so located as to be plainly visible to all traffic to be regulated Whenever physical conditions will permit they shall be on or near the right curb line at the far side of the intersection facing in the direction of approaching traffic The bottom of the signal shall be at a height of approximately eight (8) feet above the surface of the highway

[(e)] (f) Traffic signals electrically operated erected after January first one thousand nine hundred and thirty-two shall be of the three-color system The red lens shall be at the top of left side the yellow lens in the center the green lens at the bottom or right side Where a special green arrow is used for right or left turns it shall be located below or to the right of the green lens

(g) Traffic signals electrically operated that have been erected prior to the passage of this act whenever reconstructed or the controllers or wiring are replaced shall be made to conform with the provisions of this act and the regulations of the Secretary of Highways but in any event all such signals shall be made to so conform not later than January first one thousand nine hundred and forty unless extension of time shall be granted by the Secretary of Highways in each specified case

Penalty Any official of any county city borough incorporated town or township of the first class who shall erect or cause to be erected and operated a traffic signal in violation of the provisions of this section shall upon summary conviction before a magistrate be sentenced

to [a] pay a fine of one hundred dollars ($100) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 15 That sections one thousand one hundred and eleven and one thousand one hundred and thirteen of said act are hereby amended to read as follows

Section 1111 Regulating Speed on Bridges The Secretary of Highways of this Commonwealth or other proper State body or any local authority shall upon request or upon their own initiative may conduct an investigation of any public bridge causeway or viaduct under their respective jurisdictions and if it or they shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this act the Secretary of Highways of this Commonwealth or other State body or local authorities shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause [or permit suitable] official signs stating such maximum speed to be erected and maintained thereon at each end of such structure facing approaching traffic The provisions of this section shall not apply to interstate bridges as now provided by law

Section 1113 Parking Restriction on State Highways The Secretary of Highways of this Commonwealth is hereby authorized to designate certain sections of State highway routes under his jurisdiction as "No Parking Areas" and to erect and maintain the necessary official signs to carry out this provision

Section 16 That article eleven of said act is hereby amended by adding thereto after section one thousand one hundred and thirteen a new section to read as follows

Section 1114 Use Test Approval and Sale of Traffic Signs Signals and Regulatory Devices

(a) It shall be unlawful for any person to use on any street or highway in this Commonwealth any traffic regulatory sign signal marking or any other device unless of a type which has been submitted to the Secretary of Highways for test and for which a certificate of approval has been issued by the Secretary of Highways and is then in effect as provided by this act

(b) Any person desiring approval of any traffic sign signal or any other traffic regulatory device shall when required submit to the Secretary of Highways one or more sets of each type of device upon which approval is desired together with the fee provided in this act The Secretary of Highways shall upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory as he may elect for a report as to the compliance of such device with the rules and uniform standard specifications adopted by the Secretary of Highways Such devices will also be subject to any road tests or other tests as the Secretary of Highways may deem necessary to determine that each type of device they and their component parts conform to the requirements as adopted by the Secretary of Highways The Secretary of Highways is authorized to refuse approval of any device certified as complying with the specifications and requirements which the Secretary of Highways determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act or such requirements as may be adopted by the Secretary of Highways

(c) The Secretary of Highways shall request the testing agency to submit a report of each type of device to the Secretary of Highways in duplicate For those which are found to comply with the specifications and requirements the report shall include any special adjustments required Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the Secretary of Highways to the applicant for the test

(d) It shall be unlawful for any manufacturer jobber retailer or their agent or for any other persons to sell lease or offer for sale or hire any sign signal or any other traffic regulatory device that does not conform to the provisions of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than one hundred dollars ($100) or more than one thousand dollars ($1,000) and costs of prosecution and in default of the payment thereof shall undergo imprisonment of not more than thirty (30) days

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Bois,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer	Hetrick,	Ominsky,	Toole,
Bradley	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Loprestl,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, H. T.	Schrope,	Wood,
Dyson,	Matthews, J. F.	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1984.

An Act to amend the act approved the first day of May

one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates alderman justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by adding new sections further regulating the use of highways and the operation of and the equipment used in connection with vehicles including trailers and semi-trailers street cars trackless trolley omnibuses school buses and commercial motor cycles upon the highways of this Commonwealth providing exemptions extending certain provisions of the act to trailers and semi-trailers providing for the renewal and automatic satisfaction of encumbrances and liens and further amending the procedure relating thereto providing for the further registration of certain vehicles and the licenseing of the operators thereof including additional requirements reciprocity agreements and additional reasons for suspension and revocation conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment changing the procedure disposition of fines and penalties for certain violations of the act and making the fines thereunder mandatory and extending existing penalties and providing additional penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, line 7, by striking out the figures "812"; also page 12, line 18, by striking out the word "State" and inserting in lieu thereof the word "Motor"; also same page, lines 18 and 19, by striking out the words "State Highway Patrolman"; also page 16, line 8, by striking out after the word "highway" the word "or" and inserting in lieu thereof the words "except a device moving upon wheels"; also page 36, line 1, by inserting after the word "Non-residents" the words "Exemption of residents from provisions of articles eight and nine"; also page 59, line 27, by striking out the word "power"; also page 60, line 3, by striking out the word "power"; also page 73, by inserting at the end of line 5 after the word "Devices" the words "and of vacuum or pressure hose for brake systems"; also same page, line 12, by inserting after the word "vacuum" the words "or pressure"; also same page, line 13, by striking out the word "power"; also same page, line 23, by inserting after the word "vacuum" the words "or pressure"; also same line by striking out the word 'power"; also same page, line 27, by inserting after the word "vacuum" the words "or pressure"; also same line by striking out the word "power"; also page 74, line 24, by striking out the word "power"; also page 75, line 6, by striking out the word "power"; also same page, line 10, by striking out the word "power"; also page 84, line 18, by inserting after the word "except" the words "trailers or semi-trailers having a chassis and body weight of less than one thousand (1000) pounds"; also page 86, line 23, by striking out the words 'every school bus" and inserting in lieu thereof the words "every vehicle owned by or used under contract with any school or school district"; also same page, line 26, by striking out the words "as a school bus" and inserting in lieu thereof the words "for the transportation of school children"; also same page, by striking out at the end of line 29 the words "as a school"; also page 87, by striking out at the beginning of line 1 the word "bus" and inserting in lieu thereof the words "for the transportation of school children"; also same page, line 2, by striking out at the beginning of said line the word "bus" and inserting in lieu thereof the word "vehicle"; also same page, by striking out at the beginning of line 4 the words "school bus"; also same line by inserting after the word "inspection" the words "under the provisions of sub-section (j) of this"; also same line by inserting after the word 'without" the words "prominently displaying"; also same page, at the beginning of line 5, by inserting after the syllable "tificate" the words "as may be directed by the Secretary"; also page 92, line 13, by inserting after the word "ten" the word "consecutive".

Amend section 3, page 112, lines 22 and 23, by striking out the words "Motor License" and inserting in lieu thereof the word "General"; also page 114, lines 11 and 12, by striking out the words "State Highway Patrolmen" and inserting in lieu thereof the words "Pennsylvania Motor Policemen"; also same page, line 13, by striking out the words "State Highway Patrolmen" and inserting in lieu thereof the words "Pennsylvania Motor Policemen."

Amend section 6, page 120, line 23, by striking out the words and figures "ten dollars ($10)" and inserting in lieu thereof the words and figures "five dollars ($5)."

Amend section 10, page 123, line 19, by striking out the word "power"; also same page, line 26, by striking out the word "power"; also same page, line 28, by striking out the word "power"; also page 124, line 2, by striking out the word "power"; also same page, line 6, by striking out the word "power"; also same page, line 21, by striking out the word "power"; also same page, line 28, by striking out the word "power"; also page 125, line 15, by striking out the word "power."

Amend section 11, page 126, line 4, by striking out the word "power."

Amend section 14, page 131, by striking out in lines 1 to 9 inclusive the following: "School buses carrying twenty-five (25) children or less shall be equipped with at least one (1) roof ventilator providing adequate ventilation school buses carrying more than twenty-five (25) children and less than thirty-six (36) children shall be equipped with at least two (2) roof ventilators providing adequate ventilation school buses carrying more than thirty-five (35) children shall be equipped with at least three (3) roof ventilators providing adequate ventilation" and inserting in lieu thereof the words "and adequate ventilation shall be provided in all school buses"; also same page, by striking out in lines 14 to 16 inclusive the following: "The steps to the entrance door shall have a rise of not more than ten (10) inches"; also same page, line 24, by striking out the word and figure "four (4)" and inserting in lieu thereof the word and figure "three (3)"; also same page, by striking out in line 29 the words "and rear"; also page 132, line 5, by inserting after the word "child" the word "carried"; also same page, line 7, by inserting after the word "child" the word "carried"; also same page, line 10, by striking out the words "and back rests"; also at the end of same line by striking out the word "or" and inserting in lieu thereof the words "and all back rests"; also same page, lines 13 and 14, by striking out the word and figures "twenty-four (24)"; and inserting in lieu thereof the word and figures "eighteen (18)"; also same page, lines 14 and 15, by striking out the words "The longitudinal aisles shall be at least ten (10) inches wide"; also same page, line 17, by striking out the word "yellow"; also same page, line 19, by striking out the word and figure "eight (8)" and inserting in lieu thereof the word and figure "six (6)"; also page 133, by

striking out at the beginning of line 1 the words "owned by or"; also same page, by inserting after line 3 the following paragraph:

"The Secretary shall have the authority to make regulations not inconsistent with this act for the efficient administration of this section."

Amend section 17, page 136, line 4, by inserting after the word "thereto" the word "official"; also same page, line 6, by striking out the word "a" and inserting in lieu thereof the words "an official."

Amend section 21, page 138, by inserting after line 8 the following paragraph:

"(c) The amendments to section 1033 sub-sections (a) (b) and (d) shall become effective on January first one thousand nine hundred and forty"; also same page, line 9, by striking out the letter "(c)" and inserting in lieu thereof the letter "(d)".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Bois,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer	Hetrick,	Ominsky,	Toole,
Bradley	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout.
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, H. T.	Schrope,	Wood,
Dyson,	Matthews, J. F.	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1132.

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

HOUSE BILL No. 1136.

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

HOUSE BILL No. 1146.

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeoman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission.

HOUSE BILL No. 1152.

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

HOUSE BILL No. 1346.

An Act making an appropriation to the Treasury Department for the payment of certain claims against the Commonwealth.

HOUSE BILL No. 1818.

An Act making an appropriation to the Department of Public Instruction for reimbursing fourth class school district upon certain increases of the salaries of members of the teaching staffs of elementary schools in such school districts.

HOUSE BILL No. 2117.

An Act making an appropriation to the Treasury Department for the refund of transfer inheritance and estate tares erroneously collected or overpaid into the State Treasury.

HOUSE BILL No. 2259.

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

With the information that the Senate has passed the same without amendment.

AMENDED SENATE BILL CONCURRED IN BY THE SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 1304.

An Act for the conveyance to the United States of America of title in and to certain lands in the Township of Fairview County of York and ceding to the United States jurisdiction over said lands.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1650.

An Act creating in counties of the first class the position of Bail Approval Commissioner prescribing the powers and duties thereof limiting jurisdiction to cases in which real property is offered as bail and conferring and imposing such powers and duties upon the controllers of counties of the first class providing for the appointment by such Bail Approval Commissioner certain necessary clerks and employes and prescribing the duties and compensation thereof imposing duties on Judges of the Court of Quarter Sessions and Oyer and Terminer and upon magistrates in counties of the first class and requiring all departments of counties and cities of the first class to supply certain information prescribing offenses and providing penalties therefor.

SENATE BILL No. 1304.

An Act for the conveyance to the United States of America of title in and to certain lands in the Township of Fairview County of York and ceding to the United States jurisdiction over said lands.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1138.

An Act making an appropriation to aid certain school districts.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 1, by inserting at the end of line 8 after the word "determine" the following: "and for defraying the necessary cost for the administration thereof".

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Bois,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer	Hetrick,	Ominsky,	Toole,
Bradley	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Loprosti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, H. T.	Schrope,	Wood,
Dyson,	Matthews, J. F.	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affrmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 973.

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 1, lines 4 and 5, by striking out the words and figures "four hundred sirty-seven thousand five hundred dollars ($467,500)" and inserting in lieu thereof the words and figures "three hundred twenty-five thousand dollars ($325,000)".

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,

Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Bois,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer	Hetrick,	Ominsky,	Toole,
Bradley	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, H. T.	Schrope,	Wood,
Dyson,	Matthews, J. F.	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON THIRD READING

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2479, Senate Bill No. 309, Printer's No. 754, on page 63 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2479 (Senate Bill No. 309), entitled:

An Act to amend section three as amended of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" changing the personnel

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, lines 1 and 2 of title, by striking out the following: "section three as amended" and inserting in lieu thereof: "sections three and seven, as amended, and section nine"

Amend Title, page 2, line 9 of title, by striking out the following: "changing the personnel" and inserting in lieu thereof: "by changing the personnel of the governing body, fixing the quorum thereof and clarifying the powers of the Department of Property and Supplies."

Amend sec. 1, page 2, line 13 by striking out the following: "section three" and inserting in lieu thereof: "sections three and seven"

Amend sec. 1, page 3, line 4 by striking out the word "is" and inserting in lieu thereof: "are"

Amend sec. 1, page 4, by inserting after line 25 the following:

"Section 7. Governing Body. The powers of the Authority shall be exercised by a governing body consisting of the members of the Authority acting as a board. Within ninety days after this act shall become effective the board shall meet and organize by electing from their number a president and secretary. At the first regular meeting in each year thereafter they shall elect from their number a president and secretary.

"[Five] Six members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action shall only be taken by vote of a majority of the members of the Authority, unless in any case the by-laws shall require a larger number. The board shall have full authority to manage the properties and business of the Authority, and to prescribe, amend and repeal by-laws, rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied. The board shall fix, and determine the number of officers, agents and employes of the Authority, and their respective compensation and duties, and may delegate to one or more of their number, or to one or more of said officers, agents or employes such powers and duties as it may deem proper.

Section 2. That section nine of said act is hereby amended to read as follows:

Section 9. Grant of Lands by Department to Authority. The Department shall have power and authority, with the approval of the Governor, to grant, assign and convey to the Authority with or without consideration any lands, easements or rights in lands, together with any improvements, buildings or structures therein or thereon, now owned by the Commonwealth of Pennsylvania, or hereafter acquired by it, needed or convenient for the corporate purposes of the Authority, or to lease to the Authority for a term, not exceeding ninety-nine (99) years, at a nominal or such other rental as may be determined, any or all such lands, easements or rights in lands, together with any improvements, structures or buildings therein or thereon."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which House Bills Nos. 2002 and 2003 on page 9 of today's calendar were dropped from the calendar be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen, vote on the motion?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky, vote on the motion?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2002, as follows:

An Act to amend section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1083) entitled "An act requiring all persons contracting with the Commonwealth or any department or officer thereof or any municipal corporation division or subdivision of the Commonwealth to accept the provisions of the State Workmen's Compensation Act and to insure the said contractor's liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract" by making the Commonwealth or municipality or division or subdivision thereof liable for payment of compensation to persons injured while employed under a contract executed in violation of the provisions of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1083) entitled "An act requiring all persons contracting with the Commonwealth or any department or officer thereof or any municipal corporation division or subdivision of the Commonwealth to accept the provisions of the State Workmen's Compensation Act and to insure the said contractors' liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract" is hereby amended to read as follows

Section 3 [Any] If any contract is executed in violation of the provisions of this act [shall be null and void] the Commonwealth or any municipal corporation division or subdivision of the Commonwealth being a party thereto shall be regarded as the employer and shall become liable to pay compensation to any person entitled to compensation under the laws of the Commonwealth as the result of employment pursuant to such contract

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2003, as follows:

An Act to amend section eight hundred and five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by making townships liable for payment of compensation to persons injured while employed under a contract executed in violation of provisions of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 805 Workmen's Compensation Insurance All contracts executed by any township which shall involve the construction or doing of any work involving the employment of labor shall contain a provision that the contractor shall accept in so far as the work covered by any such contract is concerned the provisions of the Workmen's Compensation Act of one thousand nine hundred and fifteen and any supplements or amendments thereto and that the said contractor will insure his liability thereunder or file with the township with which the contract is made a certificate of exemption from insurance from the Bureau of Workmen's Compensation of the Department of Labor and Industry

Every officer of a township who shall sign on behalf of the said township any contract requiring in its performance the employment of labor shall require before the said contract shall be signed proof that the said contractor with whom the contract is made shall have accepted the Workmen's Compensation Act of one thousand nine hundred and fifteen and any supplements or amendments thereto and proof that the said contractor has insured his liability thereunder in accordance with the terms of the said act or that the said contractor has had issued to him a certificate of exemption from insurance from the Bureau of Workmen's Compensation of the Department of Labor and Industry

[Any] If any contract is executed in violation of the provisions of this section [shall be null and void] townships being a party thereto shall be regarded as the employer and shall become liable to pay compensation to any person entitled to compensation under the laws of the Commonwealth as the result of employment pursuant to such contract

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

ADJOURNMENT

Mr. TURNER. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 1, 1937, at 2:00 p. m.

The motion was agreed to, and (at 12:36 a. m.) the House adjourned until Tuesday, June 1, 1937, at 2:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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SENATE

TUESDAY, June 1, 1937.

The Senate met at 2 o'clock p. m.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L. L. D., offered the following prayer:

"O God, our help in ages past,
Our hope for years to come;
Our shelter from the stormy blast,
And our eternal home."

In midnights of peril and crisis, our people have ever turned to Thee—and never in vain.

Our Father, every omen tells us of a changing world—and we know not what the new will be. Repression, reprisal, cupidity of gain, with their reactions of conflict and revolution? Or shall it be conciliation, brotherhood, spread of happiness, diffusion of knowledge, minstrelsies of accord and lasting peace?

Thou knowest, and we trust and hope. May we place ourselves at Thy disposal. Use us to Thy holy ends. Set Thy bow of promise above the rim of this our evening sky, that there be no clouds at the dawning of the new day. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. DANDO, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

OPPOSING FUEL OIL TAX

Communication from Leslie Folks, of Philadelphia, Pa., urging the defeat of the fuel oil tax bill.

Which was referred to the Committee on Finance.

OPPOSING SENATE BILL NO. 1069

Communication from B. M. Thomas, Container Corporation of America, Philadelphia Division, opposing lines ten and eleven on page 72, of Senate Bill No. 1069, Printer's No. 747, which discriminates without cause against the use of paper board containers for shipment of explosives.

Which was referred to the Committee on Mines and Mining.

OPPOSING APPROPRIATION OF STATE TAX FUNDS TO SUPPORT PRIVATE OR PAROCHIAL SCHOOLS WHERE RELIGION IS TAUGHT

Petitions from citizens of Allentown, Pa., urging defeat of legislation which would appropriate state tax funds to support private or parochial schools where religion is taught, or to pay medical bills, or provide food and clothing.

Which was referred to the Committee on Appropriations.

OPPOSING SENATE BILL NO. 1069

Telegram from W. M. Hollenback, of Philadelphia, Pa., urging defeat of Senate Bill No. 1069, which prohibits the shipments of explosives to mines, etc., in fibre boards.

Which was referred to the Committee on Mines and Mining.

FAVORING ENACTMENT OF SENATE BILL No. 341, AND OPPOSING PASSAGE OF SENATE BILL No. 343

Petitions from citizens from Brighton, Pa., and Beaver Falls, Pa., favoring enactment of the McGinnis Bill (Senate Bill No. 341) to amend the present hard liquor laws of the State; and opposing McGinnis Bill (Senate Bill No. 343) to amend the fermented liquor laws.

Which was referred to the Committee on State Boards.

ASKING RECONSIDERATION OF SENATE BILL No. 534

Communication from Jacob Broxmeyer, Pharmacist Graduate of Temple University, also owner of the Terminal Drug Company, asking reconsideration of Senate Bill No. 534, which was defeated on third reading and final passage.

Which was referred to the Committee on Public Health.

COMMUNICATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILLS Nos. 99, 219, 274, 421, 643, 738, 810, 813, 814, 945, 946, 347, 1047

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 28, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 99, Printer's No. 135, entitled "An act to amend sections thirty-two and thirty-eight of the act approved the nineteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws five hundred forty-

three) entitled as amended 'An act relating to the sale of goods and choses in action' by providing for the negotiation of documents of title."

Senate Bill No. 219, Printer's No. 125, entitled "An act to amend section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' as amended providing for the appointment and compensation of (a) detective to the district attorney in counties of the fifth class."

Senate Bill No. 274, Printer's No. 272, entitled "An Act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments reenactments and repeals of statutes."

Senate Bill No. 421, Printer's No. 103, entitled "An Act to validate indebtedness incurred by cities of the third class for the extension enlargement and improvement of the water-works of such city.

Senate Bill No. 643, Printer's No. 287, entitled "An Act regulating and prescribing the computation and running of sentences for criminal offenses."

Senate Bill No. 788, Printer's No. 524, entitled "An Act to further amend section two hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing for a minimum fee for the valuation of life policies"

Senate Bill No. 810, Printer's No. 201, entitled "An Act to amend section eight hundred twenty-four and section nine hundred and five as amended of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges and for the purchase and improvement or construction of public highways bridges tunnels subways and underground roads."

Senate Bill No. 813, Printer's No. 355, entitled "An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely upon the payment of record costs where such liens are of record against real estate acquired by the Commonwealth or an agency of the Commonwealth subsequent to the date of the filing of the said lien."

Senate Bill No. 814, Printer's No. 455, entitled "An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled, "An act defining fraternal benefit societies and their status, authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws," empowering the Insurance Commissioner to make periodical examination of such societies, and requiring such societies to furnish the Insurance Commissioner with any information he may desire; providing penalties.

Senate Bill No. 945, Printer's No. 340, entitled "An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth; requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate, or copy thereof, to the City Council, the Mayor and the city Controller; making it the duty of the Council to appropriate and provide the sum so estimated to be required, and repealing inconsistent legislation.

Senate Bill No. 946, Printer's No. 341, entitled "An Act to amend section two of an act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws seventeen hundred and seventy-three) entitled "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled, 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale" by eliminating the requirement that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein, shall be deposited in the funds of such corporations for the redemption of bonds of said corporation, when the said bonds issued for the acquisition of such porperty or bonds refunding such original issue, shall have been redeemed and paid.

Senate Bill No. 1021, Printer's No. 347, entitled "An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer systems; and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby.

Senate Bill No. 1047, Printer's No. 470, entitled "An Act to amend the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled 'An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate

devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents' as amended by further modifying the terms qualifications and other conditions under which the investment of trust funds may be made by fiduciaries by further providing for additional investments of trust funds by fiduciaries and by further providing with respect to the retention or sale of certain investments in the hands of fiduciaries."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 197

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 197, Printer's No. 668, entitled "A Supplement To the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one Pamphlet Laws 1379) entitled 'An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town township school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities' providing for the appointment of the members of the boards for the assessment and revision of taxes by the Auditor General of the Commonwealth terminating the terms of the existing members of such boards fixing the membership of the county salary boards for certain purposes and repealing existing law providing for the appointment of such boards by the county commissioners."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 425

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 27, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 425, Printer's No. 637, entitled, "An Act For the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties."

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 892

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 892, Printer's No. 376, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations.

JUDGE OF ORPHANS' COURT OF LANCASTER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate H. Clay Burkholder, of Lancaster, Lancaster County, for appointment as Judge of the Orphans' Court of Lancaster County, vice William N. Appel, of Lancaster, resigned, to serve until the first Monday, of January, 1938.

GEORGE H. EARLE.

JUSTICE OF PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Lester M. Sheldon, of Kinzua, Warren County, for appointment as Justice of the Peace in the Township of Kinzua, Warren County, to fill a vacancy, until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BEDFORD COUNTY

John A. Minnich, Bedford.

LYCOMING COUNTY

Thomas F. Hardin, Williamsport.
Miss Catherine M. Lundy, Williamsport.

MONTGOMERY COUNTY

Miss Fannie L. Campbell, Conshohocken.
George E. Moyer, Colmar, Hatfield Twp.

NORTHAMPTON COUNTY

Paul T. M. Hahn, Easton.

GEORGE H. EARLE.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent will state his question of personal privilege.

Mr. DENT. Mr. President, and members of the Senate, I hesitate to rise when it is so near the final day of adjournment of this Session however, there is an important piece of legislation resting in one of the committees. I have spoken to the committee chairman, and I have advised that all the members of that committee, that I will ask you for a special meeting of the committee immediately.

This has to do with the question of abandoned mines. Yesterday a disaster occurred which would have gone to a far greater proportion if the miners had been working. It occurred in Westmoreland County. Water had gathered in the Dorothy mine and broke through the barriers into the St. Vincent's shaft yesterday afternoon. Only two men were working—the engineer and his helper. Twenty or twenty-five men could have lost their lives like rats in that mine.

This piece of legislation was introduced by myself this year, and it was introduced because the United Mine Workers knew the value of such a piece of legislation. Yesterday the prediction was borne out.

Throughout that territory many of the mines are filled with water. In a few of the mines it is pumped out but in those not used, it is piling up every day, and any of you who have been through the mines know how they connect with each other, and no one knows when this will happen again.

I am going to ask the Committee on Mines and Mining, immediately on recess, to call a meeting to take into consideration this bill.

BILL OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 488 (House Bill No. 99), on final passage entitled:

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. RICE. Mr. President, I now call up from page 20 of the calendar, Senate Bill No. 1421 (House Bill No. 1640), on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1421 (House Bill No. 1640), entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties;" as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Eroe,	Huffman,	Pytko,
Bean,	Frey,	Jacobs,	Rankin,
Cavalcante,	Gelder,	Jaspan,	Reed,
Chapman,	Gilson,	Kilgallen,	Rice,
Dando,	Haluska,	Lanius,	Rodgers,
Deitrick,	Henney,	Law,	Rupp,
Dent,	Heyburn,	McCreesh,	Ruth,
DiSilvestro,	Homsher,	McGinnis,	Stiefel,
Ealy,	Howell,	Owlett,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. RICE. Mr. President, I call up out of order, for consideration at this time, Senate Bill No. 1427 (House Bill No. 2057), on third reading, entitled:

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1427 (House Bill No. 2057), entitled:

An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The ayes and nays were taken agreeably to the provisions of the Constitution.

Mr. OWLETT. Mr. President, I ask for a verification of the roll.

(The roll was verified.)

The PRESIDENT. Is there correction of the verification of the roll?

Mr. OWLETT. Mr. President, I object to the vote of the Senator from Clarion, Mr. Kahle, on this bill, for the reason that he was not in the Chamber at the time the roll was called, and upon being interrogated he did not state he was in the chamber when the roll was called.

The PRESIDENT. The record will show the name of the Senator was subsequently called, to which he responded 'aye.'

Mr. OWLETT. Mr. President, I would also like to interrogate the Senator from Clarion, Mr. Kahle, again and ask him if he was not telephoning at the time the roll was called?

Mr. KAHLE. Mr. President, I was in the Senate Chamber at the time the roll was called. I was called to the telephone afterwards.

The PRESIDENT. Any correction to the verification of the roll call?

Mr. GELDER. Mr. President, the Chair stated that the record will show that the Senator from Clarion, Mr. Kahle, responded when his name was afterwards called. His name was not afterward called until after the verification of the roll was asked for.

The PRESIDENT. The verification of the roll had been asked for but not directed by the Chair, and the Senator from Clarion, Mr. Kahle, rose and requested to be quoted as voting 'aye.'

The question is on verification of the roll.

Mr. OWLETT. Mr. President, may I interrogate the Senator from Clarion, Mr. Kahle?

Mr. FREY. Mr. President, I object.

Mr. OWLETT. Mr. President, I want to interrogate the Senator from Clarion, Mr. Kahle, on the roll call.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. FREY. Mr. President, I object.

Mr. OWLETT. Mr. President, I wish to ask the Senator from Clarion, Mr. Kahle, whether he was in the Senate Chamber when the roll was called.

Mr. KAHLE. Mr. President, I was, but did not hear my name.

Mr. OWLETT. Mr. President, I would like to interrogate further the Senator from Clarion, Mr. Kahle.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, permit himself to be interrogated further?

Mr. KAHLE. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Clarion, if it is not a fact that he just came into the chamber since this roll was called after a verification was called for. I ask the Senator if that is not a fact?

Mr. KAHLE. Mr. President. I have not heard any announcement of any verification.

Mr. OWLETT. Mr. President, I ask the Senator from Clarion, Mr. Kahle, if it is not a fact that he was not in the chamber when the roll was called?

Mr. KAHLE. Mr. President, I did not hear my name called.

The PRESIDENT. For the information of the Senator from Tioga Mr. Owlett, the verification, while asked for, was not directed by the Chair—we were still calling the roll.

Mr. GELDER. Mr. President, for a point of information, I would like to ask the Chair, if there was anything in order except the verification after it was asked for?

The PRESIDENT. Yes, the calling of the roll was not dispensed with.

Mr. GELDER. Mr. President, the roll had been called and the Senator from Tioga. Mr. Owlett. asked for a verification of the roll.

The PRESIDENT. After the roll was called, any Senator has the right to get up and ask the privilege of being recorded, or changing his vote, which the Senator from Clarion did.

Mr. GELDER. Mr. President, we understand from an interrogation that the Senator from Clarion was not in at the time the verification was asked for.

The PRESIDENT. He was in when the Chair had his votes recorded.

POINT OF LEGISLATIVE INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of legislative inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of legislative inquiry.

Mr. OWLETT. Mr. President, I desire to ask whether this is a "must" bill, and whether that is the reason it is being regarded in that way.

The PRESIDENT. The Chair has no information to that effect.

The negative roll was thereupon verified and resulted in 20 votes.

The PRESIDENT. Is there any correction in the negative roll? If not, it stands verified.

The roll was verified and was as follows:

YEAS—26

Barthold,	Gilson,	Kilgallen,	Reed,
Cavalcante,	Haluska,	Law,	Rice,
Dando,	Henney,	McCreesh,	Rodgers,
Dent,	Huffman,	McGinnis,	Ruth,
DiSilvestro,	Jacobs,	Pytko,	Shapiro,
Eroe,	Jaspan,	Rankin,	Stiefel,
Frey,	Kahle,		

NAYS—10

Bean,	Ealy,	Homsher,	Lanius,
Chapman,	Gelder,	Howell,	Owlett,
Deitrick,	Heyburn,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill ot the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. RICE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 974 (House

Bill No. 1570), on third reading postponed, entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compenation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of way or easements over state institution lands for public road purposes

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Shall the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29.

Barthold,	Haluska,	Kilgallen,	Rankin,
Cavalcante,	Henney,	Kunkel,	Reed,
Dando,	Heyburn,	Lanius,	Rice,
Dent,	Huffman,	Law,	Rodgers,
DiSilvestro,	Jacobs,	McCreesh,	Ruth,
Eroe,	Jaspan,	McGinnis,	Shapiro,
Frey,	Kahle,	Pytko,	Stiefel,
Gilson,			

NAYS—9.

Bean,	Ealy,	Howell,	Pierson,
Chapman,	Homsher,	Owlett,	Wolfenden,
Deitrick,			

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 1080, (House Bill No. 1575), as follows:

An Act to amend section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended authorizing the assignment of retirement rights in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1738) is hereby further amended to read as follows

Section 18 The right of a person to an employe's annuity a State annuity or retirement allowance to the return of contributions any benefit or right accrued or accuring to any person under the provisions of this act and the moneys in the fund created under this act are hereby exempt from any State or municipal tax and exempt from levy and sale garnishment attachment or any other process whatsoever and shall be unassignable except as in this act specifically otherwise provided and except that the assignment of any or all rights as security for a loan not in excess of three hundred dollars ($300) made by a member with an organization or credit union whose officers are certified as teachers shall be valid Provided however That the interest rate shall not exceed that permitted by law for such organization or credit union.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40.

Barthold,	Frey,	Jaspan,	Pytko,
Bean,	Gelder,	Kahle,	Rankin,
Cavalcante,	Gilson,	Kilgallen,	Reed,
Chapman,	Haluska,	Kunkel,	Rice,
Dando,	Henney,	Lanius,	Rodgers,
Deitrick,	Heyburn,	Law,	Ruth,
Dent,	Homsher,	McCreesh,	Shapiro,
DiSilvestro,	Howell,	McGinnis,	Stiefel,
Ealy,	Huffman,	Owlett,	Wolfenden,
Eroe,	Jacobs,	Pierson,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Mr. SHAPIRO. Mr. President, I call up at this time, Senate Bill No. 1387, (House Bill No. 1330), on page 16 of the Calendar, for the purpose of amendment.

Agreeably to order

The Senate proceeded to the third reading and consideration of Senate Bill No. 1387 (House Bill No. 1330), entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the Courts of Common Pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts

And said bill having been read at length the third time.

On the question.

Mr. SHAPIRO. Mr. President, I move to amend sec. 32, page 24, line 1, by inserting after the figure "32" the following: A; amend sec 32, page 24, by inserting between lines 20 and 21, the following paragraph:

B. The term of the present Chief Magistrate shall end as of the effective date of this act, and the Chief Magistrate shall deliver to his successor in office all dockets, books, bonds and other papers connected with his office as Chief Magistrate.

The President. Is there objection?

On the question,

Will the Senate agree to the amendments?

Mr. OWLETT. Mr. President, I desire to interrogate the sponsor of the amendments, the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Philadelphia, if he will explain the amendments?

Mr. SHAPIRO. Mr. President, a new board of magistrates is being set up by this bill, and we will need a chief magistrate; and it was decided that, having created a new board we would need to have a new chief magistrate appointed from the new board.

Mr. OWLETT. Mr. President, I would ask the Senator, if the poor board is then to rip out one of the magistrates of Philadelphia?

Mr. SHAPIRO. Mr. President, not at all. This came after the bill was presented, and it was approved by a committee appointed to prepare a new magistrate by this bill, and this amendment follows out the thought of the committee.

Mr. OWLETT. Mr. President, so that, Mr. President, these amendments bring about a preparation immediately of a present chief magistrate, and provides for the appointment of a new chief magistrate?

Mr. SHAPIRO. Mr. President, it provides for the appointment of a new chief magistrate; that is right.

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, I move that the vote by which this bill passed second reading be reconsidered.

Mr. DiSILVESTRO. Mr. President, I second the motion,

On the question,

Will the Senate agree to the motion?

A division being called for 24 Senators voted in the affirmative and 9 in the negative, whereupon the question was decided in the affirmative.

The first to the thirty-first sections of the bill were read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "1937 Magistrates' Court Act"

Section 2 The twenty-eight courts not of record of police and civil causes with jurisdiction not exceeding one hundred dollars established by the second section of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue as therein provided

Section 3 No magistrate shall personally engage in any other business or profession or hold any other public office or serve as a representative of any political party in any assembly district senatorial district or congressional district or on the executive committee or any other governing body of any political party organization Each of the magistrates shall devote his entire time and attention to the duties of his office and no magistrate clerk stenographer or other officer or employe provided for herein shall demand or receive any money or other thing of value for the performance or non-performance of any of the duties pertaining to his office other than fees and compensation allowed by law

Section 4 Should any vacancy happen in the office of magistrate either by death resignation disqualification removal or otherwise such vacancy shall be filled for the full term of six years in the manner hereinbefore set forth at the next succeeding municipal election held in the City of Philadelphia after said vacancy shall happen and it shall be the duty of the Governor in the meantime to appoint and commission a suitable person to fill such vacancy until the first Monday of January next succeeding the first municipal election after said vacancy shall happen Provided however That if said vacancy shall happen within two calendar months before any municipal election the vacancy shall not be filled until the second succeeding municipal election thereafter and the Governor shall appoint and commission a suitable person to fill said vacancy until the first Monday of January after said second municipal election

Section 5 If any magistrate for any cause shall be unable to attend to his official duties he shall notify the chief magistrate who shall designate and assign another magistrate to discharge the duties of said magistrate during such inability

Section 6 The Board of Magistrates hereinafter provided for shall by rule or regulation adopted as hereinafter provided prescribe forms for civil and criminal dockets which shall be kept in each of said courts by the magistrates holding the same and in which shall be entered daily all proceedings of said courts and all official actions of the magistrates therein and it shall be the duty of the magistrate receiving any costs fees fines penalties or other moneys to note the same in the margin of the proper docket opposite to the entry of the case in respect to which the same is received with the date at which and the name of the person from whom the same was received together with the date and the person to whom the same was paid Said dockets shall be open to the inspection of any person during the hours when the court is required to be kept open

Section 7 Each magistrate shall keep a daybook in which he shall enter all costs fees fines penalties and other moneys collected by him with the date when the person from whom and the purpose for which the same

were received. He shall also note therein the time when and the manner in which the same are disposed of and the books and papers of said court including said daybooks shall be the property of the Commonwealth of Pennsylvania He shall pay over to the city treasurer within five days after the first Monday of every month all costs of suits fees fines penalties and other sums of money received during the preceding month excepting constables' fees which shall be paid directly to the constable entitled thereto by said magistrate during the preceding month except such costs and judgments as the parties to any proceeding before him may by law be entitled to receive and shall at the same time furnish to the controller of the City of Philadelphia under oath or affirmation an accurate account of all moneys so paid either into the city treasury or to constables The controller of the city shall not countersign any warrant for the monthly payment of the salary of any magistrate until he is satisfied from inspection by himself or his deputy of the dockets daybooks or other books of such magistrate that his accounts are correct and that all payments required by law to be made to the city treasurer have been so made

Section 8 Whenever a vacancy shall for any reason occur in the office of a magistrate it shall be the duty of such magistrate to deliver to his successor in office all dockets books bonds and other papers connected with his office and in case of the death of any magistrate all persons having possession of the dockets books bonds and other papers aforesaid of such deceased magistrate shall under like penalties deliver the same to his successor in office or if no successor has been appointed or elected to the chief magistrate herein provided for If any magistrate whose office has become vacant as aforesaid or any person having possession of the dockets books bonds and papers of any deceased magistrate shall neglect or refuse to deliver the same over as hereinbefore provided to his successor in office or to the Chief Magistrate as the case may be the Chief Magistrate or any person aggrieved by such neglect or refusal may petition the Court of Common Pleas of the County of Philadelphia to order such delivery as aforesaid and the Court of Common Pleas may enforce its order by attachment for contempt or by other suitable process and the successor in office of such magistrate or the Chief Magistrate to whom such dockets books bonds and papers as aforesaid are delivered or any magistrate to whom the Chief Magistrate may deliver the same shall have power to issue process and proceed thereon in the same manner and with the same effect as the magistrate to whom the said documents books bonds and papers may have belonged would have had had he remained in office Provided That in case the magistrate to whom such docket books bonds and papers are delivered shall be a party in interest in any cause pending before the magistrate to whom said dockets books bonds and papers shall have officially belonged such cause shall be proceeded in by such other magistrate as the Chief Magistrate may designate to whom a transcript of such proceeding shall be furnished as well as the original docket if required at the time of the trial thereof

Section 9 Except in cases of hearings on warrants issued by a magistrate the hearings of all criminal cases shall be held only in the central police court the divisional police courts hereinafter provided for or in the district station houses herein designated for that purpose

Section 10 There shall be established a central police court in the city hall of the City of Philadelphia which shall be open with a magistrate continually present thereat during the entire twenty-four hours of each day and to which the mayor of the City of Philadelphia shall regularly assign from the body of magistrates a sufficient number of magistrates to hold the same for the period of one month Provided however That the same magistrate shall not be assigned for consecutive months and that no magistrate shall be assigned to said court more than once in every six months

Section 11 It shall be the duty of the Chief Magistrate to appoint and assign in rotation in the manner prescribed by the Board of Magistrates magistrates to serve as committing magistrates in the several police stations in the City of Philadelphia but no magistrate shall be assigned longer than one month to the same station house in any one year Provided however That the Chief Magistrate after consultation with the District Attorney and the Director of Public Safety of the City of Philadelphia shall select not less than ten nor more than fifteen station houses which shall be known as divisional police courts and in which in addition to the hearings regularly held therein shall be held exclusively the hearings of all persons arrested on sight or on a police warrant for the following indictable offenses that is to say for treason sedition murder voluntary and involuntary manslaughter abortion arson blackmail perjury and subordination of perjury sodomy kidnapping mayhem receiving stolen goods obtaining money or other property by false pretense carrying concealed deadly weapons operating an automobile while under the influence of intoxicating liquor the illegal possession and sale of machine guns and firearms and the illegal possession sale and use of narcotic drugs and also all forms of bribery rape assault and battery to ravish robbery burglary and entering with intent to commit a felony or felonies larceny forgery fraudulently making uttering and publishing written instruments felonious assaults and batteries extortion keeping setting up and maintaining lotteries gambling houses gambling machines pool selling and bookmaking keeping maintaining and frequenting bawdy houses and houses of assignation pandering and prostitution embezzlement fraudulent conversion offenses by public officers and also all conspiracies solicitations and attempts to commit any of the foregoing offenses and aiders abetters and accessories before and after the fact to said offense and compounding of the same

The said divisional police courts shall be selected from among the district police stations in such manner that they shall be most suitably and conveniently located for the dispatch of the public business therein and as far as practicable for the equal distribution among said divisional police courts of the hearings hereby required to be held therein exclusively The magistrates assigned to preside at the divisional police courts shall also be assigned by the Chief Magistrate in rotation in the manner prescribed by this act and no magistrate shall be assigned longer than one month to the same divisional police court and every magistrate shall be assigned to each divisional police court in turn It is the intention of this section that there shall be established a system of rotation whereby the same magistrates shall not be repeatedly assigned to the same police station or divisional police court and the judges of the Courts of Common Pleas of Philadelphia County are hereby given authority to enforce this provision Nothing herein contained shall operate to deprive any magistrate before whom a criminal case has been lawfully begun of jurisdiction and authority fully and completely to hear and dispose of the same and of all charges growing out of or connected with the transaction involved therein notwithstanding the charge or charges upon which the accused is held or convicted may not be within the jurisdiction of the divisional or district police court as the case may be in which the magistrate is sitting at the time

It is hereby declared that the foregoing enumeration of offenses is intended to be inclusive and not exclusive and shall be liberally interpreted to carry out the legislative purpose as generally expressed therein

No magistrate shall receive any additional compensation for acting as committing magistrate at any police station or at any divisional police court

Section 12 The hearings of all criminal cases other than those provided for in section eleven of this act shall be held as now provided by law in the station house of the district in which the arrest without warrant is made and in the case of arrest on warrants in the station house of the district to which the magistrate issuing the warrant is assigned or in the court of such magistrate as the said magistrate may direct In cases of offenses herein required to be heard exclusively in the divisional police

courts the jurisdiction of each of said courts shall extend over arrests made in the police district in which each court is located and in such police districts contiguous thereto as may be selected by the Chief Magistrate after consultation with the district attorney and the director of public safety as aforesaid to effect convenient and equal distribution among said courts of their business as aforesaid Hearings on warrants issued by any magistrate other than police warrants may be held in the court of such magistrate the police station house to which he is assigned or the divisional police court in which he may be sitting at the time as said magistrate shall direct

Section 13 No magistrate shall release on copy of the charge without entry of bail as hereinafter provided any person arrested charged with any of the crimes specified in section eleven of this act except operating an automobile while intoxicated fraudulent conversion frequenters of bawdy house or house of assignation and assault and battery In these exceptions to section eleven and in all other cases not specifically mentioned the magistrate may release on a copy of the charge without entry of bail if the circumstances and facts of such case or cases warrant him to do so For the accommodation of the public the director of public safety shall make suitable arrangements for the prompt issuance by the officer in charge of the cell room of the central station or by any other district station house official or such other person as he may designate of certificates or copies of the charge without cost against any person arrested in any police station of the city and all persons arrested shall be given the opportunity to promptly communicate with be interviewed or examined by such persons as they desire

Section 14 No continuance of a hearing of a criminal case shall be granted by a magistrate unless the person requesting the continuance shall state under oath his or her reason therefor and the reason stated together with the name of the party requesting the same shall be noted by the magistrate in his docket and shall be returned as a part of the transcript of the case Provided That if any case shall be continued by a magistrate of his own motion such continuance and his reason for his action shall be set forth at length by the magistrate in his docket and returned as part of the transcript of the case

Section 15 In cases where a person arrested on a criminal charge shall be entitled to release upon posting of bail it shall be the duty of the magistrate holding the preliminary hearing of such person to promptly fix the amount of the bail and neither he nor any other magistrate shall accept bail unless the provisions of sections sixteen seventeen eighteen and nineteen of this act are complied with Provided however That this section shall not prevent the magistrate holding any hearing from authorizing bail to be entered without real estate security where in his opinion the evidence produced so warrants except when the person arrested is charged with any of the offenses listed in section eleven of this act

Section 16 Whenever pursuant to law any person or persons charged with the commission of any criminal offense or offenses has had bail lawfully fixed by a magistrate it shall be the duty of the magistrate taking bail to make a thorough inquiry into the sufficiency of such bail and he shall make a due and thorough investigation under oath into the financial responsibility of the recognizer or surety and it shall be his duty to take of such recognizer or surety a written justification under oath setting forth

(1) The name age and residence of the bondsman

(2) A description of the property offered as surety with its exact location and the street number in the City of Philadelphia

(3) The present value assessed value the amount paid therefor and the rent derived therefrom

(4) All encumbrances whether mortgages judgments et cetera stating in detail character and amount when and where recorded or entered and a statement that there are no other encumbrances except as noted

(5) That the title to the property is in the bondsman himself and is not subject to any trusts

(6) How the property was acquired whether by will or deed making an exact notation of the date and record of registry of the will or recording of the deed giving book and page number

(7) A list of all judgments against the bondsman

(8) Statement in what other cases or for what person or persons if any the bondsman is surety

(9) Statement as to whether or not the municipal school and other taxes have become delinquent and

(10) What amount if any is paid or to be paid to the recognizer of bail for giving said bail and what counter-security is given if any Cash bail in lieu of real estate security may be accepted by the magistrate taking the bail and shall be delivered forthwith to the clerk of quarter sessions and a receipt taken therefor

Section 17 No bail or recognizance shall be taken without a justification as aforesaid endorsed on the bond or recognizance duly signed and sworn to by such surety recognizor or bondsman and no bail shall be accepted unless said surety recognizor or bondsman offers as security a property situate within the City of Philadelphia nor shall such bail be taken until the magistrate shall have verified the truth of certain statements in the justification as required in section eighteen hereof The provisions of this section shall not apply to cases in which a judge of record shall accept as security a property situate without the city of Philadelphia or to cases in which cash bail is presented and accepted

Section 18 Every magistrate before accepting bail secured by real property shall be furnished with a bail certificate issued by the city controller and said certificate shall contain the following information

(a) The name of the owner of the particular property offered to the magistrate as security

(b) The amount of unpaid taxes due thereon

(c) The amount of liens thereon

(d) The assessed value thereof

(e) Whether the same property has heretofore been accepted as security for bail heretofore entered and still in force

It shall further be the duty of the controller to retain a duplicate copy of each bail certificate issued together with the information as to whom the said certificate was issued The magistrate who has finally discharged such person or the District Attorney after the grand jury has ignored the bill or bills of indictment or when the court has disposed of the case shall promptly notify the controller in writing of such final disposition and return the bail certificate to the controller

Section 19 If the magistrate is satisfied from the information received from the controller and the justification sworn to by the proposed bondsman that there is sufficient equity in the property tendered as security he may accept the surety or bondsman as bail and thereupon stamp or note upon the deed of the surety or bondsman which said magistrate shall require to be produced before him the fact that bail has been accepted by him the name of the particular case in which it was accepted the date of acceptance and the amount thereof which stamp or notation may only be cancelled by the City Controller upon discharge of the bail according to law

Section 20 The City Controller of Philadelphia shall provide twenty-four hours service of the information provided in the preceding sections of this act and to enable him to do so said City Controller is hereby authorized to appoint four additional clerks at an annual salary not exceeding two thousand dollars ($2,000.00) each

From and after the effective date of this act the fees now chargeable by law for the entry of bail before magistrates shall be one dollar ($1.00)

Section 21 There is hereby created a civil division of the magistrates' courts of Philadelphia which shall be a court not of record but which shall provide a simple informal and inexpensive method and procedure for the determination of claims for liquidated sums not in excess of one hundred dollars The said court shall open with scrupulous punctuality for hearings from nine thirty o'clock ante meridian until twelve o'clock noon and from one thirty o'clock post meridian until four thirty o'clock post meridian daily except Saturdays when the court shall close at twelve o'clock noon The court shall not be

open on Sundays or legal holidays All civil cases instituted in any of the magistrates' courts of the City of Philadelphia shall be tried before three magistrates sitting in such civil division in a court room assigned to them for that purpose in City Hall in Philadelphia The chief magistrate shall regularly assign three of the magistrates to sit as a court en banc in all civil matters in such civil division for the period of one month to hear all cases The vote of not less than two of the three magistrates shall be necessary to enter judgment for plaintiff or defendant as the case may be Provided however That the same magistrate shall not be assigned to the civil division for consecutive months and that no magistrate shall be assigned to said civil division more than once every six months

The chief magistrate is hereby empowered to provide for and set up more than one court of three magistrates each for the hearing of civil cases when the volume of such cases is such that cases are delayed or it appears to him that they are being disposed of in too rapid a fashion with the possible consequence that injustice might be done to any party litigant

Section 22 Actions in every magistrates' case shall be commenced without a summons or a praecipe therefor The filing of a statement of claim by the plaintiff and the service of the statement of claim upon the defendant as herein provided shall have the same effect as though a summons had been regularly served according to the manner prescribed for the service of summons The plaintiff shall state to the clerk of the magistrates' court his name place of residence telephone number and the name and place of residence so far as known of the defendant and the nature and amount of his claim and the clerk after such further inquiry as he may deem necessary shall reduce the claim to writing in triplicate in concise and untechnical form giving time place and other relevant circumstances The statement of claim shall be signed and sworn to before the clerk by the plaintiff A brief record of the claim shall be entered in the civil docket of the court by the clerk The court at the hearing may allow any statement of claim to be amended

Section 23 At the time the plaintiff presents the facts in substantiation of his claim to the clerk of the magistrates' court the plaintiff shall pay the clerk for the use of the county a fee of one dollar and fifty cents ($1.50) for which a receipt shall be issued Said fee shall cover the costs of preparing and serving the statement of claim entering the judgment in the civil division of the magistrates' court issuing execution thereon through the sheriff's office and recording the said judgment in a court of record No refund of the fee paid herein or any part thereof shall be made

Section 24 All statements of claim in civil actions shall be served in the following manner

(a) The clerk shall send a copy of the statement of claim by registered mail return receipt requested to the last known residence or place of business of the defendant

(b) Should such statement of claim be returned to the magistrates' office with the notation that the defendant refuses to accept the same the clerk shall then send the same to the sheriff's office for service upon the defendant in the same manner as prescribed by law for the service of writs of summons by the sheriff No fee shall be charged by the sheriff for this service

(c) Should such statement be returned by the United States Post Office Department for want of a proper address then all proceedings are to stop until the plaintiff shall have supplied the clerk with the correct address

(d) Where service of the statement of claim is made by registered mail the clerk of the court upon the return of the receipt to him by the United States Post Office Department shall file the same with the chief clerk of the magistrates' civil court in City Hall together with an affidavit reciting the fact of service by registered mail and such receipt and affidavit shall constitute service A record of such service shall be made by the clerk in the civil docket of the magistrate's court from which such letter originated

(e) One copy of the statement of claim shall be kept on file in the court in which such action shall be commenced the original shall be forwarded to the chief clerk to be filed with the records of the magistrates' civil court in City Hall and the third copy shall be served upon the defendant in the manner hereinabove provided

(f) The statement of claim in all actions commenced in the magistrates' courts shall be indorsed with a notice signed by the clerk of the court stating the time date and place of the trial or hearing at which the defendant is ordered to be present

Section 24 A case shall be deemed at issue upon the service of the statement of claim upon the defendant No answer shall be filed by the defendant except where he desires to claim a set-off or make a counter-claim in which case an answer in writing shall be filed with the clerk of the court at any time before the commencement of the trial Such answers containing set-offs and counter-claims shall be filed in the same manner as hereinbefore provided for the filing of the statement of claim The court at the hearing may allow any answer filed to be amended

The filing of answers containing set-offs and counter-claims shall be noted in the court docket by the clerk

The fee for filing an answer containing a set-off or counter-claim shall be one dollar ($1.00) payable by the defendant to the clerk for the use of the county

Section 25 Trials in the civil division shall be before the court of three magistrates the trial procedure shall be informal and only substantive rules of law shall be applied The board of magistrates shall have power to prescribe rules of procedure and practice not inconsistent with the provisions of the acts of Assembly or of the Constitutions of the Commonwealth or of the United States No pleadings other than those required or permitted by this act shall be entertained in such court The civil division shall conduct all hearings in such form and with such methods of proof as it deems best to discover the facts and to administer justice in the case The magistrates sitting as the court en banc in such civil division may question either party and the witnesses If the plaintiff does not appear at the time set for the hearing the court may dismiss the claim for want of prosecution or enter a finding on the merits for the defendant or the plaintiff or make such other disposition as to it may appear proper If the defendant shall fail or neglect to appear at the hearing the court may enter judgment for the full amount of the claim with costs

The court shall render its decision immediately at the conclusion thereof giving judgment for the plaintiff or defendant or enter such decree as to it shall appear proper together with interest and costs and shall notify the plaintiff and defendant orally thereof before they leave the court

Section 26 The court shall have power to continue any hearing pending before it but such continuance shall be allowed only (a) where one of the parties or a material witness is unable to be present by reason of illness or other reason appearing sufficient to the court or (b) where a defense is produced which was not forseen by the plaintiff and the court is of the opinion that the plaintiff should have additional opportunity to rebut the defense

Section 27 A judgment entered in the civil division may be appealed by either party as heretofore All such judgments may be removed to the Court of Common Pleas by certiorari in the same manner within the same time and subject to the same procedure as heretofore

Section 28 When a judgment is rendered by the civil division the clerk of the court shall receive the amount of the judgment with costs to date if offered by the defendant before execution and promptly pay the same over to the plaintiff If any judgment is not so paid within twenty days of the entry of the judgment the court shall direct its writ of execution to the sheriff of the county commanding him to levy the debt interest and costs on the defendant's goods and chattels and within the space of the next ten days following the levy expose the goods and chattels to public sale having first given notice of the

same by at least three handbills posted in conspicuous places in the vicinity Thereupon said execution sale of goods and chattels and return thereof shall proceed in the manner provided by law for executions issuing out of the courts not of record except that the moneys realized from the sale shall be applied first to the payment of the plaintiff debt second to the payment of costs and third any excess to the defendant

All writs of execution issuing out of the civil division shall be in such form as is prescribed for like writs issuing out of the Courts of Common Pleas of the several counties of this Commonwealth Such writs shall be directed to the sheriff of the county and the sheriff shall not make any charge in advance for such service but if a fund should come into the hands of the sheriff he may deduct a sum not to exceed four dollars ($4.00) for sheriff's costs

Section 29 Where any judgment entered in the civil division of the magistrates' court after execution has been returned unsatisfied in whole or in part the clerk of the court shall send a transcript of such judgment to the prothonotary of the county who shall enter the same and such judgment shall have the same force and effect as any other judgment of a court of record This service shall be rendered by the prothonotary without any charge whatsoever

Section 30 The chief magistrate shall appoint a chief clerk of the civil division of the magistrates' court whose salary shall not exceed twenty-five hundred dollars ($2500) per annum and shall appoint such clerical assistants not in excess of six at salaries not to exceed eighteen hundred dollars ($1800) per annum all of which salaries shall be paid by the county

The chief clerk shall keep a complete record in suitable dockets of all cases filed with the court the proceedings therein and the disposition thereof and in keeping said dockets he should endeavor to obtain the standard now maintained by the prothonotary of Philadelphia County

Section 31 There shall be a Board of Magistrates composed of all the magistrates of the City of Philadelphia The said board shall be presided over by a Chief Magistrate who shall be the administrative representative and executive head of the said board and shall be selected in the manner and shall hold the position of Chief Magistrate for the term hereinafter provided The Chief Magistrate shall have general supervision of the conduct of the business of all the courts held by the magistrates and between meetings of the Board of Magistrates shall have full power and authority to execute the rules and regulations of said board and to issue such necessary interim administrative orders and directions as the said board could issue and as are not inconsistent with existing law or said rules and regulations The said Board of Magistrates shall have the power and it shall be its duty to consider supervise and prescribe rules and regulations for the conduct of the various civil and police courts by the magistrates and the practice and procedure in the administration of justice therein The said board shall have the power to investigate of its own motion or on complaint of others any and all matters pertaining to the courts presided over by the magistrates the administration thereof and the official conduct of any person or persons connected therewith and take such lawful action in respect thereto as it may deem necessary and proper in the premises The Board of Magistrates shall meet for the discharge of its duties at least four times in each year during the first week of the months of January April July and October and at such other times as it may be convened by the Chief Magistrate or at the written request of five or more magistrates The meetings of the said board shall be held in the office of the Chief Magistrate

The thirty-second section of the bill was read as follows:

Section 32 As soon as practical after the approval of this act the Governor of the Commonwealth shall select from among the magistrates a Chief Magistrate to act as such from the date of appointment for the remainder of the term for which he shall have been elected or appointed as magistrate and before the expiration of such term the Governor shall select from among the magistrates a Chief Magistrate to act as such in succession to him whose term of magistrate is about to expire and to hold office from and after the expiration of such term until his own term as magistrate shall expire and so on from time to time thereafter as the term of office of any magistrate who has been selected Chief Magistrate shall be about to expire the Governor shall select from among the magistrates a Chief Magistrate to serve until his own term as magistrate shall expire unless removed before such time by the action of the Governor Provided however That any magistrate upon being re-elected to office as such magistrate shall continue eligible for re-appointment from time to time as Chief Magistrate

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President I move to amend sec. 32, page 24, line 1, by inserting after the figure "32" the following: "A; amend sec. 32, page 24, by inserting between lines 20 and 21, the following paragraph: "B. The term of the present Chief Magistrate shall end as of the effective date of this act, and the Chief Magistrate shall deliver to his successor in office all dockets, books, bonds and other papers connected with his office as Chief Magistrate."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The thirty-third to the forty-seventh sections of the bill were read as follows and agreed to.

Section 33 Within sixty days after this act takes effect it shall be the duty of the Board of Magistrates to prepare and submit to the judges of the Courts of Common Pleas rules and regulations for the practice and procedure in and the conduct of the business of their courts by the magistrates which said rules and regulations shall become valid and binding as such when the same are approved by a majority of the judges of the said Courts of Common Pleas and if the said Board of Magistrates shall fail or neglect to prepare such rules and regulations and submit the same to the judges of the Courts of Common Pleas for their approval it shall be the duty of the said judges of their own motion to promulgate such rules and regulations which shall be the official rules and regulations of the Board of Magistrates Said rules and regulations may be added to altered amended or repealed from time to time in the same manner as is herein provided for the adoption of the same The judges of the Court of Common Pleas may also from time to time of their own motion alter amend or repeal such rules and regulations as may be then in force and promulgate such new rules and regulations as the said judges may deem necessary and proper

Section 34 The judges of the Courts of Common Pleas shall have the power from time to time as they deem necessary to inquire into and consider any and all matters and things touching the administration of the business of the magistrates and the performance by them of their duties and for this purpose to issue out of any of the Courts of Common Pleas writs of subpoena for the summoning of witnesses and the production of books papers and documents of the magistrates or others as may be relevant and proper to such inquiry and to take such lawful and proper action in the premises as the said judges may deem necessary

Section 35 It shall be the duty of the City of Philadelphia to supply and pay for whatever may be necessary for the transaction of the business of said magistrates' courts and to supply all proper court rooms and accommodations including waiting rooms withdrawing rooms

dockets blank books legal blanks stationery furniture and equipment and such law books as may be certified by the Chief Magistrate to be necessary for the use of the magistrates' courts and to pay all salaries compensations expenses and disbursements that are herein or are otherwise authorized by law and it shall be the duty of the council of said city to appropriate annually a sum sufficient to pay such salaries compensations expenses and disbursements Such dockets blank books legal blanks and stationery shall be uniform in character The court rooms waiting rooms and withdrawing rooms accommodations furniture and equipment to be supplied shall be of such character and be kept in such condition of repair cleanliness and useful service at the expense of said city as the Chief Magistrate with the approval of the council shall determine to be necessary or desirable

Section 36 The Chief Magistrate shall provide for the appointment of a sufficient number of stenographers or stenographic clerks as may be necessary regularly to be present at and report the proceedings in said divisional police courts in all cases required by this act to be heard exclusively therein as well as in cases where there are hearings on private warrants upon request of either party of interest or the magistrate issuing such warrant providing such request is made in writing twenty-four hours prior thereto Said stenographers or stenographic clerks shall receive an annual salary to be fixed by the Chief Magistrate not exceeding two thousand five hundred dollars ($2,500.00) per annum

Section 37A On or after the first day of July one thousand nine hundred thirty-seven and thereafter whenever a vacancy occurs the chief magistrate shall appoint a chief clerk and a deputy stenographic clerk who shall respectively perform such duties as may be required of them by this act and by the chief magistrate and by rules adopted by the board of magistrates The chief clerk and deputy stenographic clerk shall be entitled to serve so long as they respectively behave themselves well Each clerk of a magistrate's court shall file with the chief clerk each month a report of the criminal business of said magistrate's court during the preceding month and such other reports from time to time as the chief magistrate shall require The chief clerk shall cause suitable blanks to be prepared and furnished for such purpose

B The deputy stenographic clerk and each clerk of a magistrate's court shall receive a salary of two thousand dollars per annum the chief clerk a salary of two thousand five hundred dollars per annum Said salaries shall be paid by the city in semi-monthly payments

Section 38 It shall be the duty of the council of the City of Philadelphia to provide for the payment of the salaries of the aforesaid stenographers or stenographic clerks when appointed by the Chief Magistrate as aforesaid and to provide for them suitable offices and accommodations for the performance of their duties as herein prescribed including all office furniture typewriter machines dictaphones paper and all other necessary supplies for the performance of their duties

Section 39 It shall be the duty of the stenographers or stenographic clerks as aforesaid to report in full the entire proceedings of the said divisional police courts in all cases required by this act to be tried exclusively therein and to file in the office of the clerk of the Court of Quarter Sessions full true and complete verbatim transcripts or reports of said proceedings within five days after the taking of the same or sooner if so specially directed by the presiding magistrate Each such transcript or report shall be certified by the stenographer taking the same in the following form

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the hearing of the above cause and that this copy is a correct transcript of the same

.....

Stenographer

Such transcripts or reports when so certified by the stenographer and filed as aforesaid shall upon any other trial or in any other proceeding in which it may become material to prove the matters therein reported be taken and held to be prima facie correct and if otherwise admissible in evidence shall be admitted without the necessity of calling the stenographer who made the said transcript or report as a witness to prove the same The District Attorney of the County of Philadelphia the City Solicitor of the City of Philadelphia the Chief Magistrate and any judge of the Courts of Common Pleas of said county shall on request be furnished with a copy of any such proceeding free of charge All other persons desiring copies of any proceeding reported by any stenographer or stenographic clerk shall be entitled to receive the same upon payment of twenty cents ($0.20) for each page thereof No stenographer nor stenographic clerk shall retain for himself any money received from the sale of a copy or copies of transcripts but shall pay over all moneys so received by him to the clerk of the magistrate before whom such hearing took place and shall be entered by the clerk in the day book and returned to the City Treasurer of the City of Philadelphia and account for the same to the City Controller

Section 40 The transcript or report of the proceedings hereinbefore referred to and required to be filed with the clerk of the Court of Quarter Sessions of the County of Philadelphia shall be kept by said clerk for such period of time not less than three years after the receipt of the same as may be fixed by the judges of the Courts of Common Pleas and shall at all reasonable times and subject to reasonable regulations by the judges of the Courts of Common Pleas of said county be opened to public inspection

Section 41 The District Attorney of the County of Philadelphia may assign such number of his assistants as may be necessary to be present at and conduct on behalf of the Commonwealth all criminal hearings held in the divisional police courts herein provided for

Section 42 On or before the twentieth day of January of each year the Chief Magistrate shall make written report to the Board of Magistrates of the business of all the magistrates' courts on the criminal side during the preceding calendar year and of the attendance thereat Copies of said report shall be furnished to the judges of the Courts of Common Pleas of Philadelphia County to the mayor and to the Controller of the City of Philadelphia The reasonable cost of the preparation of the said report shall be paid by the County of Philadelphia as part of the expenses of the magistrates' courts

Section 43 It shall be unlawful for any magistrate to

(a) Review alter modify or remit any sentence of fine or imprisonment lawfully imposed by him or to alter any of his official decisions in any case heard by him except in the presence of and with the written approval of the prosecutor

(b) Allow a further hearing in any criminal case without complying with the provisions of section fourteen of this act

(c) Knowingly and wrongfully for the purpose of deceiving others use or permit the use of his signature seal of office or Coat of Arms of the Commonwealth of Pennsylvania on any unofficial paper document letter or communication

Section 44 Any magistrate or other person charged with the performance of any duty or prohibited from performing any act by any of the provisions of this act who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand five hundred dollars ($1,500.00) or undergo imprisonment not exceeding three years either or both in the discretion of the court and in addition thereto any magistrate so convicted shall forfeit his office and be removed therefrom by the court in which such conviction shall have been had

Section 45 The provisions of this act shall be severable If any of said provisions shall be held to be invalid or unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act

It is hereby declared as the legislative intent that this act would have been adopted had such invalid or unconstitutional provisions not been included therein

Section 46 Sections nine thirteen fourteen fifteen six-

teen seventeen twenty-one twenty-four twenty-five twenty-six thirty thirty-three and thirty-six of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) entitled "An act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia and creating a board of magistrates providing for a chief magistrate prescribing their powers and duties providing for clerks establishing a central administrative office imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates' courts including payment of all salaries fixing salaries and restricting magistrates to duties of office and repealing certain prior acts" be and the same are hereby specifically repealed

All other acts or parts of acts inconsistent herewith are also hereby repealed

The provisions of existing law respecting magistrates' courts of the City of Philadelphia and the practice and procedure therein in so far as the same do not conflict with or are not modified by the provisions of this act shall remain in full force and effect

Section 47 This act shall become effective on the fifteenth day of June one thousand nine hundred thirty-seven

The title of the bill was read as follows and agreed to.

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the Courts of Common Pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 1146 House Bill No. 1055), as follows:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added by the act approved the twenty-eighth day of April one thousand nine hundred and twenty-one (Pamphlet Laws 328) and last amended by section three of the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 547) is hereby further amended to read as follows

23 The amount apportioned and allotted to each school district shall be divided into equal semi-annual installments and the Superintendent of Public Instruction shall draw his [warrants] requisition semi-annually upon the State Treasurer in favor of each district for the amount to which it is entitled and payment thereof shall be made to fourth class districts during the months of February and August of each year to second and third class districts during the months of March and September of each year and to first class districts during the months of April and October of each year

[Provided That reimbursement] Reimbursement on account of salaries required to be paid for extension schools and classes as herein provided shall be made to school districts maintaining approved extension schools and classes established as herein provided and shall begin with the first semi-annual payment of the biennium beginning the first day of June one thousand nine hundred and twenty-seven Provided however That the Superintendent of Public Instruction may refuse to authorize the payment of any amount payable to any school district for the school year commencing the first day of July one thousand nine hundred and thirty-seven or any school year thereafter which school district shall at any time hereafter fail or refuse to pay to the members of its teaching and supervisory staffs the full amount of the minimum salaries and increments required by this section He may continue to withhold such requisitions until provision has been made by the school district for the payment of such minimum salaries and increments

Section 4 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 5 This act shall become effective the first day of July one thousand nine hundred and thirty-eight

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Gilson,	Lanius,	Rupp,
Bean,	Haluska,	McCreesh,	Ruth,
Cavalcante,	Henney,	McGinnis,	Shapiro,
Dando,	Heyburn,	Pytko,	Stiefel,
Dent,	Jacobs,	Rankin,	Wolfenden,
DiSilvestro,	Jaspan,	Reed,	Woodward,
Ealy,	Kahle,	Rice.	Huffman,
Eroe,	Kilgallen,	Rodgers,	Pres. Pro. Tem.
Frey.	Kunkel,		

NAYS—7

Chapman,	Gelder,	Law,	Pierson,
Deitrick,	Howell,	Owlett,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 159, entitled:

An Act to amend section seven of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" providing that all eligible applicants shall be entitled to assistance and preventing discrimination.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kilgallen,	Reed,
Bean,	Gelder,	Kunkel,	Rice,
Cavalcante,	Gilson,	Lanius,	Rodgers,
Chapman,	Haluska,	Law,	Rupp,
Dando,	Henney,	McCreesh,	Ruth,
Deitrick,	Heyburn,	McGinnis,	Shapiro,
Dent,	Howell,	Owlett,	Stiefel,
DiSilvestro	Jacobs.	Pierson,	Wolfenden,
Ealy,	Jaspan,	Pytko,	Woodward,
Eroe.	Kahle,	Rankin,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 249 (House Bill No. 243), entitled:

An Act to amend section two of the act approved the twenty-seventh day of May one thousand nine hundred and nineteen (Pamphlet Laws three hundred six) entitled "An act relating to criminal procedure before aldermen justices of the peace and magistrates in cases of assault and assault and battery and providing for the assessment of costs in such cases upon the prosecutor defendant or county and the commitment of the prosecutor or defendant in case of default" providing for appeals by defendants against whom costs have been assessed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Gelder,	Kilgallen,	Reed,
Bean,	Gilson,	Kunkel,	Rice,
Cavalcante,	Haluska,	Lanius,	Rodgers,
Dando,	Henney,	Law,	Rupp,
Deitrick,	Heyburn,	McCreesh,	Ruth,
Dent,	Howell,	McGinnis,	Stiefel,
DiSilvestro,	Jacobs,	Pierson,	Huffman,
Eroe,	Jaspan,	Pytko.	Pres. Pro. Tem.
Frey,	Kahle,	Rankin,	

NAYS—4

Chapman,	Shapiro,	Wolfenden,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill ta the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 420, entitled:

An Act to amend sections two hundred and eleven three hundred and twelve seven hundred and seven and eight hundred and seven of the act approved the fifth day of May on thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain eixsting corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by placing the incorporation and regulation of non-profit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth and conferring discretionary powers upon the courts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—20

Cavalcante,	Frey,	Kahle,	McCreesh,
Dando,	Haluska,	Kilgallen,	Rankin,
Dent,	Henney,	Kunkel,	Rice,
DiSilvestro,	Jacobs,	Lanius,	Stiefel,
Eroe,	Jaspan,	Law,	Thompson,

NAYS—16

Barthold,	Ealy,	Owlett,	Ruth,
Bean,	Gelder,	Pierson,	Shapiro.
Chapman,	Gilson,	Reed,	Wolfenden,
Deitrick,	Homsher,	Rupp,	Woodward,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 228

Mr. RICE. Mr. President, I present a Report of the Committee of Conference at this time on Senate Bill No. 228, entitled:

An Act imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth a store or stores as herein defined; prescribing the method and manner of collecting such tax and its disposition; and providing penalties.

and move its adoption.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 228

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 228, entitled: "An Act Imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth, a store or stores, theatre or theatres as herein defined; prescribing the method and manner of collecting such tax, and its disposition, including an appropriation for the purpose of administering this act, and providing penalties," respectfully submit the following bill as our report:

J. ALBERT REED,
WELDON B. HEYBURN,
C. GILBERT WOLFENDEN,
Committee on the part of the Senate.

JAMES W. PATTERSON,
E. J. COLEMAN,
THOS. WEIDEMANN,
Committee on the part of the House of Representatives.

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 SHORT TITLE This act shall be known and may be cited as the "Store and Theatre Tax Act" and

Section 2 DEFINITIONS The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Person" Every natural person association corporation receiver or assignee

"Store" any place of business or any mercantile establishment in which or from which tangible personal property of any kind is sold Provided however That the term "store" as and when used in this act shall not include places of business commonly known as news stands and warehouses or establishment at which the sole business conducted is that of selling storing or distributing commodities in bulk

Theatre any building or place for the production of theatrical entertainment including opera drama comedy vaudeville motion pictures or other shows or a combination thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 LICENSE It shall be unlawful for any person to open establish operate maintain or control any store or theatre in this Commonwealth without first having obtained and having in possession a valid license so to do from the department as hereinafter provided but each person engaged in the operation maintenance or control of such a store or theatre on the effective date of this act shall have sixty (60) days within which to obtain the first license for each such store or theatre operated maintained or controlled by him A separate license shall be procured for each store or theatre Licenses isued under this act may not be transferred or assigned Each licensee shall display each license so issued in a conspicuous place in the store or theatre for which such license is issued The licenses issued under the provisions of this act shall be annual licenses effective from June first of one year until and including May thirty-first of the year following The first licenses shall be required for the year commencing June first one thousand nine hundred and thirty-seven

Section 4 APPLICATION FOR LICENSE Any person desiring to open establish operate maintain or control such a store or theatre in this Commonwealth shall apply to the department for a license so to do before the first day of June of each year except as otherwise provided in section three hereof as to the first license The application for license shall be made on a form prescribed and furnished by the department and shall set forth the name of the person desiring such license the name and location of the store or theatre for which the license is desired and such other information as the department may require Each such application shall be accompanied by the proper license tax as hereinafter prescribed in this act and upon receiving the prescribed fee the department shall issue said license

Section 5 LICENSE TAXES Every person opening establishing operating maintaining or controlling one or more stores or theatres within this Commonwealth under the same general management supervision or ownership shall pay an annual license tax for the privilege of opening establishing operating maintaining or controlling such store or stores or theatre or theatres as follows

(1) Upon one store or theatre the sum of one dollar ($1.00)

(2) Upon each store or theatre in excess of one but not to exceed five stores or theatres the sum of five dollars ($5.00) for each such additional store or theatre

(3) Upon each store or theatre in excess of five but not to exceed ten stores or theatres the sum of ten dollars ($10.00) for each such additional store or theatre

(4) Upon each store or theatre in excess of ten but not to exceed fifteen stores or theatres the sum of twenty dollars ($20.00) for each such additional store or theatre

(5) Upon each store or theatre in excess of fifteen but not to exceed twenty stores or theatres the sum of thirty dollars ($30.00) for each such additional store or theatre

(6) Upon each store or theatre in excess of twenty but not to exceed thirty stores or theatres the sum of fifty dollars ($50.00) for each such additional store or theatre

(7) Upon each store or theatre in excess of thirty but not to exceed fifty stores or theatres the sum of one hundred dollars ($100.00) for each such additional store or theatre

(8) Upon each store or theatre in excess of fifty but not to exceed seventy-five stores or theatres the sum of two hundred dollars ($200.00) for each such additional store or theatre

(9) Upon each store or theatre in excess of seventy-five but not to exceed one hundred stores or theatres the sum of two hundred and fifty dollars ($250.00) for each such additional store or theatre

(10) Upon each store or theatre in excess of one hundred but not to exceed two hundred stores or theatres

the sum of three hundred and fifty dlolars ($350.00) for each such additional store or theatre

(11) Upon each store or theatre in excess of two hundred but not to exceed five hundred stores or theatres the sum of four hundred and fifty dollars ($450.00) for each such additional store or theatre

(12) Upon each store or theatre in excess of five hundred stores or theatres the sum of five hundred dollars ($500.00) for each such additional store or theatre

Section 6 OWNERSHIP Two or more stores or theatres shall for the purpose of this act be considered under the same general management supervision or ownership if directly or indirectly controlled by a single person or any group of persons having a common interest in such stores or theatres or if any part of the gross revenues net revenues or profits from any such stores or theatres shall directly or indirectly be required to be immediately or ultimately made available as rental or in any other manner whatsoever for the beneficial use or shall directly or indirectly inure to the immediate or ultimate benefit of any single person or any group of persons having a common interest therein

Section 7 PENALTY Any person operating maintaining or controlling a store or theatre without a license as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution each and every day that such violation shall continue shall constitute a separate and distinct offense

Section 8 EXAMINATION OF RECORDS PENALTY The department or any duly authorized agent thereof shall have the power to examine the books records papers and files within or outside the Commonwealth of any person operating maintaining or controlling a store or theatre within this Commonwealth It shall have the power to examine witnesses under oath to verify the accuracy of any application or to ascertain whether or not any license tax is due which has not been paid Any person refusing to allow an examination of his books records papers and files as herein provided or who refuses to furnish the department with any information requested shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each such refusal shall be deemed a separate offense

Section 9 DISPOSITION OF TAX AND FINES All taxes and fines received collected or recovered under this act shall be paid into the State Treasury through the department and except as hereinafter otherwise provided shall be credited to the State School Fund Provided however That out of the revenues derived under the provisions of this act the Department of Revenue shall during the fiscal biennium beginning the first day of June one thousand nine hundred and thirty-seven pay into the General Fund the sum of one hundred fifty-one thousand five hundred and seventeen dollars ($151,517.00) and the said sum so paid into the General Fund is hereby appropriated to the Department of Revenue for the purpose of administering this act

Section 10 LICENSE TAX IN ADDITION TO EXISTING TAXES The license tax imposed by this act shall be in addition to any taxes now imposed or that may subsequently be imposed by law

Section 11 CONSTITUTIONALITY If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 12 EFFECTIVE DATE This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the Report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Henney,	Law,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Shapiro,
Dando,	Howell,	McGinnis,	Stiefel,
Dent,	Jacobs,	Pytko,	Thompson,
DiSilvestro,	Jaspan,	Rankin,	Wolfenden,
Eroe,	Kahle,	Reed,	Woodward,
Frey,	Kilgallen,	Rice,	Huffman,
Gilson,	Kunkel,	Rodgers,	Pres. Pro. Tem.
Haluska,	Lanius,	Rupp,	

NAYS—8

Bean,	Deitrick,	Gelder,	Owlett,
Chapman,	Ealy,	Homsher,	Pierson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1120 RETURNED WITH AMENDMENTS

Mr. KILGALLEN. Mr. President, I call up at this time Senate Bill No. 1120, and move that the Senate proceed to the consideration of the amendments made by the House of Representatives to this bill.

Mr. MUNDY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1120, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended, extending the retirement system of counties of the second class to additional employes; declaring certain persons ineligible to receive retirement allowances; and generally clarifying the provisions of the law governing such retirement system.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Will the Senate agree to the amendments?

Mr. KILGALLEN. Mr. President, this is the bill the Senate passed on May 13th, having to do with municipal tax claims bureau; it passed unanimously here and passed unanimously in the House. However, the House added two amendments, the first amendment was that tax claims instead of being signed by the public official should bear his facsimile signature, and the second amendment is the validating feature. The validating feature goes to this: that if any irregularities will occur in the filing of the tax claim, this act shall validate that tax.

And the question recurring,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Haluska,	Lanius,	Rodgers,
Bean,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Owlett,	Shapiro,

Dent,	Jacobs,	Pierson,	Stiefel,
DiSilvestro,	Jaspan,	Pytko,	Thompson,
Ealy,	Kahle,	Rankin,	Wolfenden,
Eroe,	Kilgallen,	Reed,	Woodward,
Frey,	Kunkel,	Rice,	Huffman,
Gilson,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

Mr. DENT. Mr. President, I call up at this time Senate Bill 488, House Bill No. 99, on final passage.

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 488, (House Bill No. 99), as follows:

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" are hereby re-enacted amended or further amended as the case may be to read as follows

An Act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation [and] providing procedure for the determination of liability and compensation thereunder and prescribing penalties

Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Article I Interpretation and [definition] definitions

Article II Defining the liability of an employer in an action at law for damages for personal injury to an employe and abolishing in whole or in part certain defenses thereto

Article III Establishing a system of compensation by agreement prescribing the method by which such agreeshall be made and terminated defining the injuries for which compensation is payable the persons to whom it is payable its amount and the condition under which and the manner in which it is payable

Article IV Providing a procedure for the determination and settlement of claims for compensation

Article V General provisions

ARTICLE I

INTERPRETATION AND [DEFINITION] DEFINITIONS

Section [1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same] 101 That this act shall be called and cited as The Workmen's Compensation Act [of one thousand nine hundred and fifteen] and shall apply to all accidents occurring within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any accident occurring outside of the Commonwealth except to accidents occurring to Commonwealth employes outside the Commonwealth while such employes are engaged in duly authorized business of the [State] Commonwealth and except accidents occurring to employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over ninety days when such employes are performing services for employers whose place of business is within the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included where the masculine gender is used the feminine and neuter shall be included

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it Whichever used in any clause prescribing and imposing a fine or imprisonment or both the term "employer" as applied to partnerships or joint-stock companies or corporations shall mean the partners or the executive officers or local managers thereof

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes [all]

(a) All natural persons including minors who perform services of any kind except agriculture services or domestic services performed in a private home for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer [and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on the premises not under the control of management of the employer]

(b) All members or employes of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns and townships for all the purposes of this act and shall be entitled to receive compensation under this act in case of injuries received in accidents occurring while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended or while performing any other duties of such companies

Section 105 The term "contractor" as used in article two section two hundred and three [and articles three section three hundred and two (b)] shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he employs persons other than the employer in whose service the accident occurs but shall include a sub-contractor to whom a principal contractor has sub-let any part of the work which such principal contractor has undertaken

Section 106 The exercise and performance of the pow-

ers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term ["Bureau"] "Department" when used in this act shall mean [the Bureau of Workmen's Compensation of] the Department of Labor and Industry of this Commonwealth

The term "Board" when used in this act shall mean The Workmen's Compensation Board [of the Bureau] of this Commonwealth

Section 108 For the purpose of this act minors shall have the same power to contract file claims for compensation and receive compensation as adult employes subject however to the power of the board in its discretion at any time to require the appointment of a guardian to contract or to receive moneys thereunder or under an award for the benefit of any such minor Any minor employed by his parent or parents shall have the right to file a claim for compensation under this act against such parent or parents in his own name and in his own right and to enforce the payment of such compensation

ARTICLE II

DAMAGES BY ACTION AT LAW

Section 201 That in any action brought to recover damages for personal injury to an employe in the course of his employment or for death resulting from such injury it shall not be a defense

(a) That the injury was caused in whole or in part by the negligence of a fellow employe or

(b) That the employe had assumed the risk of the injury or

(c) That the injury was caused in any degree by the negligence of such employe unless it be established that the injury was caused by such employe's intoxication or by his reckless indifference to danger The burden of proving such intoxication or reckless indifference to danger shall be upon the defendant and the question shall be one of fact to be determined by the jury

Section 202 The employer shall be liable for the negligence of all employes while acting within the scope of their employment including engineers chauffeurs miners mine-foremen fire-bosses mine superintendents plumbers officers of vessels and all other employes licensed by the [State] Commonwealth or other governmental authority if the employer be allowed by law the right of free selection of such employes from the class of persons thus licensed and such employes shall be the agents and representatives of their employers and their employers shall be responsible for the acts and neglects of such employes as in the case of other agents and employes of their employers and notwithstanding the employment of such employes the property in and about which they are employed and the use and operation thereof shall at all times be under the supervision management and control of their employers

Section 203 [An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe] An employer who permits a sub-contractor or employe to engage another in whole or in part in services furthering the employer's regular business entrusted to such employe or sub-contractor shall be liable to the employe so engaged in the same manner and to the same extent as to his own employe whether said injury occurred upon premises occupied or controlled by the employer or not provided only that the injury occurred in the course of employment

Section 204 No agreement composition or release of damages made before the [happening] date of any accident [except the agreement defined in article three of this act] shall be valid or shall bar a claim for damages for the injury resulting therefrom and any such agreement [other than that defined in article three herein] is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void

ARTICLE III

Elective Compensation

Section 301 (a) When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for personal injury to or for the death of [such] any employe by an accident in the course of his employment shall be paid in all cases by the employer without regard or negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be paid when the injury or death [be] is intentionally self inflicted but the burden of proof of such fact shall be upon the employer

(b) The right to receive compensation under this act shall not be affected by the fact that a minor is employed by his parent or parents or is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his emplyoment by misrepresenting his age or that any minor or other employe on account of whose injury or death the benefits are claimed was violating any law or rule or regulation of the business or industry or a positive order of the employer at the time of the injury except that no minor or employe shall be entitled to receive compensation under this act who at the time of injury was engaged in the commission of a felony

(c) The terms 'injury" and "personal injury" as used in this act except as used in Article two shall be construed to mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and wherever death is mentioned as a cause for compensation under this act it shall mean only death resulting from such violence and its resultant effects and occurring within [three] five hundred weeks after the accident The term "injury by an accident" in the course of his employment as used in this article shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him and not directed against him as an employe or because of his employment but shall include all other injuries sustained while the employe is [actually] engaged in the furtherance of the business or affairs of the employer whether upon the employer's premises or elsewhere and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon sustained by the employe who though not so engaged is injured upon the premises occupied by or under the control of the employer or upon which the employer's business or affairs are being carried on the employe's presence thereon being required by the nature of his employment

Section 302 (a) In every contract of hiring made after December thirty-first one thousand nine hundred and fifteen and in every contract of hiring renewed or extended by mutual consent expressed or implied after said date it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the department within ten days after such service and before any accident has occurred Every contrac of hiring oral written or implied from circumstances now in operation or made or implied on or before December thirty-first one thousand nine hundred and fifteen shall be conclusively

presumed to continue subject to the provisions of article three hereof unless either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the department a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligations of any contract now in force In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to the parent or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for county city borough town or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employe of the Commonwealth or of such governmental agency

[(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the department within ten days thereafter and before any accident has occurred a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after December thirty-first one thousand nine hundred and fifteen any such laborer or assistant who shall enter upon premises occupied by or under control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter and before any accident has occurred there shall have been filed with the department a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed

Section 303 Such agreement shall constitute an acceptance of all the provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment or to any method of determination thereof other than as provided in article three of this act Such agreement shall bind the employer and his personal representatives and the employe his or her wife or husband widow or widower next of kin and other dependents]

Section 304 Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident by either party upon sixty days notice to the other in writing if a copy of such notice with proof of service be filed in the department as provided in section three hundred and two of this article

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the [Bureau] department from such insurance An employer desiring to be exempt from insuring [the whole or any part of] his liability for compensation shall make application to the [Bureau] department showing his financial ability to pay such compensation whereupon the [Bureau] department if satisfied of the applicant's financial ability shall [by written order make] upon the payment of a fee of twenty-five dollars ($25.00) issue to the applicant a permit authorizing such exemption Whenever an application for an exemption shall be filed by or on behalf of more than one employer every such employer applicant shall be required to pay the fee prescribed by this section in order to obtain a permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of twenty-five dollars ($25.00) The [Bureau] department may from time to time require further statements of the financial ability of such employer and if at any time it should appear to the department that such employer [appear] is no longer able to pay compensation shall revoke its [order] permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in [a] any insurance company or mutual association or company as aforesaid

Every employer liable under this act to pay compensation shall post and maintain in a conspicuous place in and about his place of business a notice that he has secured the payment of compensation to his employes and their dependents in accordance with the provisions of this section Such notice shall be in such form as shall be prescribed by the department and among other things shall set forth the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing an exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for compensation or any other false or fraudulent statement such employer [shall be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall for every such failure or false or fraudulent statement [shall] be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than [five] three hundred dollars [($500)] ($300) and costs of prosecution and upon failure to pay such fine and costs shall be sentenced to undergo [or] imprisonment for a period of not more than [six] three months [or both at the discretion of the court] Every day's violation and every false or fraudulent statement shall constitute a separate offense It shall be the duty of the [Bureau] department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated

For the purposes of this section minor children working for their parents shall be conclusively presumed to be emancipated

Section 306 The following schedule of compensation is hereby established for injuries resulting in total disability

(a) Provided That if total disability shall continue for a period of four weeks or more the employe also shall be entitled to receive compensation for the first seven days of total disability Should total disability become permanent then in addition to the compensation provided for five hundred weeks and beginning at the expiration of the five hundred weeks the sum of thirty dollars per month shall be payable during such permanent total disability prior to death Provided however that such monthly payments shall cease if the person receiving compensation accepts other public funds contributed to by the employer which equal or exceed the amount of compensation payments Nothing in this clause shall require payment of compensation after disability shall cease [Should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability]

(b) For disability partial in character (except the particular cases mentioned in clause (c) sixty-five per centum of the difference between the wages of the injured employe as defined in section three hundred and [nine] and the earning power of the employe thereafter but such compensation shall not be more than [fifteen] eighteen dollars per week This compensation shall be paid during the period of such disability but not for more than four hundred weeks Such compensation shall begin upon the termination of total disability if any total disability resulted from the injury and upon the termniation of compensation for permanent injuries compensable under section three hundred six (c) if the partial disability shall result from injuries other than the permanent injury compensated for under clause (c) of this section If the partial disability shall continue for a period of four weeks or more the employee shall also be entitled to receive compensation for the first seven days of partial disability should total disability be followed by partial disability the period of four hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for total disability In cases of partial disability the actual earnings of an employe after the date of injury may along with other evidence be received as evidence of the extent of his earning power but if such employe has no such earnings the referee may in the interest of justice fix such earning power as shall be reasonable having due regard to the character of his previous employment and the nature of his injury and his partial disability

(c) For all disability resulting from permanent injuries of the following classes the compensation shall be exclusively as follows

For the loss of a hand sixty-five per centum of wages during [one hundred and seventy-five] two hundred weeks

For the loss of an arm sixty-five per centum of wages during [two hundred and fifteen] two hundred and sixty-five weeks

For the loss of a foot sixty-five per centum of wages during [one hundred and fifty] One hundred and seventy-five weeks

For the loss of a leg sixty-five per centum of wages during [two hundred and fifteen] two hundred and fifty weeks

For the loss of an eye [sixty-five per centum of wages during one hundred and twenty-five weeks] or for the removal of a cataract from or lense of an eye causing the loss of binocular vision sixty-five per centum of wages during two hundred weeks

For the complete loss of hearing in one ear sixty-five per centum of wages during forty weeks For the loss of hearing in both ears sixty-five per centum of wages during one hundred and fifty weeks

For the loss of a thumb sixty-five per centum of wages during seventy-five weeks

For the loss of a first finger commonly called index finger sixty-five per centum of wages during fifty weeks

For the loss of a second finger sixty-five per centum of wages during forty weeks

For the loss of a third finger sixty-five per centum of wages during twenty weeks

For the loss of a fourth finger commonly called little finger sixty-five per centum of wages during fifteen weeks

For the loss of a great toe sixty-five per centum of wages during sixty weeks For the loss of a first toe sixty-five per centum of wages during thirty-five weeks For the loss of a second toe sixty-five per centum of wages during thirty weeks

The loss of less than the first phalange of the toe thumb or of any finger shall be considered equivalent to the loss of one-half of such toe thumb or finger and shall be compensated at the same rate as for the loss of a toe thumb or finger but for one-half of the period provided for the loss of a toe thumb or finger Provided however That the accident involves injury to part of the bone of the phalange

The loss of [more than] one phalange or more of a toe thumb or finger shall be considered equivalent to the loss of the entire toe thumb or finger

For the loss of any two or more such members or the permanent loss of the use of the finger thumb hand arm foot leg toe or eye as hereinbefore provided not constituting total disability sixty-five per centum of wages during the aggregate of the periods specified for each

The loss of the function of the distal joint shall be considered compensable for the period of one-half the number of weeks set forth for the loss of the toe or finger involved The loss of the function of the proximal joint shall be considered to be the loss of the use of the toe or finger and shall be compensable as set forth above for the loss of the toe or finger involved

For serious and permanent disfigurement of the head [or] face or neck of such a character as to produce an unsightly appearance and such as is not usually incident to the employment sixty-five per centum of wages not to exceed [one hundred and fifty weeks] two hundred weeks If by reason of disfigurement an injured employee shall be unable to obtain any employment for which he is otherwise qualified the board may order compensation to be paid in accordance with the provisions of clause (a) or clause (b) of this section

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute permanent total disability to be compensated according to the provisions of clause (a)

Amputation between the [elbow] wrist and the [wrist] knuckles shall be considered as the equivalent of the loss of a hand and amputation between the [knee] toes and the angle shall be considered as the equivalent of the loss of a foot Amputation [at or] above the [elbow] wrist shall be considered as the loss of an arm and amputation at or above the [knee] ankle shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye toe finger or thumb for industrial purposes shall be considered as the equivalent of the loss of such hand arm foot leg eye toe finger or thumb

This compensation shall not be more than [fifteen] eighteen dollars per week nor less than [seven] twelve dollars per week

(d) No compensation shall be allowed for the first seven days after disability begins except as [hereinafter] provided in [clause] clauses (a) (b) and (e) of this section

(e) During the first [thirty days] three months after [disability begins] the date of injury and during such further period as the board may in the manner hereinafter provided require in a particular case the employer shall furnish reasonable surgical [and] medical dental and nursing services hospital treatment artificial appliances medicines and supplies as and when needed unless the em-

ploye refuses to allow them to be furnished by the employer Provided that the injured employee by petition to the Board and notice to the employer may be permitted by the board to consult a physician of his own choice at any time during his disability the cost of such consultation to be paid by the employer in accordance with a schedule of charges to be prescribed and approved by the board Any such request shall be acted upon promptly either with or without a hearing and shall have preference over any other matter or proceeding pending before the board or the referee Upon application of an injured employe the board may issue its order requiring the employer to furnish such further services hospital treatment medicines artificial appliances or supplies during such further period after the three months' period as the board may in the interest of justice deem advisable The cost of such services medicines and supplies shall not exceed over two hundred dolars ($200) If the employer shall upon application made to him refuse to furnish such services hospital treatment appliances medicines and supplies the employe may procure same and shall receive from the employer the reasonable cost thereof [within the above limitations In addition to the above services medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of thirty days The cost for such hospital treatment services and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals] If the employe shall refuse [reasonable surgical medical and hospital] such services hospital treatment appliances medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal Provided however That the employe need not submit to surgical treatment which in the opinion of at least two qualified physicians might jeopardize his life The employer shall also furnish to the employe or pay the cost of transportation to and from the place where such services are rendered and reimbursement for such costs assumed by the employe may be enforced as payments of compensation are enforced

Should the employe die from some other cause than the injury the liability for compensation shall cease

[(g) Hernia shall be considered as a physical weakness or ailment which ordinarily develops gradually and shall not be compensable unless conclusive proof is offered that the hernia was immediately precipitated by such sudden effort or severe strain that first the descent of the hernia immediately followed the cause second there was actual pain in the hernia region third the above manifestations were of such severity that the same were immediately noticed by the claimant and communicated to the employer or a representative of the employer within forty-eight hours after the occurrence of the accident]

(g) If an employe receives an injury compensable under this act which of itself would not cause permanent total disability but which combined with a previous major permanent injury does in fact cause permanent total disability or if an employe who has previously suffered a major permanent injury receive an injury compensable under this act which of itself is a permanent injury or which either causes permanent total disability or results in the death of such employe compensation for such further permanent injury total disability or death shall be paid out of the moneys existing to the credit of the second injury reserve account hereinafter created by this act in the State Workmen's Insurance Fund as follows

(1) In the case of further permanent injury not resulting in total disability either of itself or in combination with any prior major permanent injury the amount provided by clause (c) of this section for the particular type of the later permanent injury

(2) In the case of total disability resulting either from the later injury of itself or from such injury combined with any prior major permanent injury an amount equivalent to the difference between the compensation payable for any prior major permanent injury and the amount payable for total disability under clause (a) of this section

(3) In the case of death resulting from the later injury or from a combination of any prior major permanent injury and the later injury the amount payable under section three hundred seven of this act in cases of death

The employer of any such employe shall be responsible for compensating the injured employe for the second injuries and in the manner prescribed in this subsection but shall be relieved from the payment of compensation to such employe to the extent such compensation is paid under this subsection out of the second injury reserve account of the State Workmen's Insurance Fund

Such employer in order to obtain the benefits of this subsection shall file with the board a petition of agreed facts in the manner provided in section four hundred eleven of this act and thereafter the procedure shall be the same as in other cases except that the board may in its discretion act on such petition without a hearing

For purposes of this subsection a "major permanent injury" shall mean all permanent injuries set forth in clause (c) of section three hundred six exclusive of loss of or loss of use of one or more fingers or toes not amounting to loss of or loss of use of hand or foot

Section 307 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereafter provided as follows

(a) If there be either one or two children [thirty-three] thirty per centum of wages of deceased but not in excess of [seven] twelve dollars [and fifty cents] per week

(b) If there be three children [forty-four] forty-five per centum of wages of deceased but not in excess of [ten] fourteen dollars per week

(c) If there be four children [fifty-five] sixty per centum of wages of deceased but not in excess of [twelve] sixteen dollars [and fifty cents] per week

(d) If there be five or more children [sixty-two and one-half] sixty-five per centum of wages of deceased but not in excess of [fourteen] eighteen dollars per week

[(e) If there be six or more children sixty-five per centum of wages of deceased but not in excess of fifteen dollars per week]

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of [ten] twelve dollars per week

3 To the widow or widower if there be one child [fifty-five] fifty-nine per centum of wages but not in excess of [twelve and a half] fifteen dollars per week

4 To the widow or widower if there be two children [sixty-two and one-half] sixty-five per centum of wages but not in excess of [fourteen] sixteen dollars per week

[4½ To the widow or widower if there be three or more children sixty-five per centum of wages but not in excess of eighteen dollars per week

5 If there be neither widow widower nor children entitled to compensation or if the widow widower or children are not receiving the maximum compensation payable under this act then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centum of wages but not in excess of [five] ten dollars per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be conclusively presumed And provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be forty-five per centum of wages but not in excess of [ten] fifteen dollars per week but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case

6 If there be neither widow widower children nor dependent parent entitled to compensation [the following] or if the widow widower children or dependent parent are not receiving the maximum compensation payable under this act then to the brothers and sisters until the age of eighteen if actually dependent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designed by the board as hereinafter provided but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case

7 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding [one hun-[dred and fifty] two hundred dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother [and] or sister is under the age of [sixteen] eighteen unless such child brother or sister is dependent by reason of disability in which case such compensation shall be paid to or on account of such child brother or sister until he or she reaches the age of twenty-one No compensation shall be payable under this this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him for support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for suport The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis if members of decedent's household at the time of his death and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow other than a non-resident alien widow the compensation of such widow shall continue as hereinbefore provided for [one-third of the period during which compensation then remains payable to her] two years from the date of such remarriage If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any one case be less than [twelve] eighteen dollars and fifty cents per week

This compensation shall be paid during five hundred weeks except that in the case of a widow if she shall remain unmarried compensation shall continue after said period of five hundred weeks at the rate of five dollars per week for life and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of five hundred weeks until such child reaches the age of eighteen at the rate of twenty-five per centum of wages but not in excess of five dollars per week if there is one child thirty-five per centum of wages but not in excess of eight dollars per week if there are two children fifty per centum of wages but not in excess of ten dollars per week if there are three children seventy-five per centum of wages but not in excess of fifteen dollars per week if there are four children or more

The board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or a widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section 308 Except as hereinafter provided all compensation payable under this article shall be payable in periodical instalments as the wages of the employe were payable before the accident

All compensation payable under this article shall be made payable only to employes or their dependents or their guardians or such other persons as may be designated by the board

Any person copartnership association or corporation who or which violates any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay for each violation a fine of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00)

Section 309 Wherever in this article the term "wages" is used it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident [and] except that if the injured employe was at the time of the injury a minor and his disability shall continue after he shall have reached the age of twenty-one years his average weekly wage for the purpose of determining the compensation payable under this act shall be determined on the basis of the earnings that such minor if not disabled probably would earn at the age of twenty-one (21) years In determining such probable earnings due consideration shall be given to the employe's aptitude education and experience fitting him for any employment not only in the trade or business in which he was engaged at the time of the injury but in any other trade or business In determining such probable earnings the referee and the board shall have the right to receive into evidence as competent testimony the earnings of other employes of similar aptitude education and experience engaged in a similar trade or business and findings based upon such testimony shall be final The term "wages" [shall not include gratuities received from the employer or others nor shall it include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe but] shall include board and lodging received from the employer Whenever the employe receives board and lodging as a part of his wages the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day for the purpose of computing wages In seasonable occupations the employe's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far to give a basis for the fair ascertainment of his average weekly earnings in continuous employments if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employe his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day and using as a basis of calculation his earnings during so

much of the preceding six months as he worked for the same employer Provided however That if the employe regularly and habitually worked more than five and one-half days per week the weekly wage shall be found by multiplying his average earnings for working day by six six and one-half or seven according to the customary number of working days constituting an ordinary week in his occupation or trade Where the employe is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation

In cases where the employe has been in the employ of the employer less than one full week and by reason of the shortness of time during which the employe has been in the employment of the employer or the nature or terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring or if there are no persons so employed by other persons employed by other employers under similar contracts of hiring under similar conditions shall be taken as the basis for the ascertainment of the weekly wages of such employe

Section 310 Compensation under this article to alien dependent widows and children not residents of the United States shall be two-thirds of the amount provided in each case for residents and the employer may at any time commute all future instalments of compensation payable to alien dependents not residents of the United States by paying to such alien dependents the then value thereof calculated in accordance with the provisions of section three hundred and [sixteen] fourteen of this article Alien widowers parents brothers and sisters not residents of the United States shall not be entitled to any compensation

Non-resident alien dependents may be officially represented by the Consular officers of the nation of which such alien or aliens may be citizens or subjects and in such cases the Consular officers shall have the right to receive for distribution to such non-resident alien dependents all compensation awarded hereunder and the receipt of such Consular officers shall be a full discharge of all sums paid to and received by them

Section 311 Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employe or [some one] someone in his behalf or some of the dependents or [some one] someone in their behalf shall give notice thereof to the employer within [fourteen] thirty days after the accident no compensation shall be due until such notice be given or knowledge obtained but if the employe or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental disability or to fraud misrepresentation or deceit or to any other reasonable cause or excuse then compensation shall be allowed unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay in which case he shall be relieved to the extent of such prejudice [and unless such knowledge be obtained or notice given within ninety days after the occurrence of the injury no compensation shall be allowed]

Section 312 The notice referred to in section three hundred and eleven hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured) who was in your employment at (place) while engaged as (kind of employment) on or about the (.....) day of (.....) Anno Domini (.....) and that compensation will be claimed therefor

Date ..... Signed (.....)

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name received an injury the character of which is described in ordinary language in the course of his employment on or about a time specified and at or near a place specified

Section 313 The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred or by seding them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof Knowledge of the occurrence of the injury on the part of any of said agents shall be the knowledge of the employer

Section 314 At any time after an injury the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article The board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the board

Section 315 In cases of personal injury all claims for compensation shall be forever barred unless within [one year] two years after the accident the parties shall have agreed upon the compensation payable under this article or unless within [one year] two years after the accident one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within [one year] two years after the date of death the parties shall have agreed upon the compensation under this article or unless within [one year] two years after the date of death one of the parties shall have filed a petition as provided in article four hereof where however payments of compensation have been made in any case or an employer has failed to report to the department the occurrence of an injury to his employe as required by law said limitations shall not take effect until the expiration of [one year] two years from the time of the making of the last payment or the filing of such report as the case may be

Section 316 The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest with annual rests disregarding the probability of the beneficiary's death upon application of either party with due notice to the other if it appear that such commutation

will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets Except as provided in section three hundred and ten hereof and in this section no commutation of compensation shall be made

Any person partnership association or corporation who or which shall commute or attempt to commute any compensation directly or indirectly in violation of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or to undergo imprisonment for a period of not more than six (6) months or both in the discretion of the court No person partnership association or corporation shall be entitled to receive credit for any moneys paid in violation of this section and any such payment shall be considered as a gratuity

Section 317 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payments certain) with the approval of the board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this [State] Commonwealth and such sum together with all interest thereon shall thereafter be held in trust for the employe or the dependents of the employe who shall have no further recourse against the employer The payment of such sum by the employer evidenced by the receipt of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted In the appointment of the trustee preference shall be given in the discretion of the board to the choice of the employe or the dependents of the deceased employe Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representative

Section 318 The right of compensation granted by this article of this act shall have the same preference (without limit of amount) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claims of creditors and from levy execution or attachment which exemption may not be waived

Section 319 Where a third person is liable to the employe or the dependents for the injury or death the employer shall be subrogated to the right of the employe or the dependents against such third person less reasonable attorney's fees and other proper disbursements but only to the extent of the compensation payable under this article by the employer Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Section 320 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age compensation either in the case of injury or death of such employe shall be double the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation"

(b) The employer and not the insurance carrier shall be liable for the additional compensation Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void

(c) Where death or the nature of the injury renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and payable It shall be deposited subject to the approval of the board in any savings bank trust company or life insurance company in good standing and authorized to do business in this [State] Commonwealth

Where the amount of the future payments of compensation is uncertain the board shall upon the approval of the agreement or the entry of an award determine as nearly as may be the total amount of payment to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer The amount may be redetermined by the board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same Upon determination of the amount due it shall be deposited as above provided Payments of compensation out of deposits shall be made to the employe or dependents as payments of other compensation are made Provided however That the board may in its discretion and upon inquiry as in cases of commutation accelerate such payments

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the [bureau] department from the necessity of carrying insurance

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minor's age as certified therein

[(g) If neither party has elected not to be bound by the provisions of article three of the act to which this act and to have waived any other right or remedy section three hundred and two of said act they shall be held to have agreed to be bound by the provisions of this act and to have waived any other right to remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described]

Section 321 In the case of an employe who dies as the result of an injury received in the course of his employment and who leaves no dependents entitled to receive in excess of fifteen hundred dollars ($1500.00) compensation under this act the employer or his insurance carrier as the case may be shall pay the sum of fifteen hundred dollars ($1500.00) to the department or the difference between the amount paid to such dependents and the sum of fifteen hundred dollars ($1500.00) In order to enforce payment of such sum the department shall have power to file with the board a claim for the same in like manner as any claim for compensation may be filed under this act

(b) One-fourth of the amount received in each case under this section by the department but not however in excess of two hundred and fifty dollars ($250.00) shall be paid by it into the Federal Rehabilitation Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the industrial rehabilitation account All moneys

credited to the industrial rehabilitation account are hereby appropriated to the department for all expenses incurred by the department under the rehabilitation laws of this Commonwealth for the rehabilitation of injured employes who are entitled to compensation under this act and who are as a result of their injuries totally or partially incapacitated for renumerative employment in the line of employment in which they were employed at the time of injury

(c) The balance of any amount received by the department under this section shall be paid by it into the State Workmen's Insurance Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the second injury reserve account All amounts credited to the second injury reserve account are hereby appropriated to the department for the payment of the compensation provided in clause (g) of section three hundred and six of this act

Whenever at the end of any fiscal year of the Commonwealth after the year one thousand nine hundred and forty-five the total amount credited to the second injury reserve account shall exceed a sum equivalent to three times the average annual incurred liability of the account to employes or their dependents during the three preceding fiscal years the surplus amount shall upon requisition of the department be transferred to the Federal Rehabilitation Fund of the State Treasury and credited to the industrial rehabilitation account in such fund All amounts so transferred shall be available and are hereby appropriated to the department for the same purposes for which moneys credited to such account are appropriated by subsection (b) of this section

ARTICLE IV

PROCEDURE

Section 401 The term "Referee" when used in this article shall mean Workmen's Compensation Referee

The term "Fund" when used in this article shall mean the State Workmen's Insurance Fund of this Commonwealth

The term "Employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the fund of the employer be insured therein

Section 402 All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board All petitions shall be in writing and in the form prescribed by the board

Section 403 All petitions all copies of agreements for compensation and all [other] papers requiring action by the board shall be mailed or delivered to the [bureau] department at its principal office

Section 404 The [bureau] department shall immediately upon their receipt properly file and docket all petitions agreements for compensation findings of fact by the board or any referee awards or disallowances of compensation or modifications thereof and all other reports or papers filed with it under the provisions of this act or the rules and regulations of the board

Section 405 Immediately upon receiving from the board or any referee any award or disallowance of compensation or any modification thereof or any other decision the [bureau] department shall serve a copy thereof on all parties in interest

Section 406 All notices and copies to which any party shall be entitled under the provisions of this article shall be served by mail or in such manner as the board shall direct For the purposes of this article any notice or copy shall be deemed served on the date when mailed properly stamped and adressed and shall be presumed to have reached the party to be served but any party may show by competent evidence that any notice or copy was not received or that there was an unusual or unreasonable delay in its transmission through the mails In any such case proper allowance shall be made for the party's failure within the prescribed time to assert any right given him by this act

The [bureau] department [the secretary] and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest

Section 407 On or after the [tenth] seventh day after any accident shall have occurred the employer and employe or his dependents may agree upon the compensation payable to the employe or his dependents under this act but any agreement made prior to the [tenth] seventh day after the accident shall have occurred or permitting a commutation of payments contrary to the provisions of this act or varying the amount to be paid or the period during which compensation shall be payable as provided in this act shall be wholly null and void It shall be unlawful for any employer to accept a receipt showing the payment of compensation when in fact no such payment has been made

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest

It shall be unlawful for any employer to procure or to cause to be procured the signature of any employe or of the dependents of any employe or of other persons in interest to any agreement or supplemental agreement which is not complete in every material respect and any employer so doing shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars ($100.00) for each offense

All agreements for compensation and all supplemental agreements for the modification suspension reinstatement or termination thereof and all receipts executed by any injured employe of whatever age or by any dependent to whom compensation is payable under section three hundred seven and who has attained the age of sixteen years years shall be valid and binding unless modified or set aside as hereinafter provided

Section 408 All agreements for compensation may be modified suspended reinstated or terminated at any time by a supplemental agreement approved by the [board] department if the incapacity of an injured employe has increased decreased recurred or temporarily or finally terminated or if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental agreement shall be executed between an employer and an employe or his dependents as provided by this act such agreement shall be executed in triplicate Two copies thereof signed by all parties in interest shall be mailed or delivered to the [board] department within thirty days after execution by the claimant It shall be the duty of the [board] department to examine the agreement to determine whether it conforms to the provisions of section four hundred and seven to notify the parties thereto of its validity or invalidity under the aforesaid section within thirty days after the copies of the agreement have been mailed or delivered to it and if the agreement be approved to send to the employe together with such notification of its approval a copy of the agreement Provided however That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability under article three of this act of the employer making such payments

Whenever an agreement or a supplemental agreement is disapproved by the department the employer shall pay to the employe compensation on the basis of such agreement to such extent as the agreement would if approved require Compensation on the basis of such agreement shall be paid until such time as the employer's liability for compensation is finally determined under the provisions of this act Any payments made by an employer in accordance with such agreement shall discharge pro tanto his liability for such compensation as may be subsequently determined to be due the employe under the provisions of this act

Any employer who shall fail to mail or deliver to the department two copies of any agreement or supplemental agreement within thirty days after such agreement or sup-

plemental agreement is executed by the claimant shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) for each such failure

Section 410 If after any accident the employer and the employe or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents or the department for and on behalf of such employe or his dependents whenever an agreement or supplemental agreement has been disapproved by the department or it shall otherwise deem it to be in the interests of justice to do so may present a claim for compensation to the board All allegations contained in the claim petition must be separately and specifically admitted or denied by the defendant Claimant shall have a right upon a petition to the referee and his order thereon to inspect the premises where the claimant's alleged injury was received

Whenever any claim for compensation is presented to the board other than claims of non-resident alien dependents and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum beginning fourteen days after the date of the accident and such interest shall be payable to the same person as the compensation is payable

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Section 411 Whenever the employer and the employe or his dependent shall on or after the [tenth] seventh day after any accident agree on the facts on which a claim for compensation depends but shall fail to agree on the compensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hearing the petition and shall notify all parties in interest As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of future instalments of compensation he shall present a petition therefor to the board

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement in any material respect is incorrect

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatment suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed Provided That except in the case of eye injuries an agreement or an award can only be reviewed modified or reinstated if a petition is filed with the board within one year after the date of the last payment of compensation with or without an agreement

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award [in whole or] to such extent as the facts alleged in the petition would if proved require except that the filing of a petition relative to a change in or termination of the disability of an injured person shall not act as a supersedeas unless such petition contains an affidavit by a physician that he has examined the claimant a percentage estimate of the extent of disability and that the petitioner in his opinion is entitled to the relief prayed for in the petition Payment must be made up to date of the filing of the petition to terminate and in the case of a petition to modify in accordance with the per centum of liability admitted in such petition In any such action to terminate or modify the burden of proof shall be upon the party filing such petition No petition to terminate or modify an existing agreement or award shall be filed while said agreement or award is being adjudicated

Section 414 Whenever a claim petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by one or more members of the board or assign it to a referee for hearing Provided however that petitions presented under sections four hundred and eleven and four hundred and twelve shall be heard by one or more members of the board

The [secretary] department shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original petition to such referee together with copies of the notices served upon the adverse parties

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or one or more of its members or may reassign it to any other referee Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof the board shall fix a time and place for hearing the petition If a petition be assigned to a referee he shall twelve days after notice that such petition has been assigned to him has been served upon the adverse parties fix a time and a place for hearing the petition Such hearing shall not be less than five nor more than fourteen days after the mailing of notice thereof by the referee The secretary of the board if the petition has been directed to be heard by the board or by one or more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writ-

ing and as soon as may be after the conclusion of the hearings such findings of fact conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require The findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final unless an appeal is taken as provided in this act or unless the board shall under the provisions of section four hundred and twenty-five of this article grant a hearing de novo or a rehearing

Section 419 The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to the original referee

Section 420 The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make an investigation of the facts set forth in the petition or answer The board or referee with the consent of the board [may] shall whenever it shall be deemed in the interest of justice to do so appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon or he may employ the services of such other experts as shall appear necessary to ascertain the facts The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such

The board shall fix the compensation of such physicians surgeons and experts which when so fixed shall be paid by the employer to the physician surgeon or expert If any employer shall fail to pay such cost promptly the physician surgeon or expert may proceed to collect the same in the manner provided in this act for the collection of awards of compensation

Section 421 All hearings before the board or one or more members thereof or before a referee shall be public

Section 422 Neither the board nor any of its members nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation but all findings of fact shall be based only upon competent evidence

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters

Section 423 Any party in interest may within twenty days after notice of a referee's award or disallowance of compensation shall have been served upon him take an appeal to the board on the ground (1) that the award or disallowance of compensation is not in conformity with the terms of this act or that the referee committed any other error of law (2) that the findings of fact and award or disallowance of compensation was unwarranted by the evidence or was procured by fraud coercion or other improper conduct of any party in interest The board may upon cause shown extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading

In any such appeal the board may disregard the findings of fact of the referee and may examine the testimony taken before such referee and if it deem proper may hear other evidence and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board as hereinbfore provided may in the judgment of the board require and may make such disallowance or award of compensation or other order as the facts so found by it may require

Section 424 Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon The board shall fix a time and place for such hearing and shall serve notice thereof on all parties in interest

As soon as may be after such hearing the board shall either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper

Section 425 Whenever an appeal shall be taken on the ground that the referee's award or disallowance of compensation was unwarranted by the evidence or because of fraud coercion or other improper conduct by any party in interest the board may in its discretion grant a hearing de novo before the board or one or more of its members or assign the petition for rehearing to any referee designated by it or sustain the referee's award or disallowance of compensation If the board shall grant a hearing de novo it shall fix a time and place for same and shall notify all parties in interest

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act

Section 426 The board upon petition of any party and upon cause shown at any time before the Court of Common Pleas of any county of this Commonwealth to [whom] which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board or referee has made an award or disallowance of compensation or other order or ruling or upon which the board has sustained or reversed any action of a referee The time for taking appeals shall be suspended pending the determination of the first petition for rehearing in those cases in which such petition is filed within twenty days from notice of decision of the Workmen's Compensation Board [but such rehearing shall not be granted more than two years after the board has made such award disallowance or other order or ruling or has sustained or reversed any action of the referee] If the board shall grant a rehearing of any petition from [the board's] its action on which an appeal has been taken to and is pending in the Court of Common Pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article

Section 427 Any party may appeal from any action of the board on matters of the law to the Court of Common Pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the Court of Common Pleas of any other county of this Commonwealth Such appeal must be brought within twenty days after notice of the action of the board has been served upon such party unless any Court of Common Pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court

in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact if any of the board or of the referee sustained by the board which he alleges to be unsupported by compentent evidence

Upon filing of the notice of an appeal the prothonotary of the Court of Common Pleas to which the appeal has been taken shall issue a writ of certiorari directed to the [Workmen's Compensation Board] board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken The writ so issued shall be mailed by the prothonotary to the [Bureau] department at Harrisburg together with a copy of the exceptions The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the rules of of testimony

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact if the findings of the board or referee are not in its opinion sufficient to enable it to decide the question of law raised by the appeal

If the Court of Common Pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future installments If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon the court shall remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that the board may order that any part of the testimony taken in the original proceedings may be considered as though taken in such further hearing

The prothonotary of any Court of Common Pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date thereof by registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel At the end of the period hereinafter allowed for an appeal from the judgment of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken to the Superior Court as hereinafter provided If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court

Any party may appeal to the Superior Court from the judgment of the Court of Common Pleas within thirty days after entry of said judgment irrespective of the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the Court of Common Pleas Any appeal from the action of the board to a Court of Common Pleas and from it to the Supreme Court shall take precedence over all other civil action The judgment of the Superior Court shall be final unless an appeal therefrom is allowed by the Supreme Court as in the case of other judgments of [that tribunal] the Superior Court

Section 428 At any time after the approval of a compensation agreement or after an award or order has been made by the board or referee the department the employe or dependent entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the Court of Common Pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employe or his dependents whether then due and accrued or payable in future instalments as a judgment against the employer or other party liable under such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

Wherever after an accident any employe or his dependents shall have entered into a compensation agreement his employer or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the Court of Common Pleas of any county The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer If the agreement be approved by the Department or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment

If the amount of compensation claimed be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed In such cases the prothonotary shall make such modification of the record as shall be appropriate

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the Department or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the Court of Common Pleas of any county in which the judgment is on record a certificate copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothontary to modify suspend re-instate or satisfy judgment in accordance with the terms of such supplemental agreement award or order

Execution may issue by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved by the department or such award made as evidenced by the approval of the board of the award or by a certified copy thereof

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full amount of the judgment with costs shall have actually been paid

Section 429 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has been filed or record in any county of this Commonwealth in accordance with the provisions of section four hundred and twenty-eight of this article or against whom judgment has been entered by

the prothonotary of the Court of Common Pleas of any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced Upon the presentation of such certificate to the prothonotary of the Court of Common Pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the prothonotary of the Court of Common Pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payments so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and seventeen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied

Section 430 The lien of any judgment entered upon any award shall not be divested by any appeal If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award In case the award is annulled on appeal it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied

Section 431 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note

Section 432 It shall be the duty of the prothonotary of each Court of Common Pleas and of the Supreme and Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article

Section 433 A document on file in the [bureau] department or with the board or any referee or part of the record of any proceedings taken under Articles III and IV of this act shall be proved by a copy thereof certified by the Department under the seal of the Department or certified by the chairman of the board and attested by the secretary of the board under seal of the board as the case may be

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award reciting that the disability or dependency has terminated shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award Provided however That the board or referee designated by the board may at any time within six hundred weeks from the date of the injury set aside a final receipt upon petition filed with the board if it be proved that at the time of the execution of the receipt the injured employe was not in fact able to return to work without loss of earning power or that the employe had a condition which resulted from the accident which condition existed at the time the compensation agreement was executed and which was not covered by such agreement or that the employe had an existing disability at the time the final receipt was taken

Payments shall be made by the employer or insurance carrier on every agreement or award other than for a definite period until a final receipt has been filed with and approved by the department or until a petition to terminate or modify has been under section four hundred and thirteen

Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental or nursing services hospital treatment artificial appliances medicines or supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing with consent of the claimant before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliances medicine and supplies and have the same heard and determined and shall be entitled to receive an award for such remunerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation

Section 436 The board or a referee designated by the board or any court of this Commonwealth in granting an award of compensation to an injured employe or his dependents or in affirming or modifying and affirming such an award or in reversing the disallowance of such an award shall in addition to such compensation include in such an award or judgment expert's fees if any rendered in any such proceeding payment of which may be enforced in the same manner as the payment of an award may be enforced under the provisions of this act

Section 437 Any claimant may appear in person or be represented by counsel learned in the law or he may be represented by a member of his duly recognized union or labor organization Such labor representative shall be selected by said union or labor organization and duly approved by the department to practice before any referee or the Board

ARTICLE V

GENERAL PROVISIONS

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any [other] respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the Common Pleas Court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforcable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the [bureau] department which shall as soon as may be notify the person by whom the same was filed of the boards approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal service and disbursements

Section [502] 503 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act

Section 504 All fines and except as otherwise provided in this act all fees received collected or recovered under the provisions of this act shall be paid to the department and by it paid into the State Workmen's Insurance Fund to the credit of the second injury reserve account created in such fund by this act and such fines and fees are hereby appropriated for the same purposes for which the moneys credited to such account are appropriated by this act

Section [503] 505 Nothing in this act shall affect or impair any right of action which shall have accrued be-

fore this act shall take effect

Section [504] 506 The following acts are hereby specifically repealed

The act approved the third day of June one thousand nine hundred fifteen (P. L. 777) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" and its amendments

The act approved the fourteen day of May one thousand nine hundred twenty-five (P. L. 714) entitled "A supplement to an act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' providing for the payment of compensation to volunteer firemen or their dependents"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

[Section 505 This act shall not apply in the case of an accident occurring prior to the first day of January next succeeding its passage and approval]

Section 507 This act shall become effective January first one thousand nine hundred and thirty eight

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Haluska,	Kunkel,	Rice,
Bean,	Henney,	Lanius,	Rodgers,
Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,
Gilson,			

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

RECONSIDERATION OF SENATE BILL NO. 892

Mr. PYTKO. Mr. President, I move to reconsider the vote by which Senate Bill No. 892, entitled:

An Act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction on parents, guardians, nurses and physicians; and placing certain costs on school districts, and making an appropriation.

was defeated on final passage.

The PRESIDENT. How did the Senator vote?

Mr. PYTKO. Mr. President, I voted "no."

Mr. RANKIN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. RANKIN. Mr. President, I voted "no."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. PYTKO. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. PYTKO. Mr. President, I voted "aye".

Mr. RANKIN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. RANKIN. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

Mr. PYTKO. Mr. President, I ask unaimous consent to amend title, page 1, by adding thereto on last line thereof after the word "districts" the following: "and making an appropriation."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 452, (House Bill No. 562), entitled:

An Act to amend the act approved the sixth day of April one thousand nine hundred and eleven (Pamphlet Laws fifty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" as amended further regulating the adulteration of sausages changing the penalties prescribed and providing for injunctions in certain cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gilson,	Kunkel,	Rice,
Bean,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Owlett,	Shapiro,
Dent,	Huffman,	Pierson,	Stiefel,
DiSilvestro,	Jacobs,	Pytko,	Thompson,
Ealy,	Jaspan,	Rankin,	Wolfenden,
Eroe,	Kahle,	Reed,	Woodward,
Frey,	Kilgallen,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 502, (House Bill No. 868), entitled:

An Act to prohibit the wilful and malicious breaking or destruction of certain milk bottles or other dairy product containers and prescribing fines or penalties therefor.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Jaspan,	Rankin,
Bean,	Gelder,	Kahle,	Reed,
Cavalcante,	Gilson,	Kilgallen,	Rice,
Chapman,	Haluska,	Lanius,	Rodgers,
Dando,	Henney,	Law,	Rupp,
Deitrick,	Heyburn,	McCreesh,	Ruth,
Dent,	Homsher,	McGinnis,	Salus,
DiSilvestro,	Howell,	Owlett,	Stiefel,
Ealy,	Huffman,	Pierson,	Wolfenden,
Eroe,	Jacobs,	Pytko,	Woodward,

NAYS—2

Kunkel,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 519, (House Bill No. 501), entitled:

An Act to amend section two hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by exempting farm wagons attached to tractors from registration in certain cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kahle,	Reed,
Bean,	Gilson,	Kilgallen,	Rice,
Cavalcante,	Haluska,	Kunkel,	Rodgers,
Chapman,	Henney,	Lanius,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Salus,
Dent,	Howell,	Owlett,	Stiefel,
DiSilvestro,	Huffman,	Pierson,	Thompson,
Ealy,	Jacobs,	Pytko,	Wolfenden,
Eroe,	Jaspan,	Rankin,	Woodward,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. McGINNIS. Mr. President, I ask unanimous consent that Senate Bill No. 602, on third reading, entitled:

An Act to amend section six and sections eleven and eighteen as amended of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred sixty-two) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" further regulating the administration of such fund the fixing of premiums payable by subscribers the distribution of unexpended balances to subscribers the collection of accounts againts subscribers and providing for the giving of certified copies of the records of the fund showing liens against subscribers and fixing fees therefor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 616, (House Bill No. 370), entitled:

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of articles purchased or leased different times.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kahle,	Reed,
Bean,	Gilson,	Kilgallen,	Rice,
Cavalcante,	Haluska,	Kunkel,	Rodgers,
Chapman,	Henney,	Lanius,	Ruth,
Dando,	Heyburn,	McCreesh,	Salus,
Deitrick,	Homsher,	McGinnis,	Shapiro,
Dent,	Howell,	Owlett,	Stiefel,
DiSilvestro,	Huffman,	Pierson,	Thompson,
Ealy,	Jacobs,	Pytko,	Wolfenden,
Eroe,	Jaspan,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 659, (House Bill No. 673), entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barthold,	Haluska,	Kilgallen,	Reed,
Cavalcante,	Henney,	Kunkel,	Rice,
Dando,	Heyburn,	Lanius,	Rodgers,
Dent,	Howell,	Law,	Rupp,
DiSilvestro,	Huffman,	McCreesh,	Ruth,
Eroe,	Jacobs,	McGinnis,	Salus,
Frey,	Jaspan,	Pytko,	Stiefel,
Gilson,	Kahle,	Rankin,	Thompson,

NAYS—10

Bean,	Ealy,	Pierson,	Wolfenden,
Chapman,	Gelder,	Shapiro,	Woodward,
Deitrick,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 761, (House Bill No. 662), entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrains and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the registration year and adjusting registration fees.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. WOODWARD. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—20

Cavalcante,	Haluska,	McCreesh,	Rodgers,
Dando,	Henney,	McGinnis,	Rupp,
Dent,	Jaspan,	Pytko,	Ruth,
DiSilvestro,	Kilgallen,	Rankin,	Shapiro,
Gilson,	Kunkel,	Rice,	Stiefel,

NAYS—21

Barthold,	Gelder,	Kahle,	Reed,
Bean,	Heyburn,	Lanius,	Salus,
Chapman,	Homsher,	Law,	Thompson,
Deitrick,	Howell,	Owlett,	Wolfenden,
Ealy,	Jacobs,	Pierson,	Woodward,
Frey,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 896, (House Bill No. 1449), entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Utility Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administration upon certain county officers conferring powers to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and other providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. OWLETT. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Barthold,	Haluska,	Law,	Rice,
Cavalcante,	Henney,	McCreesh,	Rodgers,
Dando,	Jaspan,	McGinnis,	Ruth,
Dent,	Kahle,	Pytko,	Shapiro,
DiSilvestro,	Kilgallen,	Rankin,	Sipe,
Frey,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,		

NAYS—15

Bean,	Gelder,	Jacobs,	Salus,
Chapman,	Heyburn,	Owlett,	Wolfenden,
Deitrick,	Homsher,	Pierson,	Woodward,
Ealy,	Howell,	Rupp,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 984, (House Bill No. 2001), entitled:

An Act to amend section four hundred and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating the creation and abolition of wards.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Kunkel,	Rodgers,
Bean,	Gilson,	Lanius,	Rupp,
Cavalcante,	Haluska,	Law,	Ruth,
Chapman,	Henney,	McCreesh,	Salus,
Dando,	Heyburn,	McGinnis,	Shapiro,
Deitrick,	Homsher,	Owlett,	Sipe,
Dent,	Howell,	Pierson,	Stiefel,
DiSilvestro,	Jacobs,	Pytko,	Thompson,
Ealy,	Jaspan,	Rankin,	Wolfenden,
Eroe,	Kahle,	Reed,	Woodward,
Frey	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 1092, (House Bill No. 880) on third reading, entitled:

An Act to prohibit the admission in criminal cases of evidence, illegally secured or acquired.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1096, (House Bill No. 1357), entitled:

An Act limiting the questions to be decided in any new trial granted because of the inadequacy or excessiveness of a verdict.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30.

Barthold,	Henney,	Law,	Rodgers,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Jacobs,	McGinnis,	Salus,
Dent,	Jaspan,	Pytko,	Shapiro,
DiSilvestro,	Kahle,	Rankin,	Sipe,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,		

NAYS—11.

Bean,	Ealy,	Owlett,	Wolfenden,
Chapman,	Gelder,	Pierson,	Woodward,
Deitrick,	Homsher,	Rupp,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1100, (House Bill No. 1476), entitled:

An Act to amend section one of the act approved the sixth day of May one thousand eight hundred and seventy-four (Pamphlet Laws one hundred twenty-five) entitled "An act regulating State tax on certain county offices" as amended regulating the payment over to the county of excess earnings of county officers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33.

Barthold,	Henney,	Law,	Rodgers,
Bean,	Heyburn,	McCreesh,	Rupp,
Cavalcante,	Jacobs,	McGinnis,	Ruth,
Dando,	Jaspan,	Owlett,	Salus,
Dent,	Kahle,	Pytko,	Shapiro,
DiSilvestro,	Kilgallen,	Rankin,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,
Haluska,			

NAYS—8.

Chapman,	Ealy,	Homsher,	Wolfenden,
Deitrick,	Gelder,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I have a copy of Senate Bill No. 1127, and the language of the amendment is so indefinite that I must ask that the bill go over in its order. The language states "where a labor strike is pending." I would like to inform myself a little more about

the language, and therefore, I ask unanimous consent that Senate Bill No. 1127, (House Bill No. 1246), on third reading, entitled:

An Act to prohibit any person firm or corporation not directly involved in a labor strike or lockout recruiting or securing or offering to secure employment for persons to take the places of employes where a labor strike or a lockout exists and providing for legally establishing employment service.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1128, (House Bill No. 1765), entitled:

An Act to further amend the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such supervisors of special education.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. LAW. Mr. President, I would like to ask the Chairman of the Committee on Education, the Senator from Berks, Mr. Ruth, if he would explain to the Senate, the changes that this Act makes in reference to new county superintendent bureau, and assistant to superintendent?

Mr. RUTH. Mr. President, two years ago an Act was passed limiting the county superintendent bureau. This Act recognizes that law, and provides that after 1939, a Special Supervisor of Education may be appointed.

The Department of Education informed me that if this bill does not pass, the Department budget will be thrown out by $200,000. It is limiting the Act we passed two years ago.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Berks, Mr. Ruth, the Chairman of the Committee on Education.

The PRESIDENT. Will the Senator from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Chairman of the Committee on Education if this Act does anything more than he outlines. In other words, does it change the qualifications?

Mr. RUTH. Mr. President, not to my knowledge, but after 1939, special supervisors may be appointed—that is after 1939.

Mr. OWLETT. Mr. President, I would like to ask the Chairman a further question. I would like to ask him whether under this Act the county boards of school directors are still left with the discretion of seeking out the county superintendent of schools, or the assistant county superintendent of schools, without the Department of Education in Harrisburg?

Mr. RUTH. Mr. President, that is the law today.

Mr. OWLETT. Mr. President, I want to know if that is still the law.

Mr. RUTH. Mr. President, this does not change it to my knowledge.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42.

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Owlett,	Shapiro,
Deitrick,	Howell,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1135, entitled:

An Act to amend sections two three and four section five as amended and sections six seven eight nine thirteen fourteen and sixteen and to repeal sections ten eleven and twelve of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by providing for the collection of the taxes therein imposed by the county commissioners boards of revision of taxes and boards for the assessment and revision of taxes further regulating returns the inspection of books and records and the attendance of witnesses providing that such taxes shall be a lien on the real estate of the taxable and recoverable in assumpsit and providing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42.

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Owlett,	Shapiro,
Deitrick,	Howell,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey	Kunkel,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 1147, (House Bill No. 1325), entitled:

An Act to add section 48.1 to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the Court of Common Pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the apportionmentof estate taxes in certain cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40.

Barthold,	Gilson,	Kunkel,	Rodgers,
Bean,	Haluska,	Lanius,	Rupp,
Cavalcante,	Henney,	Law,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECONSIDERATION OF SENATE BILL NO. 613

Mr. THOMPSON. Mr. President, I move to reconsider the vote by which Senate Bill No. 613 (House Bill No. 749), entitled:

An Act requiring county commissioners to provide at the expense of the county telephone typewriter and stenographic services for the county superintendent of schools.

Was defeated on final passage on May 26.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON. Mr. President, I voted 'no.'

Mr. RANKIN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. JASPAN. Mr. President, I voted 'no.'

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. OWLETT. Mr. President, this is an Act as I take it, that provides that the county commissioners shall provide telephone, typewriter, and stenographic service for the County Superintendent of Schools. I would like to ask the Senator from Centre if that is not already required?

Mr. THOMPSON. Mr. President, that is not the requirement by law, but it is done in most counties.

Mr. OWLETT. Mr. President, if it is done voluntarily, why pass an Act requiring it?

Mr. THOMPSON. Mr. President, there are still some few counties that did not do it voluntarily; and it is only fair to the Superintendent that it should be furnished.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. RICE and Mr. LAW and were as follows, viz:

YEAS—28

Barthold,	Gilson,	Kahle,	Rice,
Bean,	Haluska,	Kunkel,	Ruth,
Cavalcante,	Henney,	Lanius,	Shapiro,
Dando,	Heyburn,	Law,	Sipe,
Dent,	Howell,	McCreesh,	Stiefel,
DiSilvestro,	Jacobs,	Owlett,	Thompson,
Ealy,	Jaspan,	Pytko,	Woodward,

NAYS—13

Chapman,	Homsher,	Pierson,	Rodgers,
Deitrick,	Kilgallen,	Rankin,	Rupp,
Frey,	McGinnis,	Reed,	Wolfenden,

So the question was determined in the affirmative.

And the question recurring,

Shall the bill pass finally?

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Barthold,	Gilson,	Mallery,	Shapiro,
Cavalcante,	Henney,	McCreesh,	Sipe,
Dando,	Jaspan,	Pytko,	Stiefel,
Dent,	Heyburn,	Rice,	Thompson,
DiSilvestro,	Jacobs,	Ruth,	Woodward,
Ealy,	Kunkel,		

NAYS—15

Chapman,	Kahle,	McGinnis,	Rodgers,
Deitrick,	Kilgallen,	Pierson,	Rupp,
Frey,	Lanius,	Rankin,	Wolfenden,
Homsher,	Law,	Reed,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

ANNOUNCEMENTS BY THE SECRETARY

The Senators should see the Secretary of the Senate before the final adjournment, in order to provide for the disposition of their personal files.

The Senators, newspapermen, officers, and employes of the Senate will please take notice that the Senate Dinner will be held at midnight tonight in the main dining room of the Harrisburger Hotel. Lake Erie white fish, obtained by the Senator from Erie, Mr. Gilson, is on the menu.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1178 (House Bill No. 717), entitled:

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred eighty-eight) entitled "An act relating to the jurisdiction powers and procedure of the Orphans' Court and the Court of Common Pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest ren and for such purpose the laying out or dedication of roads streets and alleys or the vacation if such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non composmentis have removed out of the State have died refuse or act unreasonably without consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Shapiro,
Dando,	Homsher,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Stiefel,
Dent,	Jaspan,	Pytko,	Thompson,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,
Frey,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1199 (House Bill No. 1671), entitled:

An Act to amend clause A of section two hundred and two of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended restricting the use of certain words in corporate names.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Shapiro,
Dando,	Homsher,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Stiefel,
Dent,	Jaspan,	Pytko,	Thompson,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,
Frey,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1205 (House Bill No. 1879), entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty) entitled "An act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induct the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties" correcting an error in said section.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Shapiro,
Dando,	Homsher,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Stiefel,
Dent,	Jaspan,	Pytko,	Thompson,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,
Frey,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. WOODWARD. Mr. President, I would like to interrogate the Senator from Armstrong, Mr. Sipe.

The PRESIDENT. Will the Senator from Armstrong, Mr. Sipe, permit himself to be interrogated?

Mr. SIPE. Mr. President, I will.

Mr. WOODWARD. Mr. President, I would like to ask the Senator from Armstrong, Mr. Sipe, about this 'illegal' holiday?

Mr. SIPE. Mr. President, I have a copy of the bill, and understand the purpose is to celebrate, very properly, the three hundredth Anniversary of the landing of the Kalmar Nyckel and Fogel Grip on the shores of the Delaware in March, 1638.

Mr. WOODWARD. Mr. President, and there is to be a legal holiday created; but I would like to ask the Senator if that legal holiday is only in 1938, or whether it continues forever.

Mr. SIPE. Mr. President, I regret I did not hear the Senator's question.

Mr. WOODWARD. Mr. President, I am hardly in accord with the purpose of the bill—to have a day of remembrance for the landing of the Kalmar Nyckel and Fogel Grip—but I am interested in learning whether this holiday, on April 8th, is to be annual or perennial; I mean whether it is to be a continuous holiday or only for the one occasion. I am perfectly sincere in asking; I want to know.

Mr. SIPE. Mr. President, not having read the bill myself, all I can do is to refer the Senator to it.

And the question recurring,

Shall the bill pass finally?

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1276 (House Bill No. 1049), entitled:

An Act providing for the creation of a legal holiday on April 8, 1938 to be known and observed as "Forefathers Day"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Woodward,
Gilson,			

NAYS—6

Bean,	Deitrick,	Pierson,	Wolfenden,
Chapman,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 1277 (House Bill No. 1093), entitled:

An Act to amend clause XLIX of section one thousand two hundred of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," authorizing boroughs to expend moneys for the purchase and planting of trees.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Kunkel,	Rodgers,
Bean,	Gilson,	Lanius,	Rupp,
Cavalcante,	Haluska,	Law,	Ruth,
Chapman,	Henney,	McCreesh,	Shapiro,
Dando,	Heyburn,	McGinnis,	Sipe,
Deitrick,	Homsher,	Pierson,	Stiefel,
Dent,	Jacobs,	Pytko,	Thompson,
DiSilvestro,	Jaspan,	Rankin,	Wolfenden,
Ealy,	Kahle,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1283 (House Bill No. 1751), entitled:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed; changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value; providing a procedure by which the actual value of such property, when purchased by or for the holder of the mortgage, may be determined and credited on the mortgage debt; and providing a limitation of time within which such procedure may b einvoked.

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Shapiro,
Dando,	Heyburn,	Owlett,	Sipe,
Deitrick,	Homsher,	Pierson,	Stiefel,
Dent,	Jaspan,	Pytko,	Thompson,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,
Eroe,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

RECONSIDERATION OF SENATE BILL NO. 1359 (HOUSE BILL NO. 1387)

Mr. SHAPIRO. Mr. President, I move to reconsider the vote by which Senate Bill No. 1359 (House Bill No. 1787), entitled:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain Courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committees and to fix and define its powers and duties imposing duties on Judges and other officers of every Court of Record.

was defeated on final passage on May 27th.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "no".

Mr. GILSON. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GILSON. Mr. President, I voted "no".

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. JACOBS, and were as follows, viz:

YEAS—31

Bean,	Frey,	Kahle,	Rupp,
Cavalcante,	Gelder,	Kilgallen,	Ruth,
Chapman,	Gilson,	Kunkel,	Shapiro,
Dando,	Henney,	Owlett,	Stiefel,
Deitrick,	Heyburn,	Pierson,	Thompson,
Dent,	Homsher,	Pytko,	Wolfenden,
DiSilvestro,	Howell,	Rankin,	Woodward,
Eroe,	Jaspan,	Rice,	

NAYS—11

Barthold,	Jacobs,	Mallery,	Reed,
Ealy,	Lanius,	McCreesh,	Sipe,
Haluska,	Law,	McGinnis,	

So the question was determined in the affirmative.

Mr. JACOBS. Mr. President, I wish to go on record as thoroughly opposed to this bill. It takes away, in my opinion,—it takes away from the local Bar Associations the right to make their own rules; in Common Pleas, it takes away from the Legislature the right to make the laws of practice as they shall apply in our Common Pleas Courts. I appeal to my colleagues in the Senate to vote "no" on this bill.

Mr. SHAPIRO. Mr. President, the Supreme Court of the United States promulgates rules for the procedure and practice which are binding and effective, on every Federal Court. This gives to the Supreme Court of Pennsylvania the right to promulgate uniform rules of practice and procedure. I think a uniform rule of practice and procedure can best be established by vesting it in one body.

Every year we come here, every Session of this Legislature we are passing rules for procedure and upsetting fundamental principles of law to a point of where none of us knows where we stand on procedure. If any of us

would happen to have a case in a county different from our own, we would have to get out our book of rules and spend a week looking up the procedure.

There is no fundamental change in the law,—the fundamental law remains the same, and the effort is to make it upon the practice and procedure in our courts; and after all, the Supreme Court has a fine old saying as to what the law is, and I see no reason why the Supreme Court cannot be the best authority in establishing procedure and practice. There is nothing in the Constitution to say that the Supreme Court shall not have the right to do so.

The Federal Courts in all districts have the uniform procedure, and you know where you stand wherever you go into a Federal Court.

This bill should meet with the approval of every lawyer in the State; it takes away nothing from anybody; and the Supreme Court has been asked by many Bar Associations about such a bill and many of the local courts will say, in answer to inquiry, that they are in favor of this bill.

Mr. GILSON. Mr. President, when this bill was under consideration before, not knowing the attitude the local courts might take, I voted against this bill—realizing that probably an effort would be made to reconsider it. I got in touch with the present judge and other judges of our court of our Erie County and was not only surprised to see that they were for it, but enthusiastically for it. They had examined the bill and they felt that it would be of much assistance to them.

I have no apprehension that one Session of the Legislature can preclude any other session of the Legislature from passing or amending any practice Act.

I think that as long as the local courts here feel that this is a proper measure, I, at least, would decide in reversing my vote from "no" to "aye" on this measure.

Mr. SHAPIRO. Mr. President, I neglected to read, and should like to call the attention of the members of this Senate to, one matter which we were concerned with last week. That was whether or not by virtue of this Act the Supreme Court, it would have a right, or would attempt to interfere with the admission of the members of the Bar in the local communities; and I was handed, by a Clerk in the Office of the Supreme Court, a copy of an order which has recently been edited—May 20th—by the Clerk, and I should like to read that to the members of the Senate, particularly to the lawyers, so that they will understand the attempt to interfere with home rule, so far as admission to the bar is concerned. I will read the order:

IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT
ORDER OF THE COURT

"May 20, 1937. For a better understanding of rules 9 and 11 of this court it may not be stated that the state board is not compelled to allow an appeal from the action taken by a county board in the matter of the registration of a law student, nor is the Supreme Court compelled to allow an appeal from the action taken by the state board. The decision of a county board in the matter of the registration of a law student is conclusive in the absence of fraud or mistake. This court has never compelled a county board to register a law student nor a county court to permit an applicant for admission to the bar to practice before it. These are purely local matters to be passed upon by the county boards or the several local judges. The petition is dismissed, as this court would not compel a county board to register a law student against its own decision in the matter. A county board is not required to divulge its reasons for its action in a particular case, nor is the state board compelled to do likewise.

Petition dismissed.

PER CURIAM
JOHN W. KEPHART
Chief Justice."

Mr. OWLETT. Mr. President, in addition to that, the same phase of the Act, I would like to call the Senate's attention to the amendment which was inserted here in the Senate.

In other words, this Act gives to the local courts exclusive authority on that provision, of that phase of the rule:

"A Court of Record within this Commonwealth, but such rules shall not include any provision regulating the admission of attorneys to practice before any of the trial courts of this Commonwealth."

I would also like to call the Senate's attention to the fact that this bill does not preclude the local court from making rules, not in conflict with practice established by the Supreme Court. For years we have been trying to make uniform general rules of procedure, and at the same time through an Act of this kind is the only way that we can get this uniform court procedure and still not take away from the local courts any of the powers they should have; because this Act specifically provides that they may still make rules not inconsistent with the general rules which the Supreme Court shall promulgate.

Mr. McGINNIS. Mr. President, most of our counties now have their own rules, built up to suit their own needs by the Bar Associations of each county and the courts of each county, and I feel that what would be satisfactory rules for Tioga County would not suit Philadelphia or Pittsburgh, in Allegheny County. Now, from what I can learn, the local bar associations are against this bill. They hesitate to come out for it because the Supreme Court wants this bill.

Now, I can see how many the rules, all uniform throughout the State of Pennsylvania, would be of benefit to the Supreme Court in those cases coming before it, but outlearn the local bar associations are against this bill. will do any good. I feel the local Bar Associations will take the rules throughout the counties.

Mr. THOMPSON. Mr. President, thinking more particularly of the members of the legal profession at this minute, I was just going to remind them that the most satisfactory provision of the whole practice of law is probably the practice inequity. I believe it was in 1925, in pursuance of legislation somewhat similar to the proposed legislation, the Supreme Court enacted uniform rules for practicing in equity in all courts of the Commonwealth; and I believe that the younger lawyers in this body will agree with me in saying that this proves to be as simple as if not the most simple form of practice, and at the same time, the most satisfactory form of practice to be administered; and I think if these rules, these proposed rules, which come of this legislation, would do for us in the practice of civil cases, but the equity rule bill through

the equity practice in this Commonwealth, the legislation will be a distinct step in advance in regulating the practice of law.

Mr. REED. Mr. President, under our Constitutional form of Government, we have three departments, the Executive, the Legislative, and the Judicial. I have always been strong for each department remaining within its own sphere. There is a proviso in this bill that I do not like and it reads as follows: "From and after the effective date of any rule promulgated under this section 1, and so long as said rule shall be operative, the operation of any Act of Assembly relating to practice or procedure in such courts and inconsistent with such rule shall be suspended insofar as such may be inconsistent with such rule."

In other words, the Supreme Court has a rule that will satisfy an Act of the Assembly. That however, we want the Judicial Department to stand and be joined with the Legislative Department in a very important question, and I feel that if an Act of Assembly is passed, even though the subject is regulating the procedure of the courts, that the Supreme Court should not have the power under any Act to pass a rule which would destroy an Act of Assembly passed by the Legislature. That is the reason why I voted against the bill.

Mr. CAVALCANTE. Mr. President, I purge myself in the eyes of the great Court for voting against this bill, for the records will show that I voted for it when it was defeated originally, and I intend to vote again; because having practiced law here for fourteen years or so; I am thoroughly convinced that this bill is a good bill, and any attorney, any member of the bar who has had the pleasure of practicing law not only in your own county, but we who have had the pleasure of practicing in other counties, know the confusion you get in when you go from one county to another with different court rules, and you do not know where you are—whether in court or out of court; and because this bill gives the Supreme Court the power to make uniform rules, so that when an attorney goes from Fayette County to Philadelphia County, he knows the rules of procedure of that setting—and I regret that this bill does not go farther. I firmly believe that the rules governing the admission of attorney to the bar ought to be uniform throughout the State. We are not living in different countries, but in different counties within the State of Pennsylvania, and I think the law should be uniform; and although I am going to vote "aye" on this bill, I regret that the rules are not uniform regarding the admission of attorneys to practice law. Why should they not be uniform in Fayette County or anywhere else? I take the same bar examination in Fayette County that would admit a man to practice in any other county of the State.

Mr. JACOBS. Mr. President, some of us at this session have fought centralization and supported the policy of home rule. Whether I am speaking out of tune or not, I think this is a typical example of centralization along lines where we do not need centralization, and the abolition of home rule along lines where home rule has proved beneficially effective.

In answer to the Senator from Centre, Mr. Thompson, we draw the analogy of our equity rules, we would like to say that equity is a very good point of practice from the practice in Common Pleas, for the old rule today, equity has rested in the grave of discoverages. The right of a man to appear in our Common Pleas Courts is a right which does not rest upon the grace of any sovereign. I believe the equity rules are fine—have been very good in their field, but I do not believe that the Supreme Court today should assert the rules, not only of procedure, but of practice in our Common Pleas Courts throughout this State, and take away from the Legislature, as this Act plainly does, the right to set practice rules in the future.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Bean,	Gelder,	Kunkel,	Rupp,
Cavalcante,	Gilson,	McCreesh,	Ruth,
Chapman,	Henney,	Owlett,	Salus,
Dando,	Heyburn,	Pytko,	Shapiro,
Deitrick,	Howell,	Rankin,	Stiefel,
Dent,	Jaspan,	Rice,	Thompson,
DiSilvestro,	Kilgallen,	Rodgers,	Woodward,
Ealy,			

NAYS—13

Barthold,	Kahle,	Mallery,	Reed,
Eroe,	Lanius,	McGinnis,	Sipe,
Homsher,	Law,	Pierson,	Wolfenden,
Jacobs,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1290 (House Bill No. 1963), entitled:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Rice,
Bean,	Gilson,	Lanius,	Rodgers,
Cavalcante,	Haluska,	Law,	Rupp,
Chapman,	Henney,	Mallery,	Ruth,
Dando,	Heyburn,	McCreesh,	Salus,
Deitrick,	Homsher,	McGinnis,	Shapiro,
Dent,	Howell,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of

Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1291 (House Bill No. 2029), entitled:

An Act to amend Article Five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties to make appropriations for the maintenance of short wave radio broadcasting stations.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Rice,
Bean,	Gilson,	Lanius,	Rodgers,
Cavalcante,	Haluska,	Law,	Rupp,
Chapman,	Henney,	Mallery,	Ruth,
Dando,	Heyburn,	McCreesh,	Salus,
Deitrick,	Homsher,	McGinnis,	Shapiro,
Dent,	Howell,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL SIGNED

The President (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the titled was publicly read as follows:

House Bill No. 228, entitled:

An Act imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth a store or stores as herein defined; prescribing the method and manner of collecting such tax and its disposition; and providing penalties.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1292 (House Bill No. 2040), entitled:

An Act to amend section six hundred seventy-five of and to add section one hundred fifty-five to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for and prescribing the procedure for leasing of real property belonging to counties and for the taxation of such property and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. THOMPSON. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—42

Barthold,	Gelder,	Kunkel,	Rice,
Bean,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Rupp,
Chapman,	Henney,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Owlett,	Shapiro,
Dent,	Huffman,	Pierson,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Wolfenden,
Eroe,	Kahle,	Reed,	Woodward
Frey,	Kilgallen,		

NAYS—3

Heyburn,	Lanius,	Thompson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1297 (House Bill No. 1000), entitled:

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Kunkel,	Rice,
Bean,	Gilson,	Lanius,	Rodgers,
Cavalcante,	Haluska,	Law,	Rupp,
Chapman,	Henney,	Mallery,	Ruth,
Dando,	Heyburn,	McCreesh,	Shapiro,
Deitrick,	Homsher,	McGinnis,	Sipe,
Dent,	Howell,	Owlett,	Stiefel,
DiSilvestro,	Jacobs,	Pierson,	Thompson,
Ealy,	Jaspan,	Pytko,	Wolfenden,
Eroe,	Kahle,	Rankin,	Woodward,
Frey,	Kilgallen,	Reed,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1330 (House Bill No. 1173), entitled:

An Act to insure and protect fair trade practices in distribution defining such practices prohibiting the advertisement offer for sale or sale of merchandise at less than cost and fixing a penalty for such advertisement offer for sale or sale and vesting the courts with jurisdiction to prevent and restrain violations of the act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Kunkel,	Rice,
Bean,	Gilson,	Lanius,	Rodgers,
Cavalcante,	Haluska,	Law,	Rupp,
Chapman,	Henney,	Mallery,	Ruth,
Dando,	Heyburn,	McCreesh,	Scarlett,
Deitrick,	Homsher,	McGinnis,	Shapiro,
Dent,	Howell,	Owlett,	Sipe,
DiSilvestro,	Jacobs,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Wolfenden,
Eroe,	Kahle,	Rankin,	Woodward,
Frey,	Kilgallen,	Reed,	

NAYS—1

Thompson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to th eHouse of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1338 (House Bill No. 756), entitled:

An Act to amend section one of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws eighty-nine) entitled "An act granting authority to the Courts of Common Pleas in the several counties of this Commonwealth to issue writs of estrepement to stay waste upon lands sold for taxes during the time provided for redemption" by extending the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriffs sales under tax or municipal claims.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Rodgers,
Bean,	Gilson,	Lanius,	Rupp,
Cavalcante,	Haluska,	Law,	Ruth,
Chapman,	Henney,	Mallery,	Salus,
Dando,	Heyburn,	McCreesh,	Scarlett,
Deitrick,	Homsher,	Owlett,	Shapiro,
Dent,	Howell,	Pierson,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1346 (House Bill No. 1636), entitled:

An Act to amend section six hundred one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one) entitled "An act providing for the regulation of aeronautics within this Commonwealth, conferring powers and imposing duties upon the Department of Revenue in respect thereto, providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft and extending certain penalties to owners of aircraft.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Owlett,	Shapiro,
Deitrick,	Howell,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Sordoni,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Woodward,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1348 (House Bill No. 1858), entitled:

An Act to amend section two thousand five hundred fifty-three as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the

law relating thereto" permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class and regulating the premiums thereof.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Rodgers,
Bean,	Gilson,	Lanius,	Rupp,
Cavalcante,	Haluska,	Law,	Ruth,
Chapman,	Henney,	Mallery,	Salus,
Dando,	Heyburn,	McCreesh,	Scarlett,
Deitrick,	Homsher,	Owlett,	Shapiro,
Dent,	Howell,	Pierson,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1363, (House Bill No. 946), entitled:

A Joint Resolution proposing an amendment to section eight Article Five of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26.

Barthold,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	McCreesh,	Rupp,
Dando,	Jacobs,	Pytko,	Ruth,
Dent,	Jaspan,	Rankin,	Sipe,
DiSilvestro,	Kahle,	Reed,	Stiefel,
Eroe,	Kilgallen,	Rice,	Thompson,
Gilson	Kunkel,		

NAYS—14.

Bean,	Gelder,	Owlett,	Shapiro,
Chapman,	Heyburn,	Pierson,	Wolfenden,
Deitrick,	Homsher,	Salus,	Woodward,
Ealy,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1364, (House Bill No. 1363), entitled:

An Act making voidable releases of claims for personal injuries or death and providing for the voidance of the same.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. RUPP. Mr. President, I desire to interrogate the Chairman on Judiciary General Committee.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. RUPP. Mr. President, will the Chairman of the Committee on Judiciary General explain the purpose of this bill?

Mr. THOMPSON. Mr. President, the purpose of this bill is to make it illegal for a person who has been injured in an accident of any sort and is confined to his bed in the hospital or confined to his bed at home, from giving a release which would be effective to discharge the damages which he has sustained. I might say that the bill only implies to a period of not over twenty days from the time of the accident and only while the releasor is in bed in the hospital or in bed at home.

Mr. RUPP. Mr. President, well, will the Senator from Centre, point out in the bill where it states that the injured party must be in bed or confined to a hospital? I have not been able to find it.

Mr. THOMPSON. Mr. President, does the Senator from Lehigh, Mr. Rupp, does he not have the last reprint of the bill? May I ask what printer's number he has?

Mr. RUPP. Mr. President, I have printer's No. 1154.

Mr. THOMPSON. Mr. President, after a sidebar conference with a Chairman of a sub-committee which handled this bill, I would like to make an explanation. It was under discussion in committee that the provisions of the bill should be limited to apply only to people who were confined to a hospital or a bed at home on account of accidents, but the Chairman of the sub-committee told me that the sub-committee in its wisdom felt that it would be better policy to limit the period to twenty days rather than to gamble on the uncertainty of whether the subject was in bed at home or in a hospital.

Mr. RUPP. Mr. President, I think that this bill is a very vicious bill. I think members of the legal profession will agree that this is one bill that encourages the "ambulance chaser." If I ever saw a bill particularly drawn for ambulance chasing, this is one bill. It permits any party who has signed a release for damages, because of personal injuries or death resulting from unlawful violence or negligence to void a release within twenty days after such injuries or death; that within those twenty days, Mr. President, the "ambulance chaser" has all the time in the world. after he has discovered the exact rules surrounding the case to go in there and convince the injured party that he has not gotten enough out of the insurance company, and then he can turn around and void his release and, with the encouragement of the ambulance chaser, go into court and instead of collecting $100.00, which might have amply covered his injuries, the ambulance chaser will convince him he can recover a $1,000.00 before a jury.

Do not let us forget this; that where there is an accident paid for by the Insurance Company, we, who are also insured by that Company, are indirectly helping to pay the bill; and if we want to encourage large verdicts created by ambulance chasing lawyers to get crooked juries

or political juries—which is a racket in some parts of this State, as we all know—then, by all means, vote for this bill before us now.

Mr. THOMPSON. Mr. President, I might just say this, that this is an attempt to sort of even up on this business of protecting people who have sustained injuries. We passed earlier in the session a bill to prohibit ambulance chasing; I was the sponsor of that bill myself; its number was 829. Now, this bill does not go a bit further in prohibiting those who have been injured from being victimized by shrewd representatives of insurance companies. It is not going any further that way than the other bill did to protect those people who are responsible in damages. I think it is only fair to pass this bill, in view of the other bill that went before it.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson, on the statement he just made.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, Is it not now the present law that a release obtained under a misrepresentation or by deception is illegal and void; that is, the courts may set aside a release when it is obtained under a misrepresentation, or if the signer of the release at the time was not aware of the facts upon which the release is based?

Mr. THOMPSON. Mr. President, that is right; but anyone who has any experience in setting aside such releases unquestionably knows there is a very heavy burden of proof in setting aside the affected document, and I am sure that the Senator from Fayette knows of any number of instances where the instrument should have been set aside and was not, for want of proof by the injured party that it should be set aside.

Mr. CAVALCANTE. Mr. President, the Court, in its discretion, may now set aside, under the present law, a release obtained under a misrepresentation, or one in which the signer was not aware of the facts. Under this act it would be mandatory, would it not, to set it aside?

Mr. THOMPSON. Mr. President, after a certain period of time they can come in and set aside the release. This act makes voidable any such releases that were obtained within twenty days after the accident.

Mr. SHAPIRO. Mr. President, I do not know how it is in other counties, but in Philadelphia County, when a man who is injured signs a release to the Insurance Company or a power of attorney to a lawyer, it depends on who has the fastest runner. The hospitals are beseiged by runners from insurance companies and from lawyers, the one tries to get him to sign a release, by paying a small sum, and the other tries to get him to sign a power of attorney, by promises of large sums of money he could get from a jury if his case goes to trial. However, pass this bill, and the effect will be that no insurance company will send a man hereafter to the hospital or to the home for twenty days, and that will be a good thing; and no lawyer will send a runner.

Now, the reason this bill did not provide for the case where the person confined to the hospital or to the home, was that the gentlemen who were on the said committee came to a conclusion that if it were attached to the bill, the fact that the release would be voidable if the patient were confined for a period in the hospital or at home,—it would be at that place the plaintiff would have to produce witnesses to prove he was not able to be up and around; but cutting it down from thirty days to twenty days, with the fact in mind that no release would be obtained for twenty days, we of the Committee thought this was a good bill, and should be passed.

Mr. LAW. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. LAW. Mr. President, does not the Senator from Philadelphia, Mr. Shapiro, think that the same practical purpose could be accomplished by merely shifting the burden of proof on a release to be signed within the thirty to twenty days, rather than to prohibit any such release?

Mr. SHAPIRO. Mr. President, no, we were afraid of what the Senator from Lehigh, Mr. Rupp, spoke about—these political or fixed juries. I do not know so much about it as he does, but we were afraid to get before such juries even on the question of proof, and so we changed it from thirty to twenty days.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Barthold,	Jacobs,	McGinnis,	Salus,
DiSilvestro,	Jaspan,	Mundy,	Scarlett,
Eroe,	Kahle,	Pytko,	Shapiro,
Gilson,	Kilgallen,	Rankin,	Sipe,
Henney,	Kunkel,	Rice,	Thompson,
Heyburn,	McCreesh,	Ruth,	Wolfenden,

NAYS—15

Bean,	Ealy,	Law,	Rodgers,
Cavalcante,	Gelder,	Mallery,	Rupp,
Chapman,	Homsher,	Pierson,	Woodward,
Deitrick,	Lanius,	Reed,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1366 (House Bill No. 1615), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania the property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Henney,	Mallery,	Rupp,
Bean,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Homsher,	McGinnis,	Salus,
Chapman,	Jacobs,	Mundy,	Scarlett,
Deitrick,	Jaspan,	Pierson,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Ealy,	Kilgallen,	Rankin,	Thompson,
Eroe,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Woodward,
Gilson,	Law,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1369 (House Bill No. 2113), entitled:

An Act providing for the reciprocal enforcement of violations of the fishing laws in boundary waters between Pennsylvania and the States of New York and New Jersey.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Barthold,	Heyburn,	Mallery,	Rodgers,
Bean,	Homsher,	McCreesh,	Rupp,
Cavalcante,	Jacobs,	McGinnis,	Ruth,
Deitrick,	Jaspan,	Owlett,	Salus,
Dent,	Kahle,	Pierson,	Shapiro,
DiSilvestro,	Kilgallen,	Pytko,	Sipe,
Ealy,	Kunkel,	Rankin,	Wolfenden,
Eroe,	Lanius,	Reed,	Woodward,
Gilson,	Law,	Rice,	Huffman,
Henney,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1378, (House Bill No. 558), entitled:

An Act authorizing the Water and Power Resources Board to make a survey and investigation to determine to what extent the beds of rivers lakes and streams title to which is in the Commonwealth have been and are occupied or encroached upon and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30.

Barthold,	Heyburn,	Law,	Reed,
Cavalcante,	Huffman,	Mallery,	Rice,
Dent,	Jacobs,	McCreesh,	Rodgers,
DiSilvestro,	Jaspan,	McGinnis,	Rupp,
Eroe,	Kahle,	Mundy,	Ruth,
Gilson,	Kilgallen,	Pytko,	Sipe,
Haluska,	Kunkel,	Rankin,	Stiefel,
Henney,	Lanius,		

NAYS—9.

Bean,	Ealy,	Pierson,	Wolfenden,
Chapman,	Homsher,	Salus,	Woodward,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL NO. 885.

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 885, entitled:

An Act providing for special, vocational, trade, industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training, retraining, instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

with the information that the House has passed the same without amendments,

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 885, entintled:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational, adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training re-training instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1392, (House Bill No. 2145), entitled:

An Act making an appropriation to the Department of

Agriculture to advance the potato interests of this Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Barthold,	Frey,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Shapiro,
Dando,	Heyburn,	Owlett,	Sipe,
Deitrick,	Homsher,	Pierson,	Stiefel,
Dent,	Jaspan,	Pytko,	Thompson,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,
Eroe,	Kunkel,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1393, (House Bill No. 2263), entitled:

An Act making an appropriation to the Department of Welfare for the Maintenance of certain hospitals.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The Yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Barthold,	Frey,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Shapiro,
Dando,	Heyburn,	Owlett,	Sipe,
Deitrick,	Homsher,	Pierson,	Stiefel,
Dent,	Jaspan,	Pytko,	Thompson,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,
Eroe,	Kunkel,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1395, (House Bill No.. 2264), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Barthold,	Frey,	Lanius,	Rodgers,
Bean,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Shapiro,
Dando,	Heyburn,	Owlett,	Sipe,
Deitrick,	Homsher,	Pierson,	Stiefel,
Dent,	Jaspan,	Pytko,	Thompson,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,
Eroe,	Kunkel,	Rice,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1398, (House Bill No. 1086), on third reading, entitled:

An Act to fix the compensation of the assistant custodians of the Senate chamber and the hall of the House of Representatives.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 1399, (House Bill No. 1194), entitled:

An Act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Haluska,	Lanius,	Rodgers,
Dando,	Henney,	McCreesh,	Rupp,
Deitrick,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gilson,	Kunkel,	Rice,	

NAYS—10

Bean,	Heyburn,	Owlett,	Wolfenden,
Chapman,	Homsher,	Pierson,	Woodward,
Ealy,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1401, (House Bill No. 2242), entitled:

An Act to amend section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by making further provision regarding the discount allowed to distributors if reports are filed and taxes paid on time.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Barthold,	Haluska,	Kunkel,	Rice.
Cavalcante,	Henney,	Lanius,	Rodgers,
Dando,	Huffman,	McCreesh,	Rupp,
Dent,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Erce,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,			

NAYS—13

Bean,	Gelder,	Mallery,	Salus,
Chapman,	Heyburn,	Owlett.	Wolfenden,
Deitrick,	Homsher,	Pierson,	Woodward,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1403, entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws nine hundred) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases or practioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entiitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by adding thereto section 18.1 providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Erce,	Kahle,	Pytko,	Wolfenden,
Frey	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. SIPE. Mr. President, I ask unanimous consent that Senate Bill No. 1405, on third reading, entitled:

An Act to further amend section two hundred two of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws by authorizing stock insurance companies other than life to transact any or all of the classes and kinds of insurance mentioned in said section subject to certain conditions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1406 (House Bill No. 86), entitled:

An Act to establish as a State highway a certain section of public road in the County of Allegheny and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1407 (House Bill No. 486), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1408 (House Bill No. 638), entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Lanius,	Rice,
Bean,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Huffman,	Mundy,	Scarlett,
Dent,	Jacobs,	Owlett,	Shapiro,
DiSilvestro	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	Woodward,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1409 (House Bill No. 1141), entitled:

An Act making appropriation to the Navigation Commission for the Delaware River and its navigable tributaries.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1410 (House Bill No. 1153), entitled:

An Act making an appropriation to the Department of Property and Supplies for repairs alterations and additions to or replacements of existing buildings and equipment to eliminate fire and other hazards to safety at State institutions.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 1411 (House Bill No. 1177), on third reading, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1412 (House Bill No. 1372), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such Department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1413 (House Bill No. 1465), entitled:

An Act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1414 (House Bill No. 2330), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,

Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1416, entitled:

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1419, (House Bill No. 1690), entitled:

An Act regulating the mining of bituminous coal in counties of the second class prescribing duties for county commissioners and imposing penalties.

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1420 (House Bill No. 1390), entitled:

An Act making an appropriation to the General State Authority to defray the costs and expenses of the said Authority in connection with the organization administration and operation thereof.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1423 (House Bill No. 408), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,

Dando,	Homsher,	McCreesh,	Ruth,
Deitrich,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1425 (House Bill No. 1894), entitled:

An Act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental sub-divisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	Mallery,	Rupp,
Deitrick,	Howell,	McCreesh,	Ruth,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Mundy,	Sipe,
Eroe,	Jaspan,	Pierson,	Stiefel,
Frey,	Kahle,	Pytko,	Wolfenden,
Gelder,	Kilgallen,	Rankin,	

NAYS—2

Chapman,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1426 (House Bill No. 1959), entitled:

An Act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer state plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Haluska,	Lanius,	Reed,
Bean,	Henney,	Law,	Rice,
Cavalcante,	Heyburn,	Mallery,	Rodgers,
Dando,	Howell,	McCreesh,	Rupp,
Deitrick,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Wolfenden,
Gilson,	Kunkel,		

NAYS—3

Chapman,	Salus,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1435 (House Bill No. 143), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1437, (House Bill No. 865), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1438, (House Bill No. 1135), entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration preservation development and maintenance of the Ephrata Cloisters Park.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1441, (House Bill No. 1801), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended, by changing certain routes and adding certain new routes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Haluska,	Lanius,	Rice,
Bean,	Henney,	Law,	Rodgers,
Cavalcante,	Heyburn,	Mallery,	Rupp,
Chapman,	Howell,	McCreesh,	Ruth,
Dando,	Huffman,	McGinnis,	Salus,
Deitrick,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1442, (House Bill No. 1495), entitled:

An Act to amend clause(b) of section four hundred forty-eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions

shall be determined" as amended changing the personnel of the State Veterans Commission

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Haluska,	Lanius,	Reed,
Cavalcante,	Henney,	Law,	Rice,
Chapman,	Heyburn,	Mallery,	Rodgers,
Dando,	Howell,	McCreesh,	Rupp,
Deitrick,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Owlett,	Sipe,
Eroe,	Kahle,	Pierson,	Stiefel,
Frey,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1444, (House Bill No. 2208), entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Rodgers,
Chapman,	Heyburn,	Mallery,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1446, (House Bill No. 1781), entitled:

An Act to amend sections two and three of the act approved the fourteenth day of May one thousand nine hundred twenty-nine (P L 1721) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended by providing further for the return of and fees for service

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Haluska,	Lanius,	Reed,
Cavalcante,	Henney,	Law,	Rice,
Chapman,	Heyburn,	Mallery,	Rodgers,
Dando,	Howell,	McCreesh,	Rupp,
Deitrick,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Owlett,	Sipe,
Eroe,	Kahle,	Pierson,	Stiefel,
Frey,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1447, (House Bill No. 2010), entitled:

An Act to amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" as amended by changing certain routes and adding certain new routes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

NAYS—39

Barthold,	Haluska,	Law,	Rice,
Cavalcante,	Henney,	Mallery,	Rodgers,
Chapman,	Heyburn,	McCreesh,	Rupp,
Dando,	Huffman,	McGinnis,	Ruth,
Deitrick,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Owlett,	Sipe,
DiSilvestro,	Kahle,	Pierson,	Stiefel,
Eroe,	Kilgallen,	Pytko,	Wolfenden,
Frey,	Kunkel,	Rankin,	Woodward,
Gilson,	Lanius,	Reed,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1448, (House Bill No. 2012), entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" as amended by changing certain routes and adding certain new routes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gilson,	Lanius,	Reed,
Bean,	Haluska,	Law,	Rice,
Cavalcante,	Henney,	Mallery,	Rodgers,
Chapman,	Heyburn,	McCreesh,	Rupp,
Dando,	Huffman,	McGinnis,	Ruth,
Deitrick,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Owlett,	Sipe,
DiSilvestro,	Kahle,	Pierson,	Stiefel,
Eroe,	Kilgallen,	Pytko,	Wolfenden,
Frey,	Kunkel,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1451 (House Bill No. 2099), entitled:

An Act to further amend sections two hundred forty-six two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth seventh and eighth classes.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. KUNKEL. Mr. President, I ask unanimous consent to offer amendments.

Mr. CAVALCANTE. Mr. President, I object.

Mr. KUNKEL. Mr. President, I move that the vote by which this bill passed second reading, be reconsidered.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. SHAPIRO and were as follows, viz:

YEAS—21

Barthold,	Henney,	McGinnis,	Rodgers,
Dando,	Kilgallen,	Mundy,	Ruth,
DiSilvestro,	Kunkel,	Pytko,	Shapiro,
Frey,	Lanius,	Rankin,	Stiefel,
Gilson,	McCreesh,	Rice,	Thompson,
Haluska,			

NAYS—19

Bean,	Eroe,	Kahle,	Reed,
Cavalcante,	Gelder,	Law,	Rupp,
Chapman,	Heyburn,	Mallery,	Salus,
Deitrick,	Homsher,	Owlett,	Wolfenden,
Ealy,	Jacobs,	Pierson,	

So the question was determined in the affirmative.

The PRESIDENT. This is not necessary if this bill is permitted to go over in order, until we have seen what these amendments mean.

Mr. KUNKEL. Mr. President, it will be too late then.

Mr. KUNKEL. Mr. President, for the information of the Senate, I desire to state that this bill amends the County Code. As it stands now, sections 246, 256 and 262 of the County Code are amended by this bill. The amendments I just offered amend Section 246 of the same Code, so that these amendments offered do not in any manner affect the bill as it stands here and as it appears on this calendar and on the desk of each Senator. The amendments that I offer add a new section, and additional section amending the County Code, and the amendments offered apply only to counties of the Fourth Class.

Mr. CAVALCANTE. Mr. President, that may be true, but the Senator should realize that there are many Senators here who represent counties of the fourth class. I object to the amendments being made and ask for a roll call.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. KUNKEL. Mr. President, I move to reconsider the vote by which the title of the bill was agreed to.

Mr. SHAPIRO. Mr. President, I second the motion?

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Mr. President, I move to reconsider the vote by which the second section of the bill was agreed to.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. KUNKEL. Mr. President, I move to reconsider the vote by which the first section of the bill was agreed to.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred forty-six and two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) are hereby further amended to read as follows

Section 246 Qualifications Eligibility Compensation The district attorney shall be a person learned in the law who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth [at] for at least two years preceding the time of his election or appointment and who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county In counties of the third class the district attorney shall receive a salary of seven thousand five hundred dollars ($7,500) per annum

In counties of the fourth class the district attorney shall receive a salary of six thousand dollars ($6,000) per annum

In counties of the sixth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Fifty thousand and more but less than sixty thousand twenty-four hundred dollars ($2400)

(b) Sixty thousand and more but less than seventy thousand twenty-seven hundred dollars ($2700)

(c) Seventy thousand and more but less than eighty thousand three thousand dollars ($3000)

(d) Eighty thousand and more but less than ninety thousand thirty-three hundred dollars ($3300)

(e) Ninety thousand and more but less than one hundred thousand thirty-eight hundred dollars ($3800)

In counties of the seventh class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Twenty thousand and more but less than thirty thousand fifteen hundred dollars ($1500)

(b) Thirty thousand and more but less than forty thousand eighteen hundred dollars ($1800)

(c) Forty thousand and more but less than fifty thousand twenty-one hundred dollars ($2100)

In all other classes of counties the district attorney shall receive the salary now provided by law

No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the State excepting an office or commission in the militia of the State during his continuance in office

Section 256 Assistant District Attorneys Number Compensation In counties of the second third fourth fifth and sixth classes the district attorney may appoint such number of assistants learned in the law to assist him in the discharge of his duties as is fixed by this section

In counties of the second class the district attorney shall have authority to appoint one or more assistants learned in the law not exceeding sixteen in number One of said assistants district attorneys who shall be designated as the first assistant shall receive a salary of seventy-five hundred dollars ($7,500) per annum One of said assistant district attorneys who shall be designated as the second assistant shall receive a salary of sixty-five hundred dollars ($6,500) per annum Two of said assistant district attorneys shall receive salaries of six thousand dollars ($6,000) per annum each Four of said assistant district attorneys shall receive salaries of fifty-five hundred dollars ($5,500) per anum each Two of said assistant district attorneys shall receive salaries of five thousand dollars ($5,000) per annum each Two of said assistant district attorneys shall receive salaries of forty-five hundred dollars ($4,500) per annum each and four of said assistant district attorneys shall receive salaries of four thousand dollars ($4,000) per annum each In the event of the appointment of a less number of assistants than sixteen the district attorney shall have the power to determine into which class as to salaries the appointee or appointees shall be placed Said salaries herein provided shall be paid out of the county treasury

For all counties of the third class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of four thousand dollars ($4,000) and three assistant district attorneys at annual salaries of three thousand five hundred dollars ($3,500) each and two assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In all counties of the fourth class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of three thousand five hundred dollars ($3,500) and three assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In counties of the fifth class [and in counties of the sixth class with the approval of the court] the district attorney shall have authority to appoint not more than two assistant district attorneys The first assistant district attorney shall receive a salary of two thousand five hundred dollars ($2,500) per annum and the second assistant district attorney shall receive a salary of two thousand dollars ($2,000) per annum

In counties of the sixth and seventh classes having a population of forty thousand or more the district attorney shall have authority to appoint one assistant district attorney In counties of the sixth class having a population of eighty thousand or more such assistant district attorney shall receive a salary of two thousand dollars ($2,000) and in counties of the sixth class having a population of less than eighty thousand such assistant district attorney shall receive a salary of one thousand two hundred and fifty dollars ($1,250) and in counties of the seventh class seven hundred and fifty dollars ($750)

The salary board of any county of the third class in case of an emergency or on account of increased business or unusual circumstances or conditions may authorize the district attorney to appoint such additional assistant district attorneys as may be approved by the court Provided however That the salary of said appointees shall not exceed the minimum salary provided for assistants in the respective offices

On the question,

Will the Senate agree to the section?

Mr. KUNKEL. Mr. President I move to

Amend Sec. 1, page 2, line 4, by striking out the words: "sections two hundred forty-six and two hundred fifty-six" and inserting in lieu there:; section two hundred and forty-six; Amend bill, page 4, by inserting between lines 12 and 13 the following: Section 2. Section two hundred forty-seven of said act is hereby amended to read as follows: Section 247. Filling of Vacancies. If any vacancy shall occur, either by death, resignation, removal from office or from the county, or otherwise, the judges of the Court of Common Pleas shall supply such vacancy by the appointment of a competant person to fill the office during the balance of the unexpired term: Provided, however, That, in counties of the fourth class, the Governor shall supply such vacancy by appointment, as aforesaid.

Section 3. Section two hundred fifty-six of said act, as amended by the act, approved the ninth day of June. one thousand nine hundred and thirty-one (P. L. 401), is hereby further amended to read as follows:

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—21.

Barthold,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kilgallen,	Pytko,	Shapiro,
Frey,	Kunkel,	Rankin,	Sipe,
Gilson,	Lanius,	Rice,	Stiefel,
Haluska,	McCreesh,	Rodgers,	Thompson,
Henney,			

NAYS—18.

Bean,	Eroe,	Kahle,	Reed,
Cavalcante,	Gelder,	Mallery,	Rupp,
Chapman,	Heyburn,	Owlett,	Salus,
Deitrick,	Homsher,	Pierson,	Wolfenden,
Ealy,	Jacobs,		

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Section 2 Section two hundred sixty-two of said act as last amended by section one of the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 657) is hereby further amended to read as follows:

Section 262 Stenographers in Fourth Fifth Sixth Seventh and Eighth Class Counties In counties of the fourth and fifth classes the district attorney may employe a stenographer or stenographers whose combined annual salaries in any one of said counties shall not exceed two thousand five hundred dollars ($2,500) Such salaries shall be fixed by the district attorney.

In counties of the sixth class the district attorney may employ a stenographer as an assistant in his office at a salary of not less than seven hundred fifty dollars ($750) nor more than one thousand five hundred dollars ($1,500) a year Said salary to be fixed by the salary board of the county.

In counties of the [seventh and] eighth [classes] class the district attorney may with [a] the consent of the county commissioners employ a stenographer as an assistant in his office at a salary not to exceed seven hundred and fifty dollars ($750.00) per year.

In counties of the seventh class the district attorney may employ a stenographer as an assistant in his office at a salary of not less than five hundred dollars and not to exceed one thousand dollars ($1000) a year to be fixed by the county commissioners.

The salaries of said stenographers shall be paid by the respective counties in the same manner as other county employes are paid.

On the question,

Will the Senate agree to the section?

Mr. KUNKEL. Mr. President, I move to

Amend Sec. 2, page 6 ,line 26, by striking out the figure "2" and inserting in lie uthereof: "4"

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An act to further amend sections two hundred forty-six two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth seventh and eighth classes.

On the question,

Will the Senate agree to the title?

Mr. KUNKEL. Mr. President, I move to amend title, page 1, line 1 of title, by inserting after the words "fifty-six" the following: two hundred forty-seven; amend title page 1, last line of title, by inserting after the word "classes" the following: and providing for the filling of vacancies in the office of district attorney in counties of the fourth class.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1101, RETURNED WITH AMENDMENTS.

Mr. KILGALLEN. Mr. President, I call up at this time Senate Bill No. 1101, returned from the House with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1101, entitled:

An Act authorizing any county of the second class and any city in any such county in which the county seat is within the limits of such city to agree upon the joint management and control of any or all city hospitals and institutions and any or all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. KILGALLEN. Mr. President, this bill applies only to the City of Pittsburgh, and the County of Allegheny. It deals with city hospitals and private hospitals and sets up a Board of Management for those institutions. There has been an amendment in the House, and I ask the Senate to concur in that amendment.

And the question recurring,

Shall the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	Mallery,	Rupp,
Deitrick,	Homsher,	McCreesh,	Ruth,
Dent,	Huffman,	McGinnis,	Salus,
DiSilvestro,	Jacobs,	Owlett,	Shapiro,
Ealy,	Jaspan,	Pierson,	Sipe,

Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gelder,	Kunkel,	Reed,	Wolfenden,
Gilson,	Lanius,	Rice,	

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. EROE. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 1200, (House Bill No. 1693), on third reading postponed, entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location construction and use of buildings the size of courts and open spaces the density of population and the use of land.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Henney,	Lanius,	Rodgers,
Bean,	Heyburn,	Mallery,	Rupp,
Cavalcante,	Homsher,	McCreesh,	Ruth,
Deitrick,	Jacobs,	McGinnis,	Shapiro,
Dent,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gilson,			

NAYS—6

Chapman,	Gelder,	Reed,	Salus,
Ealy,	Law,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON SECOND READING

Mr. RICE. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 441, on second reading, postponed, entitled:

An Act providing that certain unincorporated organizations or associations may sue and be sued by their name and regulating the service of process and pleadings in such cases

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to,

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL DROPPED FROM CALENDAR

Mr. RICE. Mr. President, I move that Senate Bill No. 441 be dropped from the Calendar.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. STIEFEL. Mr. President, I move that the Senate resume the consideration of Senate Bill 442, on third reading, postponed, entitled:

An Act to further amend section one of the act approved the third day of May one thousand nine hundred and seventeen (P. L. 112) entitled "An Act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" extending the provisions of said act to certain other contracts and increasing the amount of such exemption.

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barthold,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	McCreesh,	Ruth,
Dent,	Heyburn,	McGinnis,	Salus,
DiSilvestro,	Jaspan,	Pytko,	Shapiro,
Eroe,	Kahle,	Rankin,	Sipe,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,

NAYS—8

Bean,	Homsher,	Mallery,	Pierson,
Deitrick,	Jacobs,	Owlett,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Mr. MUNDY. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 575, on third reading, postponed, entitled:

An Act relating to the moving of coal cars in bituminous coal mines and prescribing penalties

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—15

Dent,	Henney,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Frey,	McCreesh,	Rice,	Thompson.
Gilson,	McGinnis,	Shapiro,	

NAYS—25

Barthold,	Gelder,	Kunkel,	Rankin,
Bean,	Haluska,	Lanius,	Reed,
Cavalcante,	Heyburn,	Law,	Rodgers,
Chapman,	Homsher,	Mallery,	Ruth,
Deitrick,	Jacobs,	Owlett,	Salus,
Ealy,	Kahle,	Pierson,	Wolfenden,
Eroe,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Mr. STIEFEL. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 650, on third reading postponed, entitled:

An Act relating to weights and measures; regulating the weights and deliveries of commercial laundries, performing, selling or offering for sale laundry service on the basis of weight; and providing penalties.

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Stiefel.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Stiefel, permit himself to be interrogated?

Mr. STIEFEL. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Philadelphia, Mr. Stiefel, explain the purpose of this bill?

Mr. STIEFEL. Mr. President, this bill is similar to a bill passed not long ago in connection with certain laundries which sell their services on the basis of weight. Now, there is room for fraud upon the public, and the purpose of this bill is to subject these laundries which are selling their services on the basis of weight to the supervision of the Bureau of Weights and Measures.

Mr. SHAPIRO. Mr. President, is it not true that this bill requires that each laundry shall furnish a ticket—hold a ticket?

Mr. STIEFEL. Mr. President, I am going to paraphrase Shakespeare when he says, "What is in a name?"—I say, "What is in a ticket?"

Mr. SHAPIRO. Mr. President, it would give the Department of Revenue the right to supervise laundries in Philadelphia,—that is true, under this bill, is it not?

Mr. STIEFEL. Mr. President, they will not be subject to the jurisdiction of the Department of Revenue, but will be subject to the jurisdiction of the Bureau of Weights and Measurers.

Mr. SHAPIRO. Mr. President, as I read the bill it gives the right to the Department of Revenue to enforce the penal provision of this Act; the Bureau of Weights and Measurers will investigate, and the Secretary of Internal Affairs will enforce the measure. I think the Secretary has enough to do without having to wash dirty linen.

Mr. STIEFEL. Mr. President, in defense of this measure I will state that some of the outlying jurisdictions on the borders of Pennsylvania have enforced such a bill very successfully and have curbed the fraud which has been perpetrated upon the public.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—13

DiSilvestro,	Jaspan,	McGinnis,	Ruth,
Frey,	Kunkel,	Mundy,	Sipe,
Haluska,	Law,	Pytko,	Stiefel,
Henney,			

NAYS—27

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Mallery,	Rodgers,
Cavalcante,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	Owlett,	Salus,
Dent,	Jacobs,	Pierson,	Shapiro,
Ealy,	Kahle,	Rankin,	Wolfenden,
Eroe,	Kilgallen,	Reed,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 938, (House Bill No. 2047), entitled:

An Act to amend section two thousand five hundred fifty-six of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" as amended, requiring fidelity bonds of deputies and clerks of city treasurers, the premiums thereof to be paid jointly by the county, city and school district.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 968, (House Bill No. 982), entitled:

An Act providing for the construction reconstruction maintenance and repair of sidewalks at dangerous places along State highways by the Department of Highways and making an appropriation from the Motor License Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1035, (House Bill No. 1921), entitled:

An Act to amend sections four and five of the act approved the twenty-sixth day of April one thousand nine

hundred and thirty-five (Pamphlet Laws ninety) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" providing for uniform discount and uniform penalties making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date giving the taxpayers option of payment of taxes in quarterly installments.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No. 1353, (House Bill No. 1214), entitled:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture making certain changes regarding the examination and registration of those who desire to engage in the occupation of beauty culture modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators and manicurists prescribing certain qualifications for examiners inspectors investigators and supervisors and making certain changes in the powers and duties of the Department of Public Instruction and in the procedure to be followed in the enforcement of the act

be recommitted to the Committee on State Boards for the purpose of further study and probable amendments.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for twenty-four Senators voted in the affirmative and four in the negative, whereupon the question was decided in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1377, (House Bill No. 473), entitled:

An Act making an appropriation to the Department of Forests and Waters for the construction of a masonry weir across the Shenango River near the Chestnut Street Bridge at Sharon and the construction of a shelter house for recording devices near the weir

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1450, (House Bill No. 1962), as follows:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the republication of certain surveys and studies in order to make the same available to the citizens of the State

Whereas The topographic and geologic survey of the Department of Internal Affairs has been undermanned and ill-equipped for some years because of lack of funds and much valuable work has been only partially completed and in many cases wholly neglected because of lack of sufficient field force and office staff and

Whereas Much work of great value has been completed in whole or in part by said department as well as by private scientists university and college professors and others working in conjunction and cooperation with said department or under its direction but remains unavailable to the citizens of the State because of the inability of said department to publish the partial and final results of said work publication of which work would be of great value to the people and industries of Pennsylvania and

Whereas Pennsylvania the most valuable mineral producing state of the Union is less completely mapped than any of her surrounding sister states and

Whereas The rapid completion of the topographic and of the geological surveys of this State and the prompt publication of the results would result in an immediate increase in the knowledge of the mineral values of the Commonwealth with consequent increase in employment of additional labor and capital in the development of new enterprises as well as a great saving in the operation of our present mineral industries which are now operating in many cases in competition with those of other states having better financed and more complete geological services and in many cases also lower standards of labor than Pennsylvania therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty thousand dollars ($40,000) is especially hereby appropriated to the Department of Internal Affairs for the use of the topographic and geologic survey in addition to any regular or general appropriation to said department for its usual activities for the purpose of publishing at the earliest possible time and making available to Pennsylvania citizens the complete or partially completed work of said department

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1453, (House Bill No. 1629), entitled:

An Act dedicating and setting aside certain lands in Lackawanna County as a public park and pleasure ground and imposing certain powers and duties in connection therewith on the Department of Forests and Waters

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1454, (House Bill No. 1757), as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by further defining real estate brokers and real estate salesmen and further providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate broker and real estate salesmen and their business" is hereby amended to read as follows

Section 2 (a) The term "real estate brokers" shall include all persons copartnerships associations and corporations foreign and domestic who for another and for a fee commission or other valuable consideration shall sell exchange purchase or rent or shall negotiate the sale exchange purchase or rental or shall offer or attempt to negotiate the sale exchange purchase or rental or shall hold himself or themselves out as engaged in the business of selling exchanging purchasing or renting of any real estate interest in real estate the property of another whether the same shall be located within the State of Pennsylvania or elsewhere or shall collect or offer or attempt to collect rental for the use of real estate the property of another or shall negotiate or offer or attempt to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any such real estate It shall also include any person copartnership association or corporation employed by the owner or owners of lots or other parcels of real estate including cemetery lots at a stated salary or upon a commission or upon a salary and commission basis or otherwise to sell such real estate or any parts thereof in lots or other parcels and who shall sell or exchange or offer or attempt to negotiate the sale or exchange of any such lot or parcel of real estate One act in consideration of compensation by fee commission or otherwise of buying selling renting or exchanging any such real estate of or for another or attempting or offering so to do or negotiating a loan upon or leasing or renting or placing for rent any such real estate or collection of rent therefrom shall constitute prima facie evidence that the person copartnership association or corporation so acting or attempting to act is a real estate broker within the meaning of this act The term "real estate broker" shall also include all persons copartnerships associations and corporations foreign and domestic the principal business of whom or which is the purchasing selling renting trading or exchanging of real estate whether for another or as purchaser seller or owner of such real estate and all real estate auctioneers and real estate appraisers and all persons who negotiate or offer for sale any mortgage or other security for which real estate is the collateral as well as all managers of office buildings and other buildings and persons employed by banking institutions and trust companies for the foregoing purposes

(b) The term "real estate salesman" shall mean and include any person employed by a licensed real estate broker to [sell or offer for sale to buy or offer to buy or to negotiate the purchase sale or exchange of any real estate or interest in real estate the property of another or to negotiate a loan upon real estate or to lease or rent or offer to lease or rent or place for rent any such real estate] perfom any or all of the functions of a real estate broker Provided however That stenographic or other clerical help employed solely in such capacity in the office of the broker shall not be required to be licensed as real estate salesmen

(c) Neither of the said terms "real estate broker" or "real estate salesman" shall be held to include within the meaning of this act any person firm association partnership or corporation who as owner shall perform any of the acts with reference to property owned by them unless the principal business of such person firm association partnership or corporation is the purchasing selling renting trading or exchanging of such property nor any person holding in good faith a duly executed letter of attorney from the actual owner of any real estate authorizing the sale conveyance or leasing of such real estate for and in the name of such owner or the negotiating of any loan thereon [nor shall they be held to include in any way attorneys at law and justices of the peace] where only one transaction is involved and where such letter of attorney is recored in the office of the recorder of deeds NOR shall they be held to include in any way attorneys at law and justices of the peace nor shall they be held to include any receiver trustee in bankruptcy administrator or executor or any other person or corporation acting under the appointment or order of any court or as trustee under the authority of a will or deed of trust where only the transactions pertaining thereto are involved or the duly elected executive officer of any banking institution or trust company operating under the banking laws of Pennsylvania

(d) The term "department" shall mean the Department of Public Instruction of this Commonwealth

Section 2 Section six of said act as amended by section one of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1410) is hereby further amended to read as follows

Section 6 From and after January 1 1930 it shall be unlawful for any person copartnership association or corporation to engage in or carry on the business or act in the capacity of a real estate broker or a real estate salesman within this Commonwealth without first obtaining a license as a real estate broker or real estate salesman from the department

No person copartnership association or corporation may be licensed by the department as a real estate broker unless such person and all of the members of any such copartnership or association who are actively engaged in the real estate business and all of the officers of any such corporation who are actively engaged are of the age of twenty-one-years and upwards [and] are citizens of the United States and shall have served an apprenticeship as a duly licensed real estate salesman of not less than two years in the employ of a duly licensed real estate broker or brokers

Section 3 Clauses (b) and (c) of section seven and section eight of said act as last amended by section one of the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 170) are hereby further amended to read as follows

(b) Application for licenses as real estate broker shall be made in writing to the department upon a blank provided for the purpose by the department and shall contain such information as to the applicant or when the application is made by a copartnership association or a corporation as to its members or officers as the department shall require The application shall be signed by the applicant and shall be accompanied by the recommendation of at least two citizens not related to the applicant or in the case of a copartnership or corporation to any member or officer thereof who shall be owners of real estate within and residents of the county in which the applicant resides or has his their or its place of business certifying to the honesty truthfulness and good repute of the applicant or in the case of a copartnership or association or corporation its members or officers by name and recommending that a license be granted the applicant and by the

recommendation of one licensed real estate broker or licensed member or officer of a copartnership association or corporation licensed as a real estate broker If the applicant or in the case of a copartnership or corporation any of its members or officers shall have resided or shall have engaged in business for less than one year in the county from which the application is made such application shall also be accompanied by the recommendation of at least two (2) real estate owners not related to the applicant of each of the counties where he or each of such members or officers has formerly resided or engaged in business during the said period of one year prior to the filing of such application certifying to the honesty truthfulness and good reputs of the applicant or its members or officers by name and recommending that the license be granted Each application shall be accompanied by two photographs of the applicant or in the case of a copartnership association or corporation of the applicant members or officers thereof Where the applicant for a real estate broker's license maintains more than one place of business within the Commonwealth he shall be required to apply for and procure a duplicate license for each branch office so maintained by him such duplicate license to be issued with an additional charge of two dollars and fifty cents ($2.50) for each additional office or place of business Every such application shall state the name of the person copartnership association or corporation and the location of the place or places of business for which such license is desired and the license shall expire December thirty-first of the year issued unless sooner revoked or suspended by the department or renewed annually as hereinafter described

(c) Application for license as real estate salesman shall be made in writing to the department signed by the applicant setting forth the period of time during which he has been engaged in the business stating the name of the last employer and the name and place of business of the person firm copartnership association or corporation then employing him or into whose employ he is then about to enter All applications shall be made upon a blank provided for the purpose by the department and shall contain such information as to the applicant in addition to the above prescribed as the department shall require The application shall be accompanied by the recommendation of his employer or prospective employer certifying that the applicant is honest truthful and of good repute and recommending that such license be granted All such licenses shall expire December thirty-first of the year issued unless sooner revoked or suspended by the department or renewed annually as hereinafter described

No person may hereafter be licensed as a real estate salesman and no person copartnership association or corporation may hereafter be licensed as a real estate broker by the department unless such person and all of the members of any such copartnership or association and all of the officers of any such corporation intending to actually engage in or actually engaging in the real estate business as a real estate broker or salesman shall first submit to and pass an examination conducted by the department and prepared by the department Provided however That any person who has been licensed as a real estate salesman or real estate broker for a period of six (6) months next preceding the effective date of this act and is thus engaged in this Commonwealth at the time this act goes into effect may secure the certificate of registraion as a broker or a salesman without an examination provided such person shall make application to the department for registration within ninety (90) days after the effective date of this act The department shall hold examinations on the second Saturdays in January April July and October in the cities of Philadelphia Pittsburgh Harrisburg Wilkes-Barre and Erie at such hours and under such rules and regulations as the department shall prescribe The examination for a broker's license shall [differ from the examination for a salesman's license in that it shall be of a more exacting nature and require higher standards of knowledge of real estate] include questions on real estate practice real estate law the applicant's ability to read and write English his knowledge of mathematics and other common school branches The examination for salesman's license shall be limited to the common school branches Provided however That in event the license of any real estate broker or salesman shall be cancelled by the department subsequent to the enactment of this act no new license shall be issued to such person unless he complies with the provisions of this act Provided further however That the department may waive these requirements in the case of an application from a nonresident broker of those states having similar requirements under the laws of which similar recognition and courtesies are extended to licensed real estate brokers and real estate salesmen of this State

An individual may apply for and receive from the department a temporary permit to operate as a real estate [broker or as a real estate] salesman until the next regular examination but not more than two successive temporary permits shall be issued to any individual Any individual who fails to pass the examination at two successive examinations shall be ineligible for a similar examination until after the expiration of [one full year] two full years from the time such individual took the last examination [Provided however That any applicant who fails to pass a salesman's examination shall be ineligible to apply for or operate under a temporary broker's certificate]

Section 8 The fees to be charged by and paid to the department by licensees for all licenses and renewals thereof issued shall be as follows

(1) A fee of ten dolars ($10.00) shall accompany an application for examination for real estate broker's license and in the event that the applicant successfully passes the examination no additional fee shall be required for the issuance of a certificate of registration Provided That if the applicant fails to pass the examination he may be eligible to take the next examination without any additional fee Provided That there shall be an additional license fee of two and one-half ($2.50) dollars annually for each additional office or place of business

(2) A fee of five dollars ($5.00) shall accompany an application for examination for a real estate salesman's license and in the event that the applicant successfully passes the examination no additional fee shall be required for the issuance of a certificate of registration Provided however That if the applicant fails to pass the examination he may be eligible to take the next examination without any additional fee

(3) It shall be the duty of all persons licensed to practice as a real estate broker or real estate salesman to register annually with the department and pay for each such annual registration as a real estate broker the sum of five dollars ($5.00) and pay for each such annual registration as a real estate salesman the sum of two dollars and one-half ($2.50) Said application for renewal of real estate broker's or salesman's license shall be made to the department annually on or before January first of the next succeeding year

(4) The department shall be required to publish annually a list of the persons copartnerships and corporations registered for that particular year

Section 4 Section nine and clauses (a) and (d) of section ten of said act as amended by sections four five and six of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (P. L. 1410) are hereby further amended to read as follows

Section 9 (a) Every person copartnership association or corporation licensed as a real estate broker under the provisions of this act shall be required to have and maintain a definite place of business within the Commonwealth which shall be a room or rooms used exclusively for the transaction of real estate business or such business and any allied business and which shall serve as his their or its office for the transaction of business under the authority of the said licensee and where the [license] certificate of registration and the current annual renewal card shall be prominently displayed The said place of business shall be specified in the application for license and designated in the license and no license issued under the authority of this act shall authorize the licensee to transact

business from any office other than that designated in the license unless notice in writing shall be given within ten days to the department of any change of business location designating the new location of such office whereupon the department shall forthwith issue a new license for the new location for the unexpired period without charge The change of the specified business location without notification to the department shal automatically cancel the license theretofore issued Every real estate broker shall display on the outside of his place of business a sign containing the words REAL ESTATE OR REALTOR where such latter title is duly authorized The department subject to the approval of the Real Estate Advisory Committee shall adopt reasonable rules and regulations for the conduct of such places of business

(b) All real estate brokers shall also prominently display in their place or places of business the [licenses] certificate of registration and the current annual renewal card of all real estate salesmen employed by them therein or in connection therewith All licenses issued to real estate salesmen shall designate the employer of such salesmen by name Prompt notice in writing within ten (10) days shall be given to the department by the real estate salesmen of any change of employer and of the name of the new employer into whose service such salesman is about to enter or has entered and a new license shall thereupon be issued without charge by the department to such salesman for the unexpired term of the original license Provided That such new employer shall be a duly licensed real estate broker The change of employer or employment by any licensed real estate salesman without notice to the department as aforesaid shall automatically cancel the license to him theretofore issued and it shall be the duty of the employer named in such license to notify the department promptly of any such change of employer or employment

(c) The violation of any of the provisions of this section by any licensee shall be sufficient cause for the suspension or revocation of his her or its license in the discretion of the department

Section 10 (a) The department may upon its own motion and shall promptly upon the verified complaint in writing of any person setting forth specifically the wrongful act or acts complained of investigate any action or business transaction of any licensed real estate broker or real estate salesman and shall have the power temporarily to suspend or permanently to revoke licenses theretofore issued by the department under the provisions of this act at any time when after due proceedings as hereinafter provided it shall find the holder thereof to have been guilty in the performance or attempt to perform any of the acts prohibited to others than licensed real estate brokers or real estate salesmen under the provisions of this act

(1) Of knowingly making any substantial misrepresentation or

(2) Of knowingly making any false promise of a character likely to influence persuade or induce or

(3) Of a continued or flagrant course of misrepresentation of making of false promises through agents or salesmen or

(4) When it shall be shown that the licensee within five years prior to the issuance of the license then in force has been convicted in a court of competent jurisdiction of this or any other state of forgery embezzlement obtaining money under false pretenses extortion conspiracy to defraud or other like offense or offenses

(5) Of any failure to account for or to pay over moneys belonging to others which has come into his her or its possession arising out of a real estate transaction or

(6) Of any misleading or untruthful advertising or

(7) Of any act or conduct in connection with a real estate transaction which demonstrates incompetency bad faith or dishonesty

(8) Of displaying a "for rent" or "for sale" sign on any property without an exclusive agency therefor or without the owner's consent

(d) The decision of the department in suspending or revoking any license issued under this act shall be subject to review by the Court of Common Pleas of Dauphin County The department shall maintain in its main office a public docket or other record in which it shall record from time to time as made the rulings or decisions upon all complaints filed with it and all investigations instituted by it in the first instance upon or in connection with which any such hearing shall have been had or in which the licensee charged shall have made no defense The department shall also give immediate notice in writing of such ruling or decision to the licensee affected thereby and as well where the investigation shall have been instituted by complaint filed to the party or parties by whom the complaint was made if such ruling shall be to the prejudice of or shall injuriously affect the licensee the department shall also state in said notice the date upon which the said ruling or decision shall become effective if not theretofore appealed from and such date shall be not less than thirty (30) days from and after the date of the said notice If the licensee cannot at such time be found his whereabouts being then unknown such notice may be given by the department by advertisement inserted in one issue of a newspaper of general circulation published within the county where was located the principal office of the licensee as designated in the license When any revocation or suspension shall become final the department shall publish notice thereof in one issue of one or more newspapers of general circulation published within the county in which the licensee was practicing or engaged in the real estate business at the time of such revocation or suspension

Such ruling or decision of the department shall be final when in favor of the licensee and in dismissal of the complaint filed if any If against the licensee or in any way to the licensee's injury or prejudice the licensee may at any time prior to the date fixed by the department in its said notice as the date it shall become effective appeal from such decision to the Court of Common Pleas of Dauphin County by [Serving upon the department] filing written notice of such appeal together with reasons for such appeal [Such service shall be made] in the office of the prothonotary of Dauphin County and by serving a copy thereof on the department either by filing the said notice of appeal in the office of the department or by delivering the same to the deputy whether general or special before whom the hearing in the case was had

Within thirty (30) days after the service of such notice of appeal the department shall file with the prothonotary of the said Court of Common Pleas a transcript of the records of the proceedings in its office duly certified over the seal of the department which record shall include all papers on file with the department affecting or relating to the inquiry or investigation conducted by the department and all the evidence taken in the said hearing including the stenographic notes of testimony Notice of the filing of the said transcript with the term and number to which filed shall be forthwith given by the department to the licensee and as well to the party or parties if any upon whose complaint the proceedings before the department were instituted The cost of the said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs in the cause to be paid as the said court may direct In all proceedings upon such appeal the Department of Justice shall appear for and represent the Commonwealth

The appeal shall thereupon be heard in due course by the judge or judges of the said Court of Common Pleas without a jury by whom the proceedings before the department its findings and rulings shall be given similar weight force and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act entitled "An act to provide for the submission of civil cases by agreement of the parties to the referee learned in the law" approved the fourteenth day of May one thousand eight hundred and seventy-four and its supplements

Section 5 Section twelve of said act is hereby amended to read as follows

Section 12 (a) Any person copartnership association or corporation who shal' after the first day of January nineteen hundred and thirty engage in or carry on the business or act in the capacity of a real estate broker or a real estate salesman within this Commonwealth without a license or shall carry on or continue business after the suspension or revocation of any such license to him or it issued or shall employ any person as a real estate salesman to whom a license as a real estate salesman has not been issued or whose license as such shall have been revoked or suspended shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) and for a second and any subsequent offense shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) or undergo imprisonment for a period of not more than one (1) year or both in the discretion of the court

(b) Any holder of a certificate of registration who shall fail to apply for a renewal of his or her certificate of registration on or before the renewal date in each year and who continues the practice of real estate broker or real estate salesman shall on conviction thereof be subject to a fine of not more than ten dollars ($10) to be collected by summary conviction as like fines are collected by law and in case of non-payment of fine to undergo an imprisonment for a period not to exceed ten (10) days Any such person shall have the right of appeal as in other cases of summary conviction

Section 6 Any person who has for a period of two years immediately preceding the effective date of this act engaged in any business or occupation not heretofore required to be licensed as a real estate broker and who is under the provisions of these amendments required to be so licensed shall be issued a real estate broker's license by the Department of Public Instruction without requiring him or her to submit to an examination as required by the act to which this is an amendment and its amendments provided that such person makes application for such license within ninety days after the effective date of this act and pays the fee prescribed by law for such license

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1455, (House Bill No. 2379), entitled:

An Act to amend section two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS DROPPED FROM SECOND READING POSTPONED CALENDAR

Mr. RICE. Mr. President, I move that all bills now on second reading, postponed calendar be dropped from the Calendar.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

Report of Committee of Conference on Senate Bill No. 213.

Mr. RICE. Mr. President, I present a Report of the Committee of Conference at this time on Senate Bill No. 213, entitled:

An Act to amend section eighteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," requiring local ordinances in certain cases to conform to this act and the regulations made thereunder.

and move its adoption.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1755

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1755, entitled: "An act Providing for the regulation by the Insurance Department of nonprofit corporations organized to provide hospitalization for subscribers; prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospitalization; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties," respectively submit the following bill as our report:

WALTER S. PYTKO,
FRANK W. RUTH,
JOHN W. HOWELL,
Committee on the Part of the Senate.

HERBERT B. COHEN,
JAMES E. LOVETT,
EDWIN WINNER.
Committee on the part of the House of Representatives

An Act providing for the regulation by the Insurance Department of nonprofit corporations organized to provide hospitalization for subscribers prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospitalization conferring powers on the Insurance Department and the Department of Welfare exempting such corporations from taxation and providing penalties.

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 This act shall be known and may be cited as the "Nonprofit Hospital Plan Act".

Section 2 (a) Any nonprofit corporation heretofore or hereafter organized under the Nonprofit Corporation Law approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) for the purpose of establishing maintaining and operating a nonprofit hospital plan whereby hospitalization may be provided to subscribers to such plan by any hospital with which such corporation has a contract for such hospitalization shall be subject to regulation by the Insurance De-

partment as provided in this act Every such corporation shall be exempt from all other of the insurance laws of this Commonwealth and no law hereafter enacted shall apply to such corporation unless it be specifically designated therein.

(b) It shall be unlawful for any person association or corporation other than a nonprofit corporation especially organized for the purpose to establish maintain or operate a nonprofit hospital plan whereby hospitalization may be provided to subscribers under such plan as aforesaid.

Section 3 Any nonprofit corporation subject to the provisions of this act may enter into contracts for the rendering of hospitalization to any of its subscribers only with hospitals operated by the Commonwealth or its agencies or by political subdivisions or by corporations organized under the laws of this Commonwealth for hospital purposes or with such other hospitals as are approved by the Department of Welfare.

Section 4 The rates charged to subscribers by nonprofit corporations subject to the provisions of this act all rates of payments to hospitals made by such corporations pursuant to the contracts provided for in this act all acquisition costs in connection with the solicitation of subscribers to such hospital plans the reserves to be maintained by such corporations the certificates issued by such corporations representing their subscribers' agreements and any and all contracts entered into by any such corporation with any hospital shall at all times be subject to the prior approval of the Insurance Department Applications for such approval shall be made to the Insurance Department in such form and shall set forth such information as the department may require If any such application is not approved by the department notice thereof shall forthwith be served on the applicant either personally or by mail Within thirty days from the date of such notice the applicant may apply to the Court of Common Pleas of Dauphin County by petition and a rule to show cause why the action of the department should not be set aside and the application approved Solicitors or agents for every non-profit corporation subject to the provisions of this act shall meet the same prerequisites as existing law requires of agents for insurance companies.

Section 5 Every nonprofit corporation subject to the provisions of this act shall annually on or before the first day of March file with the Insurance Department a statement verified by at least two of the principal officers of the corporation showing its condition on the thirty-first day of December then next preceding Such statement shall be in such form and shall contain such matters as the department shall prescribe Every such nonprofit corporation shall be subject to examination not less frequently than every three years by the Insurance Commissioner and his agents who shall have free access to all the books records papers and documents that relate to the business of the corporation and the power to examine the officers agents and members of the corporation under oath in relation to the affairs transactions and conditions of the corporation Such examinations shall be made at such times as the Insurance Department shall deem necessary.

Section 6 Any law to the contrary notwithstanding the funds equal to the reserves of any non-profit corporation subject to the provisions of this act shall be invested in compliance with the requirements set forth by law for the investment of capital and reserves of life insurance companies The funds of any such corporation equal to its surplus shall be invested in compliance with the requirements set forth by law for the investment of surplus of life insurance companies.

Section 7 No nonprofit corporation subject to the provisions of this act shall be dissolved in the manner provided by law except with the prior approval of the Insurance Department No Court of Common Pleas shall enter a decree dissolving such a corporation unless and until a certificate of approval by the Insurance Department is filed with such court Any dissolution or liquidation of a corporation subject to the provisions of this act shall be under the supervision of the Insurance Commissioner who shall have all powers with respect thereto granted to him under existing laws governing the dissolution or liquidation of insurance companies.

Section 8 Nonprofit corporations subject to the provisions of this act are hereby declared to be charitable and benevolent institutions and all of their funds and investments shall be exempt from taxation by the Commonwealth and its political subdivisions.

Section 9 Any person association or corporation violating any of the provisions of this act or any order of the Insurance Department made pursuant thereto shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1000) or such person or the partners of such association or the officers or directors of such corporation responsible for such violation shall be sentenced to imprisonment for not more than six (6) months or both in the discretion of the court.

Section 10 This act shall become effective immediately upon its final enactment.

On the question,

Will the Senate agree to the Report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42.

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Rupp,
Chapman,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Salus,
Deitrick,	Homsher,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1754

Mr. RUTH. Mr. President, I present a Report of the Committee of Conference at this time on House Bill No. 1754, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine), entitled "Non-profit Corporation Law," by providing for ,and regulating the incorporation of, non-profit corporations organized to provide hospital care and service for subscribers; and conferring powers on the Insurance Department with respect thereto.

and move its adoption.

Mr. LAW, Mr. President, I second the motion.

The motion was agreed to.

The Report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1754

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1754, entitled: "An act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three. (Pamphlet Laws 289), entitled 'An act relating to nonprofit corporations'

defining and providing for the organization, merger, consolidation and dissolution of such corporations; * * *,' by providing for and regulating the incorporation of nonprofit corporations organized to provide hospitalization for subscribers and conferring powers on the Insurance Department with respect thereto; and further defining the scope of the act," respectively submit the following bill as our report:

WALTER S. PYTKO,
FRANK W. RUTH,
JOHN W. HOWELL,
Committee on the Part of the Senate.

HERBERT B. COHEN,
JAMES E. LOVETT,
EDWIN WINNER.
Committee on the part of the House of Representatives

An Act to amend the act approved the fifth day of May one thousand nine hundred thrity-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of nonprofit corporations organized to provide hospitalization for subscribers and conferring powers on the Insurance Department with respect thereto and further defining the scope of the act.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofits corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissioners and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows:

Section 4 Scope of Act This act does not relate to does not affect and does not apply to.

(1) Cooperative associations whether for profit or not for profit.

(2) Beneficial benevolent fraternal and fraternal benefit societies having a lodge system and a representative form of government or transacting any type of insurance whatsoever.

(3) Any corporation whatsoever organized for any purpose or purposes involving pecuniary profit to its members or shareholders.

(4) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of Banking the Insurance Department the Pennsylvania Public Utility Commission or the Water and Power Resources Board Provided however That corporations subject by law to the limited supervision of the Insurance Department may be incorporated under and in accordance with the provisions of this act for the purpose of establishing maintaining and operating a nonprofit hospital plan whereby hospitalization may be provided to subscribers of such plan by any hospital with which such corporations have a contract for such hospitalization.

Section 2 That the said act is hereby amended by adding at the end of article two section two hundred eighteen as follows.

Section 218 Corporations to Provide Hospitalization Whenever articles of incorporation for the incorporation of any corporation having for its purpose the establishing maintaining and operating of a non-profit hospital plan whereby hospitalization may be provided to subscribers to such plan by any hospital with which it has a contract for such hospitalization are filed with the prothonotary he shall forthwith transmit the articles to the Insurance Department Thereupn the department shall make a thorough investigation of the proposed corporation and the plan under which it proposes to operate and within sixty days shall certify upon the articles whether or not the proposed corporation meets with the approval of the department The court shall not approve such application unless and until the articles are returned by the department and unless the department shall have endorsed its approval thereon.

Section 3 The provisions of this act shall become effective immediately upon its final enactment.

On the question,

Will the Senate agree to the Report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Haluska,	Law,	Rice,
Bean,	Henney,	Mallery,	Rodgers,
Cavalcante,	Heyburn,	McCreesh,	Rupp,
Dando,	Homsher,	McGinnis,	Ruth,
Deitrick,	Jacobs,	Mundy,	Salus,
DiSilvestro,	Jaspan,	Owlett,	Shapiro,
Ealy,	Kahle,	Pierson,	Sipe.
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson,	Lanius,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1755

Mr. RUTH. Mr. President, I present a Report of the Committee of Conference at this time on House Bill No. 1755, entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers; prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospital care and service; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties

and move its adoption.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL NO. 213

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 213, entitled: "An act to amend section eighteen of this act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled 'An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act and imposing penalties,' requiring local ordinances in certain cases to conform to this act and the regulations made thereunder," respectfully submit the following bill as our report:

WELDON B. HEYBURN
C. HALE SIPE
(Committee on the Part of the Senate.)
JAMES A. SMITH
CLAYTON E. MOUL
JACOB B. SCHROCK
(Committee on the part of the House of Representatives.)

An Act to amend section eighteen of this act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" requiring local ordinances in certain cases to conform to this act and the regulations made thereunder

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" is hereby amended to read as follows

Section 18 The provisions of this act and the regulations made thereunder shall not be taken nor deemed to repeal existing municipal ordinances except in so far as they may establish requirements and regulations for milk for pasteurization pasteurized milk and milk products in excess of those provided by this act and the regulations made thereunder nor to prevent municipalities from enacting and enforcing new ordinances for the [further] protection of the public health consistent with this act and the regulations made thereunder [Provided That this] This act shall be considered as establishing uniform requirements and regulations for milk for pasteurization pasteurized milk and milk products and no person city borough or township shall establish nor enforce any requirements or regulations for milk for pasteurization pasteurized milk and milk products other than those provided by this act and regulations made thereunder [and nothing herein contained shall be deemed to prevent municipalities from ordaining and enforcing such additional requirements in excess of the requirements and regulations hereunder as may be deemed necessary from time to time for the preservation of public health and to require applications from and to issue permits to such persons as may be defined by local ordinances]

On the question,

Will the Senate agree to the Report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher.	McGinnis,	Salus,
Dent,	Huffman,	Mundy,	Shapiro,
DiSilvestro	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Thompson,
Frey.	Kilgallen,	Rankin,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL NO. 639

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 639, Printer's No. 777, entitled "An Act To protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employees to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employees be the exclusive representatives of all the employees authorizing the Board to conduct hearings and elections and certify as to representatives of employees for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a Court of Common Pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a Court of Common Pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the Common Pleas Court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties."

GEORGE H. EARLE.

HOUSE MESSAGES

SENATE BILL NO. 309 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 309, entitled:

An Act to amend section three as amended of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act, changing the personnel.

with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

SENATE BILL NO. 708 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 708, entitled:

An Act relating to and regulating the manufacture, keeping storing and possession of explosives; requiring permits for magazines and prescribing permit fees; and providing permit fees; and providing penalties.

with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1984

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1984, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "Vehicle Code," as amended, by adding new sections; further regulating the use of highways and the operation of, and the equipment used in connection with vehicles, including trailers and semi-trailers, street cars, trackless trolley omnibuses and commercial motorcycles upon the highways of this Commonwealth; extending certain provisions of the act to trailers and semi-trailers; providing for the renewal and automatic satisfaction of encumbrances and liens, and further amending the procedure relating thereto; providing for the further registration of certain vehicles and the licensing of the operators thereof, including additional requirements, reciprocity agreements and additional reasons for suspension and revocation; conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways; further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment; changing the procedure, disposition of fines and penalties for certain violations of the act and making the fines thereunder mandatory requiring additional certificates for certain types of vehicles and equipment and the payment of additional fees; and existing penalties and providing additional penalties.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 973

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 973, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1138

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1138, entitled:

An Act making an appropriation to aid certain school districts.

AMENDMENT TO HOUSE BILL NO. 1400 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1400, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," as amended, regulating the sale and further regulating the installation, use and operation of traffic regulation devices, signals, signs and markings, and the operation of motor vehicles on the highways; affecting the powers of municipal authorities in certain cases and of the Secretary of Highways; and changing and imposing penalties.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading was reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments having been printed as required by the constitution, were twice read as follows:

On page 3, line 21, after the word "by," strike out the word (section) and insert in lieu thereof the words "sections twenty-seven and"; also on page 3, line 26, after the number 905, strike out the following: ("as amended by Act Number 355 approved July 16, 1935), and insert in lieu thereof the following: "Permits for Excessive Size and Weight (a) The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may in their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a vehicle or combination of vehicles or a vehicle and load or a combination of vehicles and their load or loads of a size or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible When a permit has been issued by the Secretary of Highways no other authorities shall require any further or additional permit for any portion of the route specified therein Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules regulations restrictions or conditions as shall be deemed necessary by the authority granting such permit Provided That upon request included in the application a

combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit The Secretary of Highways may in his discretion issue a single permit for any fixed number of movements across the highway of vehicles or combinations thereof exceeding the maximum size or weight specified in this act at specified locations Whenever any such permit shall have been issued for crossing the highway it shall be unlawful to move said vehicle along the highway The movement of any vehicle or load requiring a permit shall impose the obligation on the permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not such damage may be attributable to negligence on the part of the permittee Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways of this Commonwealth or to any person having collision with or suffering injury from such vehicle."

On page 6, line 6, after the word "act" strike out the word "is," and insert in lieu thereof the following: "as last amended by section twenty-nine of the act approved the sixteenth day of July one thousand nine hundred thirty-five (P. L. 1056) are hereby."

On page 6, line 10, after the word "hereby" on line 9, insert the word "further."

On page 6, line 11, after the figure "1002," strike out "(b) 3)" and insert in lieu thereof the following: "Restrictions as to Speed

(b) Subject to the provisions of subsection (a) of this section speeds in excess of the maximum limits hereinafter provided shall be unlawful

1 Ten (10) miles an hour speed limit

All vehicles when passing any interurban or street car taking on or discharging passengers at an intersection where a safety zone has been established or where traffic is controlled by a peace officer or a traffic signal

2 Fifteen (15) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds when passing a school building during school recess or while children are going to or leaving school during opening or closing hours [Twenty (20) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where signs erected by the proper authorities on the right-hand side of the highway facing the traffic to be controlled are displayed bearing the words "TWENTY MILE] [SPEED LIMIT" in letters not less than four (4) inches in height This limit shall be observed for a distance beyond said sign for not more than one-eighth (1/8) of a mile An additional sign shall be placed at intervals not greater than one-eighth (1/8) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be a sign similarly placed as to traffic bearing the words "END OF TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height]

Twenty (20) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet of a railway grade crossing where [sign] official signs erected by the proper authorities are displayed [bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height] All vehicles except those being operated on through highways and those restricted by this act to lower maximum speeds when approaching within fifty (50) feet and in traversing an intersection of highways within a business or residence district when the driver's view is obstructed except on highways controlled at intersections by peace officer or traffic signal A driver's view shall be deemed to be obstructed if during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection

(b) 4 Twenty-five (25) or Thirty-five (35) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where official sign erected by the proper authorities on the right-hand side of the highway facing the traffic to be controlled or on the left-hand side of one-way streets are displayed This limit shall be observed for a distance beyond said sign for not more than one-eighth (1/8) of a mile An additional sign shall be placed at intervals not greater than one-eighth (1/8) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be an official sign similarly placed as to traffic indicating the end of the limited zone

(b) [4] 5 [Forty (40)] Fifty (50) miles an hour speed limit All vehicles except those otherwise restricted by this act to lower maximum speeds."

On page 25, line 8, after the word "the" strike out the word (secretary) and insert in lieu thereof "Secretary of Highways."

On Page 25, line 12, after the word "the" strike out the word (secretary), and insert in lieu thereof the words "Secretary of Highways."

On page 25, line 15, after the word "The," strike out the word (secretary) and insert in lieu thereof the words "Secretary of Highways."

On page 25, line 20, after the word "The" strike out the word (secretary) and insert in lieu thereof the words "Secretary of Highways."

On page 25, line 22, after the word "the' 'strike out the word (secretary) and insert in lieu thereof the words "Secretary of Highways."

On page 25, line 26, after the word "the" in line 25, strike out the word (secretary) and insert in lieu thereof the following words "Secretary of Highways.' '

On page 25, line 26, after the word "The" strike out the word (secretary) and insert in lieu thereof the words "Secretary of Highways."

On page 26, line 1, after the word "the" strike out the word (secretary) and insert in lieu thereof the words "Secretary of Highways."

On page 26, line 5, after the word "the' 'on line 4 strike

out the word (secretary) and insert in lieu thereof the words "Secretary of Highways."

On page 26, line 6, after the word "The" strike out the word (secretary) and insert in lieu thereof the words "Secretary of Highways."

On page 26, line 8, after the word "the" strike out the word (secretary) and insert in lieu thereof the words "Secretary of Highways."

On page 26, line 13, after the word "the" strike out the word (secretary) and insert in lieu thereof the words "Secretary of Highways."

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gelder,	Law,	Rice,
Bean,	Gilson,	Mallery,	Rodgers,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Scarlett,
Dando,	Heyburn,	Mundy,	Shapiro,
Deitrick,	Homsher,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE RECOMMITS TO COMMITTEE OF CONFERENCE HOUSE BILL NO. 158

He also informed the Senate that the House has recommitted to its Committee of Conference House Bill No. 158, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life, and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

and has asked that the Senate concur in the request of the House to return the report to the Committee of Conference, Messrs. Larue, Imbrie and Simon, to confer with a similar committee on the part of the Senate to consider the differences existing between the two houses in relation to said bill.

COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 158

Mr. RICE. Mr. President, I move that House Bill No. 158 be recommitted to the Committee of Conference Messrs. Thompson, Rodgers and Gelder from which it came.

Mr. KAHLE. I second the motion.

The motion was agreed to.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 771

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments, nonconcurred in by the Senate to Senate Bill No. 771, entitled:

An Act relating to nonprofit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporation may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms ni the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

and has appointed Messrs. Decker, Moule and Trout as a Committee of Conference to confer with a similar committee of the Senate, already appointed to consider the differences existing between the two Houses in relation to said bill.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO 348 AND APPOINTS COMMITTEE OF CONFERENCE

He also presented communication from the House of Representatives, informing the Senate that the House insists upon its nonconcurrence in the amendments made by the Senate to House Bill No. 348, entitled:

An Act making an appropriation to the Glen Mills School situate in Delaware County Pennsylvania.

and has appointed Messrs. Cohen, Baker and Turner as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE

Mr. RICE. Mr. President, I move that the Senate insists upon its amendments to the foregoing bill and that a Committee of Conference be appointed to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. RODGERS. I second the motion.

The motion was agreed to.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 563 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives, being introduced, informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 563, entitled:

An Act to amend the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 912), entitled "An act to protect the public health;

defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties;" requiring licenses for all bakeries; further regulating bakeries and the importation of bakery products; providing for injunctions in certain cases; and changing the penalties prescribed.

and has appointed Messrs. Allen, Alexander and Van Allsburg as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such Committee) to consider the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE

Mr. RICE. Mr. President, I move that the Senate insists upon its amendments to the foregoing bill and that a Committee of Conference be appointed to confer with a similar committee of the House (already appointed) to consider the difference existing between the two houses in relation to the said bill.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

HOUSE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL No. 947 AND APPOINTS COMMITTEE OF CONFERENCE

He also presented communication from the House of Representatives, informing the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 947, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of person employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violation of the provision of this act and repealing certain acts as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

APPOINTMENT OF CONFERENCE COMMITTEE

Mr. RICE. Mr. President, I move that the Senate insist upon its amendments to the foregoing bill and that a Committee of Conference be appointed to confer with a similar Committee of the House (already appointed) to consider the difference existing between the two houses in relation to said bill.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Ruth, Dent and Pierson be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1835

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 1835, entitled:

An Act to authorize the acquisition, improvement, construction, operation and maintenance of electric light and gas systems by cities of the third class and boroughs; authorizing the issuance of revenue bonds of such cities and boroughs, payable solely from earnings, to pay the cost of such systems; providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance, operation and repair of such systems; providing for condemnation, authorizing the issuance of revenue refunding bonds; and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act.

and has appointed Messrs. Caputo, Pearson and Sproul as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE

Mr. RICE. Mr. President, I move that the Senate insist upon its amendments to the foregoing bill and that a Committee of Conference be appointed to confer with a similar committee of the House (already appointed) to consider the differences existing between the two Houses in relation to said bill.

Mr. SONES. Mr. President, I second the motion.

The motion was agreed to.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1978

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 1978, entitled:

A Supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309) entitled "Public School Code," providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases.

and has appointed Mrs. Horting and Messrs. Brownfield and Sollenberger as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE

Mr. RICE. Mr. President, I move that the Senate insist upon its amendments to the foregoing bill and that a Committee of Conference be appointed to confer with a similar Committee of the House (already appointed) to consider the differences existing between the two Houses in relation to said bill.

Mr. SONES. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL NO. 815 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 815, entitled:

An Act relating to motor vehicles, new and used; creating a motor vehicle dealers' commission, establishing its jurisdiction, powers and duties, and creating and providing for approved motor vehicle appraisers; establishing their powers and duties regulating the sale, trade-in allowance, appraisals, and information furnished the Commonwealth on motor vehicles, new and used; and establishing regulations concerning speedometers; authorizing the Commission to establish periodical prices for used motor vehicles, either sold or traded in; establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicles dealers and salesmen, and approved motor vehicle appraisers, and the payment of fees; therefor authorizing examination of the business, papers and affairs of and requiring the filing of reports by licensees; authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission or its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission; providing for appeals to the courts from decisions of the Commission; imposing penalties; and making appropriation.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

HOUSE BILL NO. 973.

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

HOUSE BILL NO. 1132.

An Act making appropriations for aid to free public nonsectarian county libraries and for the purchase and transportation of books.

HOUSE BILL NO. 1136.

An Act making an appropriation to the Department of Military Affairs for the acquisition, by purchase or condemnation, of lands, the payment of labor, and the purchase of supplies, materials and equipment to enlarge and improve the Military Reservation, at Indiantown Gap; and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

HOUSE BILL NO. 1138.

An Act making an appropriation to aid certain school districts.

HOUSE BILL NO. 1146.

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomen, (female), and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

HOUSE BILL NO. 1152.

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in county and poor district hospitals.

HOUSE BILL NO. 1346.

An Act making an appropriation to the Treasury Department for the payment of certain claims against the Commonwealth.

HOUSE BILL NO. 1818.

An Act making an appropriation to the Department of Public Instruction for reimbursing fourth class school districts upon certain increase of the salaries of members of the teaching staffs of elementary schools in such school districts.

HOUSE BILL NO. 1984.

An Act to amend section six of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280), entitled "Delinquent Tax Sales Act of 1931," by reducing the amount of commission payable to tax collectors or receivers of taxes.

HOUSE BILL NO. 2117.

An Act making an appropriation to the Treasury Department for the refund of transfer inheritance and estate taxes erroneously collected or overpaid into the State Treasury.

HOUSE BILL NO. 2259.

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

HOUSE BILL NO. 1120.

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended, extending the retirement system of counties of the second class to additional employes; declaring certain persons ineligible to receive retirement allowances; and generally clarifying the provisions of the law governing such retirement system.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Law and Order will meet immediately on the announcement of a recess in Room 265.

The Committee on Mines and Mining will meet tonight at 9:45.

The Committee on Judiciary General will meet tonight at 9:45 in Room 302 to consider for the third time the Lackawanna County Judge Bill.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess until 10:00 this evening.

Mr. JASPAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILL ON THIRD READING

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1411, on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1411 (House Bill No. 1177), entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

And said bill having been read at length the third time,

Will the Senate agree to the bill?

Mr. RICE. Mr. President, I ask unanimous consent to amend Section 2, page 5, line 14 by striking out the word "one" and inserting in lieu thereof the word "two"; amend Section 2, page 5, line 15 by striking out the figure "($198,950)" and inserting in lieu thereof "($298,950)"; amend Section 2, page 5, by inserting after line 29 the following: "For the payment of the expenses of publishing monthly statements of the general fund and other funds of the Commonwealth, as required by law, the sum of sixty thousand dollars ($60,000); amend Section 2, page 14, by adding after line 3, the following: "For the acquisition of land for Valley Forge Park by purchase or condemnation, for survey of boundary lines and title examination, the sum of fifty thousand dollars ($50,000); amend Section 2, page 47, by inserting after line 10 the following:

"TO THE PENNSYLVANIA MOTOR POLICE

For the payment of the salaries, wages or other compensation and necessary traveling expenses of the Commissioner and Deputy Commissioner of the Pennsylvania Motor Police, the members of the Motor Police Force. and the other employes of the Pennsylvania Motor Police; for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Motor Police; for the payment of the board, lodging, uniforms, arms and equipment of the Pennsylvania Motor Police Force and for medical attendance and hospital charges not covered by insurance for members of such force injured in the line of duty; for the payment of premiums on policies insuring the Commonwealth against workmen's compensation liability to all employes or dependents of employes of the Pennsylvania Motor Police; for the payment of premiums on policies of insurance covering motor vehicles operated by the Pennsylvania Motor Police and surety bonds for employes of the Pennsylvania Motor Police required to furnish such bonds: for the operation and maintenance of the Pennsylvania Motor Police Training School, including any branches thereof; for the payment of traveling expenses and witness fees in the amount of two dollars per capita per diem, to witnesses testifying for the Commonwealth at hearings in connection with the work of the Pennsylvania Motor Police, and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found, as a result of such examination, not to be intoxicated, except that no sum in excess of five dollars shall be paid to any physician for any such examination; for the maintenance and operation of a radio broadcasting station or stations and for the purpose of installing, operating and maintaining a teletype or other inter-communication system linking the central office of the Pennsylvania Motor Police and the offices of the various organized police forces of the political subdivisions of the Commonwealth maintaining night offices and linking such central office with other States using similar systems which cooperate with Pennsylvania in broadcasting police information; the sum of one million dollars ($1,000,000) and any additional sums from time to time transferred from the Motor License Fund and credited to this appropriation in the manner provided by law."

Amend Section 2, page 37, line 9, by eliminating the word "twenty-three" and inserting the word "thirty-two"; amend Section 2, page 37, line 10, by eliminating the word "two" and inserting the word "five"; by eliminating the amount "($623,200)" and inserting the amount "(632,-500)"; amend Section 2, page 37, line 19, by eliminating the word "eighteen" and inserting the word "twenty-three"; by eliminating the words "five hundred"; amend Section 2, page 37, line 20, by eliminating the amount "($218,500)" and inserting the amount "($223,000)"; amend page 21, line 13, by inserting after the word "Referees" the words "Pennsylvania Labor Relations Board"; amend page 21, line 18, by inserting after the word "Referee" the words "Pennsylvania Labor Relations Board"; amend page 21, line 19, by inserting after the word "Board" the words "and for compensation and expenses of wage boards"; amend page 46, by inserting the following paragraph after line 11:

"For the payment of the costs of the dissemination of information pertaining to the affairs of the Commonwealth, including information pertaining to civil rights and constitutional guarantees as provided by law the sum of seventeen thousand five hundred dollars ($17,500)".

Amend page 45, Section 2, line 6 by inserting between the words "expenses" and the following "Rentals equipment and other expenses incidental to the collection of inheritance and estate taxes and mercantile license taxes"; amend page 45, Section 2, lines 13, 14, and 15 by striking out the words "three million [sixty-eight]" in line 13, all of line 14 and the following in line 15 "($3,888,000) and insert in lieu thereof "three million nine hundred twenty-three thousand dollars ($3,923,00)".

The PRESIDENT. Is there objection. The chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations:

MEMBERS OF THE PENNSYLVANIA BOARD OF RELATIONS

MEMBERS OF PENNSYLVANIA SECURITIES COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Levi G. Lichliter, of Jennerstown, Somerset County, for appointment as a member of the Pennsylvania Labor Relations Board, for a term of six years.

John F. Breslin, of Summit Hill, Carbon County, for appointment as a member of the Pennsylvania Labor Relations Board, for a term of four years.

P. T. Fagan, of Pittsburgh, Allegheny County, for appointment as a member of the Pennsylvania Labor Relations Board, for a term of two years.

A. F. M. Chandler, of Haverford, Montgomery County, for appointment as a member of the Pennsylvania Securities Commission, vice Levi G. Lichliter, resigned, to serve until the third Tuesday of January, 1939, and until his successor shall be appointed and qualified.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILLS NOS. 23 AND 562

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 23, Printer's No. 423, entitled "An act making an appropriation out of the Motor License Fund to carry into effect the provisions of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (P. L. 1348) entitled 'An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation' and its amendments and defining the purposes for which said appropriation may be expended."

Senate Bill No. 562, Printer's No. 427, entitled "An Act making an appropriation to the Seventy-fifth Anniversary of the Battle of Gettysburg Commission."

GEORGE H. EARLE.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his question of personal privilege.

Mr. HALUSKA. Mr. President and members of the Senate, this afternoon the Senator from Westmoreland County, Mr. Dent, arose to speak on the floor of this Senate and asked me as Chairman of the Committee on Mines and Mining to call a meeting of my committee to act upon House Bill No. 107. I called that meeting this evening. My committee met, and we have decided to postpone further action on this bill because a bill already introduced in the House and passed by this Senate, known as House Bill No. 1983, making an appropriation of $55,000 for the same type of work, has already been passed—to take care of abandoned mines and work in conjunction with the Federal Government in this type of work. I wish to make this explanation so you might know why the Committeee on Mines and Mining postponed action on House Bill No. 107 indefinitely.

SENATE BILL NO. 815 RETURNED WITH AMENDMENTS

Mr. CAVALCANTE. Mr. President, I call up at this time Senate Bill No. 815, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 815, entitled:

An Act relating to motor vehicles, new and used; creating a motor vehicle dealers' commission, establishing its jurisdiction, powers and duties, and creating and providing for approved motor vehicle appraisers; establishing their powers and duties regulating the sale, trade-in allowance, appraisals, and information furnished the Commonwealth on motor vehicles, new and used; and establishing regulations concerning speedometers; authorizing the Commission to establish periodical prices for used motor vehicles, either sold or traded in; establishing the appraisal value of motor vehicles, new or used either for sale or used trade-in allowances; providing for the licensing of motor vehicle dealers and salesmen, and approved motor vehicle appraisers, and the payment of fees; therefor authorizing examination of the business, papers and affairs of and requiring the filing of reports by licensees; authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission on its agent and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission; providing for appeals to the Courts from decision of the Commission; imposing penalties; and making appropriation.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gelder,	Lanius,	Reed,
Bean,	Gilson,	Law,	Rice,
Cavalcante,	Haluska,	Mallery,	Rodgers,
Chapman,	Henney,	McCreesh,	Rupp,
Dando,	Heyburn,	McGinnis,	Ruth,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 708, RETURNED WITH AMENDMENTS

Mr. DENT. Mr. President, I call up at this time Senate Bill No. 708, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 708, entitled:

An Act relating to and regulating the manufacture, keeping storing and possession of explosives; requiring permits for magazines and prescribing permits fees; and providing permit fees; and providing penalties.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Gelder,	Kunkel,	Rankin,
Bean,	Gilson,	Lanius,	Reed,
Cavalcante,	Haluska,	Law,	Rice,
Chapman,	Henney,	Mallery,	Rodgers,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Owlett,	Stiefel,
Ealy,	Kahle,	Pierson,	Thompson,
Eroe,	Kilgallen,	Pytko,	Wolfenden,
Frey,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 855, RETURNED WITH AMENDMENTS

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 855, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 855, entitled:

An Act supplementing the act approved the twenty-eighth day of July, one thousand nine hundred and thirty-six (Pamphlet Laws seventy-nine) and authorizing the Governor directly through such agency as he may designate to provide, plan, prepare, supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement, the first courts of law and the first capital within what is now Pennsylvania; and making an appropriation therefor out of the General Fund.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Scarlett,
Dando,	Heyburn,	McGinnis,	Shapiro,
Deitrick,	Homsher,	Mundy,	Sipe,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro,	Jaspan,	Pierson,	Stiefel,
Ealy,	Kahle,	Pytko,	Thompson,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

AMENDMENT TO HOUSE BILL NO. 647 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 647, entitled:

An Act to promote public health morals safety and welfare by providing for the supervision and encouragement of housing creating a State Board of Housing a departmental administrative board within the Department of Health providing for the organization of the board the appointment and removal of its members enumerating its duties and powers including the powers to conduct investigations issue subpoenas apply to courts for punishment of contempts make orders rules and regulations prescribe forms require reports supervise the operations of limited dividend housing companies and housing authorities and their members and employes commence actions to prevent violations of law and to surcharge members of authorities supervise rentals charged by limited dividend companies charge fees for services providing for the selection and removal of the board's employes providing for appeals from its orders and making an appropriation

Said bill having been recalled from the Governor for amendment the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments, having been printed as required by the Constitution, were twice read as follows: after the word employees, on page 1, of the title, insert, "acquire property by eminent domain for limited dividend housing companies"; on page 4, line 1, after the word "dividend" strike out the word "Corporations" and insert in lieu thereof the word "companies"; on page 4, line 8, after the words "Actual Cost", strike out the word "Cost", and insert in lieu thereof the words "shall mean cost"; on page 5, line 1, after the word "any", strike out the word "(slum)", and after the word "area" insert the words "of bad housing"; on page 6, line 15, after the word "not" strike out the word "(less)", and insert in lieu thereof the word "more"; and after the word five, strike out the words "nor more than fifteen"; on page 6, line 16, after the word "Than", strike out the words "(twenty-five)" and insert in lieu thereof the word on page 6, line 17, "fifteen"; on page 6, line 25, after the word of, strike out the word (seven), and insert in lieu thereof the word "six"; on page 6, line 26, after the word "thousand" on page

6, line 25, strike out the words "(five hundred)"; on page 9, line 20, after the word "Authorities", insert "or Limited Dividend Companies"; on page 9, line 26, after the word "authority" insert "or limited dividend company"; on page 10, line 1, after the word "authority", insert "or limited dividend company"; on page 10, after the word in line 3, "authority", insert on line 4, the words "or limited dividend company"; on page 10, line 5, atfer the word "authority", insert the words "or limited dividend company"; on page 10, line 6, after the word "authority", insert the words "or limited dividend company"; on page 10, line 8, after the word "authority", insert the words "or limited dividend company"; on page 10, line 10, after the word "authority", insert the words on line 11, "or Limited Dividend Company"; on page 10, line 13, after the word "authority", insert the words "or limited dividend company"; on page 11, line 10, after the word "exceeding", strike out the word "(these)", and insert in lieu thereof the word "those"; on page 11, line 16, after the word "least", strike out the words "(twenty-five per centum)", and insert in lieu thereof the word "one-third"; on page 11, line 20, after the word "exceed", strike out the words "(seventy-five per centum)", and insert in lieu thereof, on line 21, the word "two-thirds"; on page 13, line 10, after the word "offices", insert the words "necessary garage facilities"; on page 15, line 20, strike out the ("), at the beginning of the sentence; on page 16, after the word "property" strike out the following· "(in the manner provided by law for the exercise of such right by the Commonwealth of Pennsylvania)" and insert in lieu thereof the following: "The proceedings for the condemnation of property and for the assessment of damages for property taken injured or destroyed shall be in accordance with the act approved the fifteenth day of July one thousand nine hundred and nineteen (P. L. 976) entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain where the purchase of such property has either been authorized by law or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws and an appropriation made therefor" its amendments and supplements"; on page 17, line 5, after the word "company" strike out the ("); on page 18, line 2, after the word "offices", insert the words "necessary garage facilities"; on page 21, line 14, after the word "skill" strike out the word "(education)"; on page 21, line 22, after the word "employment" insert the following: "All persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall be rated an additional five per centum over and above the rating fixed for the quality and character of answers in the examination and any such person who shall have been wounded or otherwise disabled in such service (so long as he is able to permform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required and in either case the total per centum mark for grade thus obtained shall determine the order of standing of such persons on any list of eligibles"; on page 23, line 21, after the word "the", strike out the word "(remaining)" and insert in lieu thereof the word "remaining".

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gelder,	Law,	Rice,
Bean,	Gilson,	Mallery,	Rodgers,
Cavalcante.	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Scarlett,
Dando,	Heyburn,	Mundy,	Shapiro,
Deitrick,	Homsher,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 875, RETURNED WITH AMENDMENTS

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 875, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 875, entitled:

An Act to cede jurisdiction to the United States of lands embraced within boundaries of portion of the Carlisle Barracks located in Cumberland County, and over the tract of land and buildings occupied by the New Cumberland General Depot located in York County.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gelder,	Law,	Rice,
Bean,	Gilson,	Mallery,	Rodgers,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Scarlett,
Dando,	Heyburn,	Mundy,	Shapiro,
Deitrick,	Homsher,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. RICE. Mr. President, I call up at this time, House Report of Committee of Conference on Bill No. 1161:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1161

To the Members of the Senate and House of Representatives:

We, the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1161, entitled: "An act to amend section four hundred six of the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled 'An act relating to the finances of the State government; providing for the settlement, assessment, collection and lien of taxes, bonus and all other accounts due the Commonwealth; the collection and recovery of fees and other moneys or property due or belonging to the Commonwealth, * * *,' by making further provision for the appointment of mercantile appraisers," respectfully submit the following bill as our report:

GEORGE RANKIN, JR.
GEORGE KUNKEL,
Committee on the part of the Senate.

SAMUEL A. BLANK,
JAMES F. WALSH.
Committee on the part of the House of Representatives.

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political sub-division of the State and certain officers of such sub-divisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 406 Appointment of Mercantile Appraisers and Their Clerks The Auditor General [and the city clerks or other assistants appointed by mercantile appraisers [in cities of the first class and the Auditor General shall continue to appoint them] in all counties [not containing a city of the first class] as [now] provided by law

The Auditor General shall also approve or disapprove all expense accounts of mercantile appraisers or their clerks or assistants and the number and compensation of clerks or other assistants appointed by mercantile appraisers to assist them in the performance of their duties

The Auditor General shall from time to time certify to the Department of Revenue the names of mercantile appraisers appointed by him [in conjunction with the city treasurer in cities of the first class and by him in other counties] the salaries or rates of salary payable to such appraisers the number names and compensation of clerks or assistants approved by him for appointment by mercantile appraisers and all expense accounts which he has approved

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Gilson,	Law,	Rice,
Bean,	Haluska,	Mallery,	Rodgers,
Cavalcante,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

APPOINTMENT OF CONFERENCE COMMITTEES

The PRESIDENT. The President Pro Tempore announces the appointment of the following Committees of Conference on the part of the Senate:

On House Bill No. 348; Messrs. Rice, McCreesh and Bean.

On House Bill No. 563; Messrs. Heyburn, Jacobs and Chapman.

On House Bill No. 1978; Messrs. Ruth, Sipe and Deitrick.

RESOLUTION RECALLING FROM THE HOUSE HOUSE BILL NO. 99

Mr. DENT. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT offered the following resolution, which was twice read considered and agreed to:

In the Senate, June 1, 1937.

Resolved (if the House of Representatives concur), That House Bill No. 99, entitled:

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "Workmen's Compensation Act of 1915," by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurers; conferring certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system including the rehabilitation of employes; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes, and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending, clarifying and changing the provisions of said act.

be recalled from the House of Representatives for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 309, RETURNED WITH AMENDMENTS

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 309, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 309, entitled:

An Act to amend section three as amended of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire, lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act, changing the personnel.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Law,	Rice,
Cavalcante,	Haluska,	Mallery,	Rodgers,
Chapman,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 2401, (Senate Bill No. 1456), entitled:

An Act validating certain sheriffs' sales of real estate and the title to such real estate in the hands of purchasers, their heirs, grantees and assigns.

Which was committed to the Committee on Municipal Government.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1433

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 1, 1937.

Resolved (if the Senate concur) that House Bill No. 1433 Printer's No. 1042, entitled:

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended, permitting State institutions and sanatoria to supply water to individuals.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

APPOINTMENT OF COMMITTEE OF CONFERENCE

The PRESIDENT, The President Pro Tempore announces the appointment of the following Committee of Conference, on the part of the Senate, on House Bill No. 1835: Messrs. Kilgallen, McGinnis and Wolfenden.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. RUTH. Mr. President, I second the motion.

The Motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 99

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In Senate, June 1, 1937.

Resolved (if the House of Representatives concur) That House Bill No. 99 Printer's No. 1195, entitled:

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736) entitled "Workmen's Compensation Act of 1915" by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurers; conferring certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system including the rehabilitation of employes; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes, and for the payment of re-opened cases after a certain lapse of time, by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending, clarifying and changing the provisions of said act.

be recalled from the Governor for the purpose of amendment.

RECONSIDERATION OF SENATE BILL NO. 488 (HOUSE BILL NO. 99)

Mr. DENT. Mr. President, I move to reconsider the vote by which Senate Bill No. 488 House Bill No. 99, entitled:

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. DENT. Mr. President, I voted "aye."

Mr. LAW. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted aye."

The motion was agreed to.

And the question recurring.

Shall the bill pass finally?

Mr. DENT. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. DENT. Mr. President, I voted "aye."

Mr. LAW. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I ask unanimous consent to offer the following amendments: amend section 1, page 26, line 16 by inserting after the word "period" and befor the word "after" the following: and in such additional amounts; Amend section 1, page 26, line 25 by inserting after the word "services" and before the word "medicines" the following (exclusive of the cost of hospital treatment and artificial appliances); amend section 1, page 26, line 25 by inserting after the word "supplies" and before the word "shall" the following: during the aforesaid three months' period; amend section 1, page 60, line 1 by striking out after the word "act" and before aforesaid three months' period; amend section 1, page 80, line 11 by inserting after the word "appropriation" and before the word "and" the following and until January first one thousand nine hundred thirty-eight the act re-enacted and amended by this act; amend section 1 page 80, line 22 by striking out at the end of the line the following: [The first assess-]; amend section 1, page 80, by striking out lines 23 and 24; amend section 1, page 83, line 6 by striking out after "507" and before the word "act" the word: [This] and inserting in lieu thereof the following: The provisions of this; amend section 1, page 83, line 8 by inserting at the end of the line the following: except the provisions of section five hundred two of this act which shall become effective immediately upon the final enactment of this act and shall be retroactive to June first one thousand nine hundred thirty-seven.

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to,

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

REPORT FROM COMMITTEE

Mr. RICE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, from the Committee on Appropriations re-

ported as committed, Senate Bill No. 1379, (House Bill No. 826), entitled:

An Act making an appropriation for the preparation of the Eighteenth Division History and creating a commission for such purposes.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills has passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

SENATE BILL NO. 708, entitled:

An Act relating to and regulating the manufacture, keeping storing and possession of explosives; requiring permits for magazines and prescribing permit fees; and providing permit fees; and providing penalties.

SENATE BILL NO. 855, entitled:

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (P. L. 79), and authorizing the Governor directly through such agency as he may designate to provide, plan, prepare, supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement, the first courts of law and the first capital within what is now Pennsylvania; and making an appropriation therefor out of the General Fund.

SENATE BILL NO. 875, entitled:

An Act to cede jurisdiction to the United States of lands embraced within boundaries of portion of the Carlisle Barracks located in Cumberland County, and over the tract of land and buildings occupied by the New Cumberland General Depot located in York County.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. KILGALLEN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN, from the Committee on Municipal Government reported as committed, Senate Bill No. 1456, (House Bill No. 2401), entitled:

An Act validating certain sheriffs' sales of real estate and the title to such real estate in the hands of purchasers their heirs grantees and assigns.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. SONES. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1379, (House Bill No. 826), entitled:

An Act making an appropriation for the preparation of the Eighteenth Division History and creating a commission for such purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading .

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1456, (House Bill No. 2401), entitled:

An Act validating certain sheriff's sales of real estate and the title to such real estate in the hands of purchasers their heirs grantees and assigns.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading .

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until 2:00 o'clock Tuesday afternoon.

HOUSE OF REPRESENTATIVES

TUESDAY, June 1, 1937

The House met at 2:00 p. m.

The SPEAKER, (ROY E. FURMAN), in the Chair.

PRAYER

The Rev. HOWARD CURTIS FRY, Pastor of St. John's Evangelical Lutheran Church, Shiremanstown, offered the following prayer:

O Lord God of Hosts, who holdest in Thy might all the power of men, we thank Thee for the revelation which Thou hast made of Thy perfect Self, and of Thy righteous will; for the way in which Thou hast established governments; for the direction of the temporal welfare of Thy people; for the way in which Thou hast used this our land; for the freedom of the enslaved portions of mankind.

In this memorial season, as we think of those upon whose lives, upon whose ideas this Nation has been founded; of those by whose service freedom has been won; of the high ideals of Thy people inculcated, we pray that by Thy spirit Thou wilt continue to use this, Thy people, this our State, within that Nation, for the continuance of those noble principles which make for the upbuilding of mankind.

To this end we pray for Thy blessing upon our President, the Governor of this Commonwealth, our legislators and all our magistrates, that they who guide us in the affairs of state may be motivated only by those things and those ideals which make for the ennoblement of life.

Do Thou grant Thy blessing, Thy spirit's presence, His wisdom, His counsel to those who here plan and devise ways for the direction of this our Commonwealth, and may Thy spirit ever use them to Thy glory and to the good of all mankind. And may that same spirit, the spirit of peace, guide us always in those plans and in those ways

which make for the attainment of the vision of the prophets who forsaw that day when spears should be beaten into pruning hooks and men should hear of wars no more.

Hear us in this our prayer for counsel, for guidance, for peace.

In the Master's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 27, 1937.

The Clerk proceeded to read the Journal of Thursday May 27, 1937, when, on motion of Mr. TROUT, the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 77, 96, 455, 666, 753, 794, 812, 851, 916, 1184, 1261, 1474, 1540, 1559, 1567, 1637, 1644, 1705, 1715, 1775, 1779, 1788

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, Pa., May 28, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 77, Printer's No. 414, entitled "An Act to amend section two thousand eight hundred and nineteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any part thereof that are or may be inconsistent therewith' extending the provisions of said section relating to clauses and stipulations in and proposals for certain contracts to all school districts and eliminating the requirements therein as to preparation and cutting of stone for school buildings."

House Bill No. 96, Printer's No. 540, entitled "An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commission shall be determined' authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of way or easements over state instituion lands for public roads purposes."

House Bill No. 455, Printer's No. 449, entitled "An Act to amend section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws 579) entitled 'An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith' as amended increasing the compensation of members of the General Assembly."

House Bill No. 666, Printer's No. 950, entitled "An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of non-payment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments."

House Bill No. 753, Printer's No. 732, entitled "An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments."

House Bill No. 794, Printer's No. 947, entitled "An Act to amend sections one and two as amended and sections four six and seven of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled 'An act regulating the business of loaning money in sums of three hundred dollars ($300) or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act' by restricting the business of lending by others than licensed lenders by enlarging the powers of the Secretary of Banking providing for the refusal or revocation of licenses authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof requiring licensees to file annual reports increasing the license fee reducing the rate of interest on loans extending the rights powers duties liabilities and immunities of and limitations upon the rights and powers of licensed lenders increasing the penalty for operation without a license bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties."

House Bill No. 812, Printer's No. 691, entitled "An Act relating to cities of the first class authorizing the issuance of non-debt revenue bonds to finance sewer improvements."

House Bill No. 851, Printer's No. 1177, entitled "An Act

relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporation (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act."

House Bill No. 916, Printer's No. 1126, entitled "An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled 'A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax"' by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers."

House Bill No. 1184, Printer's No. 433, entitled "An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift approximately 7,224 acres of land in Tinicum Township Delaware County sometime known as "Printz Park" or as "Printz-Lindberg Park" to be known hereafter as "Governor Printz Park" providing for the control management supervision restoration improvement and maintenance thereof authorizing the Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof."

House Bill No. 1261, Printer's No. 647, entitled "An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 519) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' providing for the employment by auditors and for the compensation of an attorney."

House Bill No. 1474, Printer's No. 684, entitled "An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled 'An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly' by permitting the revival of other than tax claims by a suggestion of non-payment and averment of default before or after judgment on scire facias."

House Bill No. 1540, Printer's No. 748, entitled "An Act to repeal section ten of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1356) entitled 'An act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties.'"

House Bill No. 1559, Printer's No. 539, entitled "An Act concerning vocational education providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the Act of Congress approved June eighth one thousand nine hundred and thirty-six entitled 'An act to provide for the further develoment of vocational education in the several States and Territories' and conferring powers and imposing duties on the State Treasurer and the State Council of Education."

House Bill No. 1567, Printer's No. 967, entitled "An Act to amend section two and section nine as amended of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 223 1933-34) entitled 'An act providing compensation certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties' further regulating the making of payments to representatives of persons who cannot personally receive compensation."

House Bill No. 1637, Printer's No. 406, entitled "An Act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled 'An act for the prevention and treatment of mental diseases mental defectives epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by making further provision for the imposition of liability upon and the payment by individuals counties and poor districts of the cost of admission care and maintenance of mental patients and inebriates and by requiring the furnishing

of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates or in lieu thereof the furnishing of endorsements of the poor authorities of counties of poor districts in certain cases."

House Bill No. 1644, Printer's No. 749, entitled "An Act to amend sections one two four and fifteen of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled 'An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts' as amended extending the provisions of said act to additional buildings providing additional safety regulations and for the closing of certain buildings."

House Bill No. 1705, Printer's No. 585, entitled "An Act to re-enact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 88) entitled 'An act relating to the grading and sale of grapes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture' extending the provisions of said act to potatoes and changing the penalties prescribed."

House Bill No. 1715, Printer's No. 910, entitled "An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties."

House Bill No. 1775, Printer's No. 536, entitled "An Act to amend clause (g) section one thousand three hundred nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' to authorize the Pennsylvania Historical Commission at its discretion to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody."

House Bill No. 1779, Printer's No. 970, entitled "An Act to amend section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws' to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania."

House Bill No. 1788, Printer's No. 752, entitled "An Act to amend section five hundred forty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' as amended providing for the audit of the accounts of justices of the peace."

GEORGE H. EARLE.

APPROVAL OF HOUSE BILL No. 1732

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 28, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1732, Printer's No. 765, entitled "An Act to amend sections three hundred seventy-one and six hundred seventy section seven hundred thirty-two as amended sections seven hundred thirty-three eight hundred seventy-six and eight hundred ninety-six of and to add section seven hundred thirty-seven to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' further regulating tax levies bond issues appropriations and the procedure for rebuilding bridges in such counties."

GEORGE H. EARLE.

APPROVAL OF HOUSE BILLS Nos. 32, 113, 1410, 2070, and 2436

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 27, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 32, Printer's No. 184, entitled "An Act to amend clause (b) of section three thousand two hundred and forty of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' as amended providing for compensation for members of joint sewer boards."

House Bill No. 1113, Printer's No. 589, entitled "An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and validating the liens of such taxes."

House Bill No. 1410, Printer's No. 457, entitled "An Act relating to the manufacture repair renovating cleansing sterilizing and disinfecting of mattresses pillows bolsters feather beds and other filled bedding cushions and upholstered furniture intended for sale or lease and to the sale or lease thereof requiring the placing of tag

and adhesive stamp on such material providing for the sale of adhesive stamps authorizing and requiring the Department of Labor and Industry to adopt rules and regulations providing penalties and repealing certain acts."

House Bill No. 2070, Printer's No. 617, entitled "An Act to repeal the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (P. L. 851) entitled 'An act fixing the time of holding elections on questions submitted to electors of boroughs'."

House Bill No. 2436, Printer's No. 1121, entitled "An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expensss defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties."

GEORGE H. EARLE.

VETO OF HOUSE BILL No. 872

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 872, Printer's No. 914, entitled "An act providing that officials charged with the duty of assessing real estate for taxation may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment of taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made."

This bill would authorize officials charged with the duty of assessing real estate for taxation (except in cities of the first class) to split or separate, at any time, the assessment on any tract of real estate which has been, or is to be, divided, in order to permit and facilitate the payment of a portion of the taxes levied on such tract of real estate, which partial payment would represent the taxes due upon a fixed and described parcel of such tract. The bill would also ratify acts of officials charged with the duty of assessing real estate for the purpose of taxation, who have heretofore split or separated the assessment on any tract of real estate in the manner provided in this bill. The bill would apply, not only to taxes hereafter levied and assessed, but also to taxes heretofore assessed and liened against property.

The effect of this bill would be to permit a landowner having the opportunity of selling a portion of his real estate to pay the taxes on that portion and leave the taxes pertaining to the remainder of the tract unpaid until some future time, with the possibility of such remaining taxes never being paid. In other words, the owner of a tract of land would be able to carve out of that tract the valuable portion of the real estate for the purpose of sale, and pay the taxes thereon, without paying the accrued taxes on the less valuable portions of the tract.

This bill is undesirable in at least two respects. In the first place, it would encourage the taxpayer to become delinquent in the payment of taxes on the less valuable portions of his property. In the second place, it would establish a procedure whereby a real estate speculator owning a large tract of land would be enabled to convey separate parcels thereof, and pay the back taxes on such parcels, and ultimately leave the residue of the tract go for accumulated unpaid taxes, at the expense of the general taxpayers.

It is the purpose of this administration to alleviate taxpayers' burdens. The advantages which would be afforded real estate developers under this bill would be greatly outweighed by the disadvantages which would result to the general taxpayers.

For these reasons the bill is not approved.

GEORGE H. EARLE.

BILL AND VETO MESSAGE LAID ON TABLE

Mr. WEIDEMANN. Mr. Speaker, I move that House Bill No. 872, together with the veto of the Governor be laid on the table.

The motion was agreed to.

LEAVE OF ABSENCE

Mr. Schumacher asked and obtained leave of absence for Mr. STACKPOLE for today's session.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS TO HOUSE BILL No. 1835

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1935, entitled:

An Act to authorize subject to certain conditions the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condemnation authorizing the issuance of revenue refunding bonds and providing subject to certain conditions that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1147

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1147, Messrs. Caputo, Pearson and Sproul.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS TO HOUSE BILL No. 348

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 348, entitled:

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 348

Mr. TURNER. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 348, Messrs. Herbert B. Cohen, John J. Baker and Turner.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS TO HOUSE BILL No. 947

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 947, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 947

Mr. WESTRICK. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 947, Messrs. Westrick, Murrin and Habbyshaw.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDENTS TO HOUSE BILL No. 563

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 563, entitled:

An Act to amend the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties" further regulating bakeries and the importation of bakery products providing for injunctions in certain cases and changing the penalties prescribed

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 563

Mr. ALLEN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 563, Messrs. Allen, Alexander and Van Allsburg.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS TO HOUSE BILL No. 1978

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1978, entitled:

A supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1978

Mrs. HORTING. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1978 Mrs. Horting, Messrs. Brownfield and Sollenberger.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 771

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 771, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act

And has appointed Messrs. Reed, Law and Ealy, a Committee of Conference to confer with a similar committee

of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 771

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on Senate Bill No. 771, Messrs. Decker, Moul and Trout.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 158

Mr. LaRUE. Mr. Speaker I desire to call up at this time the report of the Committee of Conference on House Bill No. 158, Printer's No. 1181.

The report was read by the Clerk as follows:

To the Member of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 158, entitled: "An act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions; to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties and repealing certain acts," respectively submit the following bill as our report

WILLIAM B. RODGERS,
EDWARD J. THOMPSON,
Committee on the part of the Senate.
MAHLON F. LaRUE,
WILBERT D. IMBRIE,
JOSEPH A. SIMON.
Committee on the part of the House of Representatives

An Act To preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts magistrates aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts

ARTICLE I

General Provisions and Public Policy

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" shall be construed to mean the Sanitary Water Board in the Department of Health or its duly constituted successor

"Establishment" shall be construed to include any industrial establishment mill factory tannery paper or pulp mill garage oil refinery oil well boat vessel mine quarry and each and every other industry or plant or works in the operation of which industrial wastes are produced

"Industrial waste" shall be construed to mean any liquid gaseous or solid substance not sewage resulting from any manufacturing or industry

"Institution" shall include healing preventative mental health educational correctional and penal institutions almshouses and county and city homes operated by the State or any political subdivision thereof and whose sewage is not admitted to a public sewer system

"Municipality" or "municipal" shall be construed to include any county authority municipal authority city borough town township school district and institution as above defined

"Person" shall be construed to include any person copartnership association or private corporation

"Pollution" shall be construed to mean noxious and deleterious substances rendering unclean the waters of the Commonwealth to the extent of being harmful or inimical to the public health or to animal or aquatic life or to the use of such waters for domestic water supply or industrial purposes or for recreation

"Sewage" shall be construed to include any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals

"Waters of the Commonwealth" shall be construed to include any and all rivers streams creeks rivulets lakes dammed water ponds springs and all other bodies of surface and underground water or parts thereof whether natural or artificial within or on the boundaries of this Commonwealth

Section 2 Interpretation of Act A The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section B Headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Discharge of Sewage and Industrial Wastes Not a Natural Use The discharge of sewage or industrial waste or any noxious and deleterious substances into the waters of this Commonwealth which is or may become inimical and injurious to the public health or to animal or aquatic life or to the uses of such waters for domestic or industrial consumption or for recreation is hereby declared not to be a reasonable or natural use of such waters to be against public policy and to be a public nuisance

ARTICLE II

Sewage Pollution

Section 201 Prohibition Against Discharge of Sewage No person or municipality shall place or permit to be placed or discharge or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any sewage except as hereinafter provided in this act

Section 202 Extent of Applicability of Act to Existing Sewage Discharges Any municipality discharging sewage from any sewer system owned and maintained by the municipality and any person discharging sewage into or in such manner as to cause pollution of the waters of this Commonwealth without regard to the fact that such discharge began prior or subsequent to the twenty-second day of April one thousand nine hundred and five or whether such continued discharge has been by virtue of or without a permit issued by the Secretary of Health the Commissioner of Health or the Board in accordance with the provisions of an act approved the twenty-second day of April one thousand nine hundred and five (Pam-

phlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" shall discontinue the discharge of sewage into or in such manner as to cause pollution of the waters of this Commonwealth upon the order of the Board issued pursuant to the provisions of this act at such time as the Board shall be of opinion that such discharge of sewage is or may become inimical or injurious to the public health animal or aquatic life or to the use of the water for domestic or industrial consumption or recreation and on such notice any permit heretofore granted to such municipality or person for the discharge of sewage into the waters of the Commonwealth shall be deemed to be revoked and annulled Provided however That the discharge of sewage into a stream impregnated with acid coal mine drainings be permitted when the discharge of sewage does not create a condition inimical to the public interest

Section 203 Orders to Discontinue Existing Sewage Discharges Nuisances In the case of a municipality orders to discontinue existing discharges of sewage shall be by notice in writing (after investigation and hearing and an opportunity for all persons interested therein to be heard thereon) which notice shall be served personally or by registered mail on the corporate authorities of the municipality owning or maintaining and using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued shall be stated in the notice and shall in no case exceed two years

In the case of a person orders to discontinue existing discharges of sewage shall be by notice in writing served personally on such person or by registered mail addressed to the last known post office address of the person discharging the sewage and such notice shall specify a reasonable time not exceeding one year to be fixed by the Board within which the discharge of such sewage shall be discontinued

The continued discharge of sewage by persons or municipalities after the expiration of the time fixed in any such notice is hereby declared to be a nuisance and shall be abatable and punishable as provided in this act

Section 204 Penalty Any person who shall continue to discharge sewage or permit the same to flow into the waters of the Commonwealth contrary to the preceding provisions of this act or after the expiration of the time fixed in any notice from the Board to discontinue an existing discharge of sewage into the waters of the Commonwealth shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars and not exceeding one hundred dollars for each offense and a further fine of ten dollars for each day the offense is maintained and in default of the payment of such fine and costs the person or the member or members of any association or copartnership or the officer or officers of any corporation responsible for violation of this act shall be imprisoned in the county jail one day for each dollar of fine and costs unpaid

Section 205 Reports of Existing Municipal Sewers It shall be the duty of the corporate authorities having by law charge of the sewer system of each municipality in the Commonwealth from which sewage is being discharged into any of the waters of the Commonwealth to file with the Board from time to time upon the written demand of said Board a report of such sewer system which shall comprise such plans facts and information as the Board may require Such report shall be filed within a time specified by the Board in its written demand No municipal sewer system shall be exempt from the provisions of this act prohibiting the discharge of sewage into the waters of the Commonwealth for which a satisfactory report shall not be filed with the Board in accordance with this section The continued discharge of sewage from any such sewer system contrary to the provisions of this section is hereby also declared to be a nuisance and abatable as such

Section 206 Applications for Permits for the Discharge of Sewage Upon application duly made to the Board by the corporate authorities having by law the charge of the sewer system of any municipality or by any person the Board shall consider the case of any sewer system or the extension of any existing sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the Commonwealth and shall if it finds as a fact that the discharge of sewage is necessary and not injurious to the public health or animal or aquatic life or for use for domestic or industrial consumption or recreation stipulate in a permit the conditions and the time during which such discharge into the waters of the Commonwealth may be permitted Such permit before being operative shall be recorded in the office of the recorder of deeds for the county wherein the outlet of said sewer system is located And in case the municipality or person fails or neglects to record such permit the Board shall cause a copy thereof to be so recorded and shall collect the cost of recording from the municipality or person No such permit shall be construed to permit any act otherwise forbidden by any of the laws of the Commonwealth or by any decree order sentence or judgment of any court or by the ordinances of any municipality or by the rules and regulations of any water company supplying water to the public or by laws relative to navigation

Section 207 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the construction of any new sewer system or for the extension of any existing sewer system by a municipality or for the erection construction and location of any treatment works or intercepting sewers by a person or municipality shall be submitted to the Board for its approval before the same are constructed or erected or acquired Any such construction or erection which has not been approved by the Board by written permit or any treatment works not operated or maintained in accordance with the rules and regulations of the Board is hereby also declared to be a nuisance and abatable as herein provided

Section 208 Revocation or Modification of Permits Every such permit for the discharge of sewage from a sewer system or extension or for the erection and construction of any sewer system or treatment works or intercepting sewers under the provisions of sections two hundred six and two hundred seven of this act shall be revocable or subject to modification and change by the Board on due notice (after an investigation and hearing and an opportunity for all known to be interested therein to be heard thereon) being served personally on or by registered mail addressed to the last known post office address of the corporate authorities of the municipality or the person owning maintaining or using the sewer system or the person or municipality operating the treatment works The length of time after the receipt of the notice within which the discharge of sewage or the treatment of sewage in such treatment works shall be discontinued shall be stated in the notice but in no case shall it exceed two years in the case of a municipality or a reasonable time not exceeding one year in the case of a person to be fixed by the Board

Section 209 Prohibition Against Discharge of Sewage Et Cetera After Revocation of Permit On the expiration of the period of time prescribed after the service of a notice of revocation modification or change of any such permit from the Board the discharge of sewage into any waters of the Commonwealth or treated sewage from treatment works shall cease and terminate and the prohibition of this act against such discharge or treatment shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided A continuation of the discharge of sewage or the treatment of sewage after revocation or in violation of any modification and change of any such permit is hereby also declared to be a nuisance and shall be punishable and abatable as herein provided

Section 210 Municipal Financing of Pollution Abatement Any municipality upon whom an order of the Board is served to abate its discharge of untreated or inadequately treated sewage shall unless said order to abate said discharge be reversed on appeal take steps for the acquisition or construction of a sewer or sewerage system or sewage treatment works or both or for the repair al-

[illegible] of an existing sewer sewage system or sewage treatment works or both as may be necessary for the treatment of its sewage in compliance with the order of the Board The cost of the acquisition construction repair alteration completion or extension of the sewer sewerage system or sewage treatment works as may be necessary to comply with said order shall be paid out of funds on hand available for such purpose or out of the general funds of such municipality not otherwise appropriated If there be no sufficient funds on hand or unappropriated then the necessary funds shall be raised by the issuance of bonds such bond issue to be subject only to the approval of the Department of Internal Affairs If the estimated cost of the steps necessary to be taken by such municipality to comply with such order is such that the bond issue necessary to finance such project would not raise the total outstanding bonded indebtedness of such municipality in excess of the constitutional limit imposed upon such indebtedness by the Constitution of this Commonwealth then and in that event the necessary bonds may be issued as a direct obligation of such municipality and retired pursuant to general law governing the issue of such bonds if the electors of the municipality shall vote in favor of the increase in indebtedness where the consent of the electors is required If the amount of such bonds necessary to be issued would raise the total outstanding bonded indebtedness of such municipality above such constitutional limitation on such indebtedness or if the consent of the electors cannot be secured or if such municipality by its corporate authorities shall determine against the issuance of direct obligation bonds then such municipality shall be requested to issue non-debt revenue bonds and provide for the payment of the interest and principal of such bonds from funds to be raised by imposing a sewer rental or charge in accordance with and as authorized by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws twelve hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" or other legislation relating to the imposition and collection of such rentals and charges

The funds made available by the issuance of either direct obligation bonds or revenue bonds secured by rental charges as herein provided shall constitute a sanitary fund and shall be used for no other purpose than for carrying out such order or orders of the Board

The Attorney General at the instance of the Board may enforce this provision of the act by action of mandamus

Section 211 Revenue Bonds For the purpose of financing the cost and expense or its share of the cost and expense of constructing or acquiring or extending any sewer sewer system or sewage treatment works either singly or jointly with other municipalities a municipality may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges imposed for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upon and payable solely from the annual rentals or charges for the use of the sewer sewer system or sewage treatment works

Section 212 Issuance and Sale of Revenue Bonds Maturity Interest When a municipality shall issue any non-debt revenue bonds the corporate authorities thereof shall sell the same to the highest bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the municipality or the county in which the municipality is situate Where bonds shall be advertised for sale as herein provided and no bids shall have been received then it shall be lawful for such municipality to sell the same at private sale for not less than par and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and shall bear interest at a rate not exceeding six per centum per annum

Section 213 Other Methods of Financing Preserved Anything in this act to the contrary notwithstanding any municipality shall have power to issue bonds revenue certificates or other obligations to finance in whole or in part the carrying out of any order or direction of the Board without regard to the restrictions limitations or provisions of this act relating to the issuance of bonds revenue certificates or other obligations provided that such bonds revenue certificates or other obligations are issued by the municipality in accordance with the provisions of any other law This act shall be construed to provide an alternative method for the issuance of bonds revenue certificates or other obligations by a municipality and not an exclusive method therefor

ARTICLE III

Industrial Wastes

Section 301 Prohibition Against Discharge of Industrial Wastes No person shall place or permit to be placed or discharged or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any industrial wastes except as hereinafter provided in this act

Section 302 Existing Industrial Wastes Discharges All persons who at the time of the passage of this act are discharging industrial waste into any of the waters of the Commonwealth shall discontinue the discharge of such industrial waste into said waters or into any municipal sewer system on notice from the Board when after due investigation the Board shall declare the dicharge of such industrial waste is or may become inimical or injurious to the public health or to animal or aquatic life or prevent the use of waters for domestic industrial or recreational purposes provided that any discharge that is inimical and injurious to the public health or to animal or aquatic life or to the use of the water for domestic or industrial consumption or recreational purposes shall nevertheless be deemed unlawful and a nuisance whether the Board shall so declare or not

Section 303 Information as to Kind and Character of Discharge Every person who on the effective date of this act shall be discharging or permitting to be discharged or has an establishment temporarily closed which in the future may discharge or permit to be discharged any industrial waste into the waters of the Commonwealth shall file with the Board within ninety days after the effective date of this act on forms prepared and supplied by the Board such information under oath as the Board may require with regard to such industrial waste including the kind characteristics and rate of flow thereof and concerning the treatment works if any either in operation or in contemplation It shall be the duty of such persons to apply to the Board for the forms necessary to comply with this provision The falsity of any of the information thus supplied is hereby declared to be perjury and punishable as such

Section 304 Water Surveys The Board shall have power to make a complete survey of the waters of the Commonwealth in order to ascertain the extent of pollution in each of said waters and the remedies to be employed to purify said waters It shall have power to adopt prescribe and enforce such rules and regulations not inconsistent with this act as may be deemed necessary for the protection of the purity of the waters of the Commonwealth or parts thereof and to purify those now polluted and to assure the proper and practical operation and maintenance of treatment works approved by it A violation of which rules and regulations after notice shall also constitute a nuisance under this act

Section 305 Investigations and Research In addition to any powers now possessed the Board shall investigate and ascertain as far as practicable all facts in relation to the pollution of the water of the Commonwealth by industrial waste Its agents may enter upon lands build-

ings and premises as may be necessary for its investigations It shall conduct scientific experiments and researches under its personal supervision or in colleges and universities for the purpose of ascertaining reasonable and practical means for the treatment of industrial waste so that when the same has been treated the effluent thereof when discharged into the waters of the Commonwealth shall not be injurious to the public health or to animal or aquatic life or prevent the use of the water for domestic industrial or recreational purposes

Section 306 Protection of Clean Waters After the effective date of this act no municipality or person shall ever discharge drain or permit to be washed into the clean waters of this State any sewage or industrial waste "Clean waters" are hereby defined to mean waters which are at the effective date of this act unpolluted and free from any discharge or drainage of industrial waste and from any authorized discharge or drainage of sewage but the Sanitary Water Board may permit discharge into such waters of sewage or industrial waste that has been completely treated

Section 307 Regulation of Establishments Erected or Opened or Reopened in the Future No person shall hereafter erect construct or open or reopen or operate any establishment which in its operation results in the discharge of industrial wastes which would flow or be discharged into any of the waters of the Commonwealth and thereby cause a pollution of the same unless such person shall first provide proper and adequate treatment works for the treatment of such industrial wastes approved by the Board so that if and when flowing or discharged into the waters of the Commonwealth the effluent thereof shall not be inimical or injurious to the public health or to animal or aquatic life or prevent the use of water for domestic industrial or recreational purposes except when in the opinion of the Board such industrial waste is not inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and shall grant a permit for the discharge of such industrial waste into the waters of the Commonwealth But no permit shall ever be issued by the Board authorizing the discharge of untreated industrial waste into the clean waters of the State as above defined Public notice of every application for a permit under this section shall be given by notice published in a newspaper of general circulation published in the county where the permit is applied for once a week for four weeks But any such permit shall be revocable or subject to modification and change by the Board at any time thereafter upon reasonable notice served personally or by registered mail addrsssed to the last known post office address of the holder of the permit and the owner or operator of such establishment may be required to install treatment works approved by the Board for the treatment of such industrial waste or for the deposition of solids in such industrial waste in the manner and to the extent as the Board may require The discharge of industrial waste into any of the waters of the Commonwealth from any such establishment contrary to the provisions of this section or without a permit or after the time fixed in the notice of the Board when a permit is revoked or in violation of any modification thereof is hereby declared to be a nuisance and to be punishable and abatable as herein provided The provisions of this section shall not apply to establishments existing at the date of the approval of this act which may hereafter be temporarily closed for a period not exceeding six months

Section 308 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the erection and construction of treatment works by any person for the treatment of industrial wastes shall be submitted to the Board for its approval before the words are constructed or erected Any such construction or erection which has not been approved by the Board by written permit or any treatment works not maintained or operated in accordance with the rules and regulations of the Board is hereby declared a nuisance and to be punishable and abatable as herein provided

Section 309 Penalties Any person who shall discharge any industrial wastes into the waters of the Commonwealth after the Board shall have given notice to discontinue the same as provided in section three hundred two shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and a further fine of ten dollars per day for each day the offense is continued and in default of the payment of such fine and costs the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof may be imprisoned in the county jail for a period not exceeding sixty days

Any person who shall continue to discharge any industrial waste into any of the waters of the Commonwealth contrary to the provisions of this act after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the Court of Quarter Sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof may be imprisoned in the county jail for a period of not more than one year

Section 310 Acid Mine Drainage and Silt The provisions of this article shall not apply to acid mine drainage and silt from coal mines until such time as the opinion of the Sanitary Water Board practical means for the removal of the polluting properties of such drainage shall become known

ARTICLE IV

Petty Pollution

Section 401 Petty Pollutions Prohibited It shall be unlawful for any person to put or place into any of the waters of the Commonwealth any explosive or to put or to allow any substance of any kind or character injurious or inimical to the public health or to animal or aquatic life or to the uses of water for industrial purposes or for recreation to be turned into or to run or flow or wash or to be emptied into any of the waters of the Commonwealth

Any person violating the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the provisions of this section after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the Court of Quarter Sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and such person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year Each day during which this section is violated shall constitute a separate offense

Nothing contained in this section shall be construed to apply to any sewage or industrial waste the discharge of which is regulated or prohibited by the preceding sections of this act but this section shall apply to explosives and to all other substances injurious or inimical to the public health or animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and to any sewage or industrial waste the discharge of which is not regulated or prohibited by the preceding sections of this act This section shall not be construed to prohibit the use of explosives for engineering purposes when a written permit has been given therefor by proper national state or municipal authorities

Section 402 Abatement of Petty Pollutions The violation of any of the provisions of the preceding section of this act is hereby declared to constitute a nuisance and to be abatable as herein provided

Section 403 Powers of Board The Board shall have power to adopt and promulgate reasonable rules and regulations for the purpose of preventing petty pollutions and to provide for and regulate the installation and maintenance of septic tanks or other methods of treatment whenever deemed necessary by the Board

ARTICLE V

Domestic Water Supplies

Section 501 Protection of Domestic Water Supplies In addition to the powers and authority hereinbefore granted power and authority is hereby conferred upon the Board after due notice and public hearing to make adopt promulgate and enforce reasonable orders and regulations for the protection of any source of water approved by the Commissioner of Health or the Department of Health for present or future supply to the public and prohibiting the pollution of any such source of water so approved rendering the same inimical or injurious to the public health or objectionable for public water supply purposes

Section 502 Penalty Any person violating any of said orders and regulations of the Board or refusing or omitting to comply with any direction or stipulation of the Secretary of Health made in accordance with said orders and regulations after thirty days' notice thereof shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the orders and regulations of the Board or refuse or omit to comply with any direction or stipulation of the Secretary of Health after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the Court of Quarter Sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year

Section 503 Public Nuisances A violation of the orders and regulations adopted by the Board pursuant to section five hundred and one of this act shall constitute a nuisance and whenever such a pollution shall be maintained or continued contrary to such orders and regulations the same may be abatable in the manner provided by this act

ARTICLE VI

Procedure

Section 601 Abatement of Pollutions All pollutions hereinbefore declared to be nuisances or maintained contrary to the provisions of this act shall be abatable in the manner now provided by law or equity for the abatement of public nuisances In addition suits to abate pollution of any of the waters of the Commonwealth may be instituted in equity or at law in the name of the Commonwealth upon relation of the Attorney General or upon relation of any district attorney of any county or upon relation of the solicitor of any municipality affected after notice has first been served upon the Attorney General of the intention of the district attorney or solicitor to so proceed Such proceedings may be prosecuted in the Court of Common Pleas of Dauphin County or in the Court of Common Pleas of the county where the nuisance has been or is being committed or of any county through which or along the borders of which flows the water into which such pollution has been discharged at any point above and to that end jurisdiction is hereby conferred in law and equity upon such courts provided however that no action shall be brought by such district attorney or solicitor against any municipality discharging sewage under a permit of the Board heretofore issued or hereafter issued under this act and provided further that except in cases of emergency where in the opinion of the court the exigencies of the cases require immediate abatement of said nuisances the court may in its decree fix a reasonable time during which the person or municipality responsible for the nuisances may make provision for the abatement of the same

Section 602 Preliminary Injunctions In cases where the circumstances require it or the public health is endangered a mandatory preliminary injunction or special injunction may be issued upon the terms prescribed by the court notice of the application therefore having been given to the defendant in accordance with the rules of equity practice and in any such case the Attorney General the district attorney or the solicitor of any municipality shall not be required to give bond

Section 603 Summary Proceedings All summary proceedings under the provisions of this act may be brought before any magistrate alderman or justice of the peace of the county where the offense occurred or the unlawful discharge of sewage industrial waste or pollution was maintained or in the county where the public is affected and to that end jurisdiction is hereby conferred upon said magistrates aldermen or justices of the peace subject to appeal by either party in the manner provided by law In the case of any appeal from any such conviction in the manner provided by law for appeals from summary conviction it shall be the duty of the district attorney of the county to represent the interests of the Commonwealth

Section 604 Complaints Investigations Upon complaint made in writing by any responsible person to the Board it shall be the duty of the Board through its agents to investigate any alleged source of pollution of the waters of the Commonwealth and to institute appropriate proceedings under the provisions of this act to discontinue any such pollution if the offense complained of constitutes a violation of the provisions of this act

Section 605 Appeals Any order decision rule or regulation made by the Board shall be subject to appeal to the Court of Common Pleas of Dauphin County within thirty days from its entry by any person or municipality but in such appeal the decision rule or regulation of the Board shall be prima facie evidence of the correctness thereof and the burden to establish the incorrectness thereof shall be upon the appellant Said court may affirm or modify any such order decision rule or regulation if it be established by the appellant that the discharge of sewage or industrial waste or the erection maintenance or operation of any treatment works is not nor likely to become inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and if the court so finds it may set aside such order decision rule or regulation of the Board Any order (other than an order to discontinue the discharge of industrial waste) decision rule or regulation appealed from shall not be superseded by the appeal but shall be in force until the order of the court is made as above provided The setting aside of any order or decision of the Board by the court upon any such appeal shall not prevent or preclude said Board from again instituting subsequent proceedings against the same person or municipality when in its opinion the public health is endangered or animal or aquatic life destroyed or water rendered unfit for domestic industrial or recreational purposes subject to appeal as above provided

Section 606 Proceedings Where Waters Polluted from Many Sources Nothing contained in the laws of the Commonwealth shall estop the Board from proceeding under the provisions of this act against any particular municipality or person discharging sewage or industrial waste or other noxious or deleterious substance into the waters of the Commonwealth even though said waters are at the time polluted from other sources

Section 607 Public Records Evidence All papers records and documents of the Board and applications for permits pending before the Board shall be public records open to inspection during business hours and copies of all such public records and the rules and regulations of the Board certified by the Secretary of Health shall be received in evidence in all courts and elsewhere

Section 608 Existing Rules Regulations and Orders All rules and regulations heretofore adopted by the Board and all orders made and actions taken by the Board or the Secretary of Health under the provisions of law repealed by this act shall continue in force with the same effect as if such laws had not been repealed subject however to modification change or annulment as may be deemed necessary by the Board in order to comply with the provisions of this act

Section 609 Application and Permit Fees The Board is hereby authorized to fix and collect from persons and municipalities a reasonable filing fee for applications filed and for permits issued

ARTICLE VII

Scope and Purpose

Section 701 Existing Rights and Remedies Preserved The collection of any penalty under the provisions of this act shall not be construed as estopping the Commonwealth or any district attorney or solicitor of a municipality from proceeding in courts of law or equity to abate pollutions forbidden under this act or abate nuisances under existing law It is hereby declared to be the purpose of this act to provide additional and cumulative remedies to abate the pollution of the waters of this Commonwealth and nothing in this act contained shall in any way abridge or alter rights of action or remedies now or hereafter existing in equity or under the common law or statutory law criminal or civil nor shall any provision in this act or the granting of any permit under this act or any act done by virtue of this act be construed as estopping the Commonwealth persons or municipalities in the exercise of their rights under the common law or decisional law or in equity from proceeding in courts of law or equity to suppress nuisances or to abate any pollution now or hereafter existing or enforce common law or statutory rights

ARTICLE VIII

Repealer

Section 801 Repeal The following acts and parts of acts of Assembly are hereby repealed

Sections four five six seven eight nine ten and eleven of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health"

The act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred ninety-three) entitled "An act to preserve the purity of the sources of public water supplies hereafter approved authorizing the Advisory Board of the Department of Health to make orders and regulations therefor and the Commissioner of Health to enforce the same providing penalties for violation thereof and for abatement of nuisances by injunction"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Will the House adopt the report of the Committee of Conference?

REPORT OF COMMITTEE OF CONFERENCE RETURNED

Mr. LaRUE. Mr. Speaker, I move that the report of the Committee of Conference on House Bill No. 158, be returned to the Committee of Conference for further consideration

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2361, (Senate Bill No. 1208), entitled:

An Act to amend sections twelve as amended of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and return to school service

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL PASSED OVER

There being no objection House Bill No. 2430, (Senate Bill No. 776), Printer's No. 691 was passed over at the request of Mr. TURNER.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2399, (Senate Bill No. 1237), as follows:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College subject to certain reservations and conditions the Mont Alto State Forest School and to accept a conveyance from said college of a tree nursery tract

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania through the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters shall have power to convey in the name of the Commonwealth of Pennsylvania to the Pennsylvania State College for forest school purposes subject to certain reservations and conditions the property of the State Forest School comprising 37.7 acres more or less located partly in the Borough of Mont Alto and the Township of Quincy in Franklin County together with the buildings and improvements thereon erected and to accept a conveyance from the Trustees of the Pennsylvania State College to the Commonwealth of Pennsylvania of the tree nursery of five acres more or less located at the intersection of Mont Alto and Tomstown Roads at the entrance of the Pennsylvania State Forest School Franklin County which is bounded by properties of D M Wertz the Protestant Episcopal Church State Forest land Corbin Elden and John Parker

The deed of conveyance for said State Forest School property shall be executed by the Secretary for Property and Supplies in the name of the Commonwealth The deed for the conveyance of the tree nursery tract to the Com-

monwealth after being recorded in the office of the recorder of deeds of Franklin County shall be deposited with the Department of Internal Affairs Both of such deeds shall be approved by the Department of Justice

Section 2 The buildings to be included in said conveyance of the State Forest School by the Commonwealth to the Pennsylvania State College shall include the dormitory cottage number one Double Cottage Weistling Hall cottage number two cottage number three Science Hall and the garage but said buildings and the lands hereby authorized to be conveyed shall be conveyed subject to the following reservations and conditions

(a) That the Department of Forests and Waters shall have the right to use cottage number one for such period of time as it deems necessary as a residence for the district forester

(b) That the Department of Forests and Waters shall have the right to occupy and use for such period of time as it deems necessary the quarters in Science Hall now used as a district office and forest research offices and shall retain title to the furniture equipment books and instruments therein located and

(c) That the Department of Forests and Waters shall have the right to occupy and use three rooms in Weistling Hall selected by it and the furniture and household furnishings therein located for such period of time as it deems necessary

(d) All other furniture fixtures and other personal property not so reserved shall become the property of the Pennsylvania State College

(e) That the Pennsylvania State College shall continue to maintain operate and use said lands and buildings for forest school purposes and in case such maintenance operation and use shall be discontinued said lands and buildings shall revert to the Commonwealth

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2487, (Senate Bill No. 1075), entitled:

An Act to protect the public health and welfare by regulating employment in this Commonwealth with respect to hours and conditions of employment providing for certain exceptions imposing duties liabilities and conditions on employers defining the powers and duties of the Department of Labor and Industry and its officers and Representatives and providing penalties

The first to the fourth sections inclusive were separately read and agreed to as follows:

Section 1 Definitions Whenever used in this act

(a) "Employ" includes permit or suffer to work

(b) "Employer" includes every person firm corporation partnership stock association agent manager representative or foreman or other person having control or custody of any employment place of employment or of any employe

(c) "Day" includes any period of twenty-four consecutive hours

Section 2 Hours of Work Except as hereinafter provided no employer shall employ any person for more than forty-four hours in any one week or eight hours in any one day or on more than five and one-half days in any period of seven consecutive days

(a) A person may be employed in more than one place of employment provided the aggregate number of hours such person is employed does not exceed eight in any one day or forty-four in any one week provided that one day of rest may be sub-divided into two days of twelve hours each for employes in hotels boarding houses and in charitable educational and religious institutions at the discretion of the Department of Labor and Industry with the approval of the Industrial Board

(b) Where the strict application of the schedule of hours provided for by this section imposes an unnecessary hardship and violates the intent and purpose of this act the Department of Labor and Industry with the approval of the Industrial Board may make alter amend and repeal general rules and regulations prescribing variations from said schedule of hours

(c) Nothing in this section or any other provisions of this act shall apply to employment in agricultural field occupations or in domestic service in private homes or to the work of persons over twenty-one years of age earning at least twenty-five dollars a week in bona fide executive positions or learned professions

Section 3 Meal Period No employer shall employ any person for a period of more than five hours of continuous labor unless such period is broken by a meal period of at least one-half hour and for the purpose of this section no period of less than thirty minutes shall be deemed to interrupt a continuous period of work

Section 4 Posting of Law Every employer shall post and keep conspicuously posted in or about the premises wherein any person is employed a printed abstract of this act to be furnished by the Department of Labor and Industry

The fifth section was read as follows:

Section 5 Posting of Schedule of Hours

(a) Every employer shall post and keep conspicuously posted in or about the premises wherein any person is employed a schedule of hours of employment which shall contain the maximum number of hours each person shall be employed during each day of the week with the total hours per week the time of commencing and stopping work and the time of commencing and stopping the meal periods If more than one schedule of hours is in operation at a particular place of employment the posted schedule shall also contain the names of the employes working on the different shifts and shall clearly indicate the hours required of each person or group of persons An employer may permit a person to begin work after the time for beginning and to cease work before the time for ending stated in such schedule but he shall not otherwise employ him except as stated in such schedule Said schedule of hours shall not be changed except upon written application of the employer and on the aproval of the Department of Labor and Industry Said schedule shall be on a form provided by the Department of Labor and Industry and shall remain the property of said department

(b) The presence of any employe at the place of employment at any other hours than those stated in the schedule applying to him shall constitute prima facie evidence of violation of this act

(c) In any place of employment wherein owing to the character of the work it is difficult to fix the hours of employment weekly in advance the Department of Labor and Industry on application accompanied by evidence which satisfies it of the necessity therefor may grant a permit dispensing with the schedule required in this section Any employer to whom such a permit is granted shall post such information as to hours required of employes as the department may require

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 4, section 5, sub-section (a) line 14 by striking out the following: "Said schedule"

Amend page 4, section 5, sub-section (a) by striking out the entire lines 15 and 16

Amend page 4, section 5, sub-section (a) line 17 by striking out the following: "Department of Labor and Industry"

Amend page 4, section 5 sub-section (b) by striking out the entire lines 20, 21, 22, and 23

Amend page 4, section 5 sub-section (c) line 25 by striking out (c) and inserting in lieu thereof the following: "(b)"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

They were agreed to.

The sixth section was read as follows:

Section 6 Time Records Every employer shall keep in or about the premises wherein any person is employed a time book or record which shall state the name address and occupation of each person employed the number of hours worked by him on each day of the week the hours of beginning and ending such work the hours of beginning and ending meal periods and the amount of wages paid each day period to each such person Such time book or record shall be kept on file for at least one year after the entry of the record Any duly authorized representative of the Department of Labor and Industry shall for the purpose of examination have access to and the right to copy from such time book or record Any employer who fails to keep such a time book or record or knowingly makes any false statement therein or refuses to make such time book or record accessible upon request to any such duly authorized representative shall be deemed to have violated this section

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 5, section 6, by striking out lines 6 to 23 inclusive.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh section was read as follows:

Section 7 Enforcement It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act Any authorized representative of said department shall have the power and authority to enter any place of employment and in the enforcement of this act shall enter and inspect as often as practicable all such place of employment Such representatives shall investigate complaints of violations of this act received by them and shall have power to institute prosecutions as hereinafter provided for violations of this act

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 5, section 7, line 24 by striking out the figure "7" and inserting in lieu thereof the following: "6"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighth section was read as follows:

Section 8 Power as to Witnesses The Secretary of Labor and Industry or his authorized representative in the performance of any duty or execution of any power prescribed by this act shall have the power to administer oaths take and cause to be taken depositions of witnesses issue subpoenas compel the attendance of witnesses and the production of papers books accounts payrolls documents records and testimony In case of failure of any person to comply with any such order of the Secretary of Labor and Industry or any subpoena lawfully issued or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated it shall be the duty of any Court of Common Pleas of the Commonwealt hor any judge thereof upon application of the Secretary of Labor and Industry or of his authorized representative to compel obedience by issuing its subpoena and any refusal to obey the subpoena of the court shall be punished as for contempt

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 6, section 8, line 5 by striking out the figure "8" and inserting in lieu thereof the following: "7"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth section was read as follows:

Section 9 Interference With Enforcement No person shall hinder or delay any authorized representative of the Department of Labor and Industry in the performance of his duties nor shall any person refuse to admit to or lock out from any place of employment any such authorized representative or refuse to give such authorized representative information required for the proper enforcement of this act

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 6, section 9, line 23 by striking out the figure "9" and inserting in lieu thereof the following: "8"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth section was read as follows:

Section 10 Violation of Act Except as hereinater otherwise provided any person who whether on his own behalf or for another or through an agent manager representative foreman or other person shall violate any provision of this act shall be guilty of a misdemeanor And upon conviction thereof shall be sentenced to pay a fine of one thousand dollars ($1,000.00) or undergo imprissonment of one year or both at the discretion of the Court

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 7, section 10, line 3 by striking out the figure "10" and inserting in lieu thereof the following: "9"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eleventh section was read as follows:

Section 11 Penalties Whoever violates any provision of sections one or two of this act shall be punished by a fine of not less than twenty-five dollars ($25) or more than two hundred dollars ($200) or by imprisonment for not more than sixty days or by both at the discretion of the court and whenever any person shall have been notified by the department or its authorized representative or by the service of a summons in a prosecution that he is violating such provision he shall be punished by like penalties in addition for each and every day that such violation shall have continued after such notification Provided further That the employment of any person in violation of such provisions with respect to each person so employed shall constitute a separate and distinct offense

Whoever violates any of the provisions of sections four five six or nine of this act shall be punished for the first offense by a fine of not less than twenty-five dollars ($25) or more than two hundred dollars ($200) or imprisonment for not more than sixty days or both at the discretion of the court and whenever any person shall have been notified by the Department of Labor and Industry or its duly authorized representative that he is violating such provisions and shall have been given a reasonable time in which to remedy the conditions which shall constitute such violations he shall be punished in addition to the penalties aforesaid by like penalties for each and every day that such violation shall have continued after the expiration of the time allowed by the Department of Labor and Industry or its duly authorized representative for remedying the aforesaid conditions Provided That no person shall be sentenced to imprisonment for more than one year at one time for violation of this act

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 7, section 11, line 11 by striking out the figure "11" and inserting in lieu thereof the following: "10"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twelfth section was read as follows:

Section 12 Intimidating Witnesses Whoever shall by force intimidation threat or procuring dismissal from employment or by any other manner whatsoever induce or attempt to induce an employe to refrain from giving testimony in any investigation or proceeding relating to or arising under this act or whoever discharges or penalizes any employe for so testifying shall upon conviction in a summary proceeding be punished by a fine of not less than twenty-five dollars ($25) or more than two hundred dollars ($200)

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 8, section 12, line 16 by striking out the figure "12" and inserting in lieu thereof the following: "11"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirteenth section was read as follows:

Section 13 Constitutionality of Act Except as to subsection (b) of section two the provisions of this act shall be severable and if any provision thereof shall be held unconstitutional the decision so holding shall not be construed to affect or impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein Provided however That the provisions of subsection (b) of section two are hereby declared not to be severable from the other provisions of this act and in the event the provisions of such sub-section are held to be unconstitutional it is hereby delcared that the legislative intent is that the entire provisions of this act shall not be in force or effect

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 8, section 13, line 26 by striking out the figure "13" and inserting in lieu thereof the following: "12"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourteenth section was read as follows:

Section 14 This act shall become effective on November first one thousand nine hundred thirty-seven

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 9, section 14, line 12 by striking out the figure "14" and inserting in lieu thereof the following: "13"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The preamble and title were read and agreed to as follows:

Be it eacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

An Act to protect the public health and welfare by regulating employment in this Commonwealth with respect to hours and conditions of employment providing for certain exceptions imposing duties liabilities and conditions on employers defining the powers and duties of the Department of Labor and Industry and its officers and representatives and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2464, Senate Bill No. 955, Printer's No. 781, was passed over at the request of The SPEAKER.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2466, (Senate Bill No. 1089), entitled:

An Act for the better government of cities of the first class of this Commonwealth regulating and improving the civil service of such cities establishing and regulating the powers and duties of Civil Service Commissions providing for the appointment of Civil Service Commissioners providing for the appointment and regulating the duties and powers of Civil Service Directors defining certain crimes imposing penalties and repealing existing laws relating thereto

The first section was read as follows:

Section 1 From and after the effective date of this act all appointments transfers re-instatements promotions lay-offs demotions reductions suspensions removals and dismissals in the civil service of cities of the first class shall be made in accordance with the terms and provisions of this Article and the rules prescribed thereunder

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment wlil be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 2, line 20, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 The civil service of such cities shall include all offices positions and employments in or under such cities or any departments boards or commissions thereof

The third section was read as follows:

Section 3 Definitions A In this Article the following terms shall be construed to have the following meanings except in those instances where the context clearly indicates otherwise

(a) "Commission" means the Civil Service Commission of such cities

(b) "Commissioner" means a member of the Civil Service Commission of such cities

(c) "Director" means the Civil Service Director of such cities

(d) The "Unclassified Service" shall comprise

(1) All officers elected by the people

(2) The Director and the Assistant Director of each department of the City Government the Civil Service Commissioners the members of the Commission on City Planning and the Art Jury

(3 The City Solicitor and all assistant City Solicitors

(4) Persons employed by contract to perform a special service for such cities where such contract is certified by the Commission to be for employment which cannot be performed by persons in the classified service

(5) Persons who in times of public emergency may be appointed as special policemen or firemen for service not to exceed thirty days in duration

(6) Persons temporarily appointed or designated to make or conduct a special inquiry investigation or examination where such appointment or designation is certified by the Commission to be for employment which should not be performed by persons in the classified service

(e) "Classified Service" means all positions now existing or hereafter created in the service of such cities not specifically included in the unclassified service

(f) "Non-competitive division" means all positions in the classified service for the filling of which the Commission shall have found competitive tests to be impracticable after a public hearing of which suitable public notice has been given and for which the Commission has determined that it is unable after actual trial to obtain by competitive tests persons possessing the usual and requisite qualifications for filling such positions Such actual trial shall not be necessary as to positions for which the compensation including a fair valuation to be determined by the Commission for meals lodging uniform or other allowance is at a rate less than nine hundred dollars ($900.00) per annum.

(g) "Labor Division" means all positions in the classified service which can be satisfactorily filled by ordinary laborers not required to have skill at the time of employment or thereafter during employment

(h) "Competitive Division" means all positions in the classified service other than those in the non-competitive or labor division

(i) "Appointing Authority" means the officer board commission person or group of persons having power by virtue of the Constitution a statute or lawfully delegated authority to make appointments

(j) "Position" means a place of employment in the service of such cities such that the duties and responsibilities appertaining thereto are exercised by one person

(k) "Class" or "Class of positions" means a group of positions sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education experience knowledge and ability are demanded of incumbents the same tests of fitness may be used to choose qualified appointees and the same schedule of compensation may be made to apply with equity

(l) "Permanent Position" means a position specifically provided for in the annual financial program or established in a department or institution according to law and likely to be needed continuously for a period of six months or more

(m) "Extra Position" means a position in the classified service which arises out of temporary pressure of extra work and which will continue for a period of less than six months

(n) "Employe" means a person legally occupying a position in the classified service

(o) "Employment List" means a list of persons arranged in the order of excellence and found qualified for appointment to positions of a given class in the classified service through suitable tests given under this Article

(p) "Re-employment List"' means a list of persons previously holding positions in a given class in the classified service and entitled to re-employment ahead of all other persons when vacancies occur in the class

(q) "Rules" means rules adopted by the Commission as provided herein and having the effect of law

B In this Article wherever the masculine gender is used it shall be construed to include the feminine

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 3, page 2, line 24, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 3, page 5, line 20, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 3, page 5, line 27, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 Any person who holds an office position or employment in the competitive division of the classified service as herein defined at the time this act takes effect and who was appointed to such office position or employment after test and certification shall become a member of the competitive division of the classified service created by this Article without original entrance test Any person holding an office position or employment in such classified service at the time this article takes effect who nas not been appointed after test and certification shall continue to hold such office position or employment only until laid off or removed for inefficiency by the appointing authority or until removed under the provisions of this Article but such persons shall not be entitled to re-employment reinstatement transfer or promotion under the provisions of this article

On the question.

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 4, page 6, line 7, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 4, page 6, line 9, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 4, page 6, line 14, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 4, page 6, line 16, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 A Subject to the provisions of section 54 of this Article there shall be established and constituted in such cities a Civil Service Commission consisting of five civil service commissioners two of whom shall be appointed by the Mayor of such cities and two of whom shall be appointed by the City Controller of such cities and the four commissioners so appointed shall elect the fifth commissioner within 30 days after their appointment The Civil Service Commissioners so appointed shall hold office for a term of four years and until their successors are severally appointed and qualified Vacancies in the office of Civil Service Commissioner shall in like manner be filled for the remainder of the term by the appointing power which appointed the person whose vacancy is to be filled The commissioners shall elect from among their own number a chairman and secretary Each commissioner shall qualify by filing with the Mayor an oath to perform the duties of his office faithfully and without fear or favor

B The Commission shall have power to administer oaths subpoena and require the attendance of witnesses citizens and residents of this State and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized and to examine them and such public records as it shall require in relation to any matter which it has the authority to investigate The fees of such witnesses for attendance and travel shall be the same as for witnesses before the Courts of Common Pleas and shall be paid from the appropriation for the incidental expenses of the Commission All officers in the public service and their deputies clerks subordinates and employes shall without fee attend and testify when required to do so by said Commission Any disobedience to or neglect of any subpoena issued by the said commissioners or any one of them to any person shall be held a contempt of court and shall be punished by any Court of Common Pleas of this Commonwealth as if such subpoena had been issued therefrom Any judge of any of said courts shall upon the application of any one of said commissioners in such cases cause the process of said court to issue to compel such person or persons disobeying or neglecting any such subpoena to appear and to give testimony before the said commissioners or any one of them and shall have power to punish any such contempt

On the question.

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment:

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 5, page 6, line 18, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth section was read as follows:

Section 6 It shall be the duty of the Commission

1 After public hearing as defined herein to establish adopt and amend rules either on its own motion or upon recommendation of the Director for making effective the provisions of this Article Such rules shall have the effect of law

2 After public hearing as defined herein to approve modify or reject such classification and compensation plans for the classified service of such cities as may be presented by the Director after a survey of the personnel and department organization included in such plans

3 To place positions in the non-competitive division as herein provided

4 To make investigations either on petition of a citizen or on its own motion concerning any matter touching the enforcement and effect of the provisions of this Article and to require observance of the provisions of this Article and the rules and regulations made thereunder

5 To make such investigations as may be requested by the Mayor Controller or Council and to report thereon

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 6, page 8, line 8, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 6, page 8, line 20, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 6, page 8, line 21, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh section was read as follows:

Section 7 Subject to the provisions of section 54 of this Article the Commission shall appoint a Civil Service Director in the manner prescribed in this Article and may authorize him to appoint such examiners investigators clerks and other assistants as may be necessary to carry out this Article Such employes shall be in the competitive division The total compensation of such employes and assistants during any fiscal period shall never exceed the amount appropriated for that purpose The Director shall receive annual compensation commensurate with the importance of his responsibilities and duties and shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of his duties He and other members of the Commission's staff shall receive compensation in accordance with schedules of compensation established as provided in this Article Pending the establishment of such schedules of compensation their compensation shall be fixed by the Commission subject to the approval of Council

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 7, page 8, line 25, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 7, page 8, line 26, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 7, page 8, line 29, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 7, page 9, line 10, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree ot the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighth section was read as follows:

Section 8 Subject to the provisions of section 54 of this Article the Commission or a special board of examiners dessignated by it shall hold competitive tests and establish an employment list for Civil Service Director From such list the Commission shall appoint a Civil Service Director in accordance with the procedure and principles prescribed in this Article for the selection of employes for entrance into the competitive division of the classified service Any person appointed as Civil Service Director shall at the time of his appointment be thoroughly familiar with the principles and methods of personnel administration He shall be of good repute in his business profession or occupation and known to be in sympathy with the systematic application of merit and good business principles in the handling of personnel matters in the public service He shall not hold any other public office or employment The Civil Service Director shall be in the competitive division of the classified service and shall not be removed except in accordance with the procedure prescribed in this Article for the removal of persons in such service

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 8, page 9, line 15, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 8, page 9, line 20, by striking ou the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 8, page 10, line 3, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth section was read as follows:

Section 9 The Civil Service Director shall be the chief executive officer of the Commission and except as otherwise provided in this Article shall direct and supervise its administrative work

It shall be his duty

1 To attend the meetings of the Commission act as its assistant-secretary and record its official actions

2 To prepare and recommend to the Commission rules and amendments thereto to administer such rules to appoint under the provisions of this Article with the approval of the Commission such examiners classifiers investigators clerks and employes as may be necesary to carry out the proviions of this Article and to supervise and direct their work

3 To establish and maintain a roster of the employes

of such cities showing for each such person the title of the position held the rate of compensation and every change in his status including increases and decreases in pay changes in title transfers sick and annual leaves with or without pay and other facts which the Director may consider desirable and pertinent

4 To ascertain and record the duties responsibilities and authority pertaining to all positions in the classified service of such cities and to classify such positions in the manner hereinafter provided

5 For each class of positions in the classified service to make a study of proper rates of compensation and to make reports thereon as provided in section 18 From time to time as he may consider necessary and in any case at intervals not to exceed two years he shall make additional compensation studies and recommendations to be submitted to the Commission as aforesaid

6 To test and pass upon the qualifications of applicants for appointment to or promotion in the classified service to establish re-employment lists for the various classes upon request from appointing authorities or upon indication of the necessity for appointment in order to comply with the provisions of this Article or upon the request for the authorization for a temporary or provisional appointment in any class to certify the names of persons for a temporary or provisional appointment in any class to certify the names of persons eligible for employment promotion or re-employment to devise install and administer service rating systems and training courses to arrange and pass upon transfers to regulate annual sick and special leaves of absence hours of work attendance and payments for overtime in accordance with the provisions of the rules adopted and approved as aforesaid and to see that layoffs demotions suspensions removals retirements and other separations from the service are made in accordance with this Article

7 From time to time to investigate the effect of the administration of this Article and the rules made thereunder and to report his findings and recommendations to the Commission

8 On or before July first of each year to make an annual report to the Commission to be transmitted to the Mayor and Council concerning the administrative work of the Commission under his direction including pertinent information and recommendations

9 To do any act or acts required by this Article or which may be necessary to carry into effect its provisions purpose and spirit

On the question,

Will the House agree to the Section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 9, page 10, line 7, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 9, page 10, line 14, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 9, page 10, line 17, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 9, page 11, line 13, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 9, page 11, line 26, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 9, page 12, line 9, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 9, page 12, line 17, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth to the twelfth sections inclusive were separately read and agreed to as follows:

Section 10 Such cities shall furnish the Commission and Director with suitable rooms for carrying on their work and shall supply them with the necessary stationery postage printing and other supplies All officers and employes of such cities shall during the usual business hours grant the Commission and its employes or authorized agents free access to the premises and records under their control and shall furnish the Commission such facilities assistance and information as it may require in carrying on its functions

Section 11 Before adopting or amending the rules or cancelling the re-employment or employment lists on account of illegality fraud or other reasons or before placing positions in the non-competitive division the Commission shall hold a public hearing at which any citizen shall have the right to appear and be heard at reasonable length Public notice of any public hearing shall be given at least five days in advance of the hearing by posting on a bulletin board maintained in or near the Commission's principal office in a place accessible to the public during business hours a statement of the time and place of the hearing and of the matter to be considered at such hearing The Commission may give such further public notice of such hearing as it deems advisable

Section 12 The minutes of the Commission shall be preserved as permanent records The correspondence re-employment and employment lists and other papers and records of the Commission shall be preserved for five years and shall together with the minutes subject to reasonable regulation as to the time of examination be open to public inspection during the ordinary business hours except as herein specifically otherwise provided The Director shall take due precautions to prevent the securing in advance by any unauthorized person of questions or other material used in any tests unless such questions or material are available for all competitors He shall prevent the identification by an examiner or other person where identity is concealled of papers or work of any competitor in a test before the papers or work of all competitors in that test have been rated Statements of the former employers of competitors in tests may by the direction of the Commission be considered confidential and not open to examination by any person not an employe of the Commission or by a competitor even though employed by the Commission

The thirteenth section was read as follows:

Section 13 The Director subject to the approval of the Commission shall as soon as practicable but in any event not later than one year after the effective date of this Article after consulting the appointing authorities ascertain and record the duties of positions in the classified service re-establish classes and prepare for adoption by the Commission a statement giving a complete description of each class The statement when adopted by the Commission shall be published It shall be known and be described as "The Classification Plan" of such cities and shall show for each class

(a) The title given to the class

(b) The duties and responsibilities exercised by those holding positions allocated to the class illustrated where necessary by example of typical tasks

(c) The minimum qualifications required for the satisfactory performance of such duties and tasks and the exercising of such responsibilities and

(d) As far as practicable the lines of promotion to and from the class

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 13, page 14, line 10, by striking out the following: "Article" and inserting in lieu thereof: "act".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourteenth to the nineteenth sections inclusive were separately read and agreed to as follows:

Section 14 As soon as possible after the adoption of the Classification Plan the Director subject to the approval of the Commission shall after affording employes a reasonable opportunity to be heard and after consultation with appointing authorities and their principal assistants allocate each position in the classified service to its proper class Each employe shall assume the classification title of his position

Section 15 The Director subject to the approval of the Commission shall from time to time as he deems necessary establish additional classes and allocate thereto new positions created or positions not included in any previously established class and may divide combine alter or abolish existing classes and reallocate positions In case any amendment of the classification plan requires the re-allocation of an existing position the employe holding such position shall have reasonable right to be heard before final action is taken

Section 16 Appointing authorities shall promptly report to the Director the establishment of new positions authorized by law in order that they may be classified and allocated Any change in the duties of an existing position which in the judgment of the Director is material shall be interpreted as serving in effect to abolish the position and to create a new position Appointing authorities shall report material changes in the duties of positions to the Director.

Section 17 The classification titles shall be used in all records and communications of the Commission the appointing authorities the Mayor Council and fiscal officers of such cities and shall also be used in all estimates submitted to Council requesting the appropriation of money to pay for services and in all reports and papers relating to payments for services

Section 18 For each class of positions in the classified service the Director shall make a study of the rates being paid for similar services elsewhere and of other information and data pertaining to proper rates of compensation After consultation with the appointing authorities and their principal assistants he shall prepare a report to the Commission setting forth a schedule of compensation for each class Such schedule shall show for each class a maximum salary rate a minimum salary rate and such intermediate rate or rates or any of them as he considers necessary and equitable After submission of such proposed schedule to the Commission and after public hearing thereon the Commission shall after approval transmit such schedule of compensation to Council for adoption The Director may from time to time recommend to the Commission for its approval and transmission to Council changes in the schedule of compensation for any class together with the reasons therefor

Section 19 After the adoption of the schedule of compensation for any class the rate of compensation for any employe upon appointment to a position in the class shall be at the minimum rate prescribed for the class provided however that where the appointee is already in the classified service in a position in another class his compensation upon appointment to the new position shall be the same as that which he received before such new appointment or if there is no such rate in the schedule for the class to which he is appointed then at the next higher rate in the schedule for that class

The twentieth section was read as follows:

Section 20 The rate of compensation of any employe who has not reached the maximum rate for his class may be increased upon the attainment and maintenance of the appropriate service rating as provided elsewhere in this Article In the absence of service ratings advances in compensation within the salary range for any class may be made on the recommendation of the appointing authority supported by such evidence of increased usefulness in the service as may be required by the rules of the Commission Each such increase shall be to the next higher rate for the class except as provided in this section and shall become effective at the next quarterly date following its approval by the Mayor No employe shall have his compensation increased in the class oftener than once in a calendar year except that the Mayor upon request of the appointing authority approved by the Director and the Commission and on the basis of facts demonstrating that the action is in the interest of good administration may at any time authorize an increase to any rate established for the class to which the position is allocated The Commission in its annual report shall publish the facts regarding each case in which it approves such requests made by appointing authorities to increase the rate of compensation of any employe more frequently than once a year or to a rate above the next higher rate for the class In no case however shall the compensation of any employe be increased unless Council has appropriated funds from which the increase may lawfully be paid nor shall the rate for any employe be greater than the maximum nor less than the minimum rate fixed for his class

On the question,

Will the House agree to the section

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 20, page 17, line 8, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-first section was read as follows:

Section 21 Except as otherwise provided in this Article appointments of persons entering the classified service or promoted therein shall be from employment lists established as the result of tests which are competitive free and open to all persons who may be lawfully appointed to any position within the class for which the tests are held with such limitation as may be specified in the rules of the Commission or the announcements of the tests as recorded in the minutes of the Commission as to age sex health habits moral character and other qualifications requisite to the performance of the duties of such positions Vacancies in the higher classes of positions shall however be filled by promotion as far as is consistent in the judgment of the Commission with the best interests of such cities The Commission may upon recommendation of the Director limit competition in promotion tests to employes in the classified service who have served not less than one year in the class or classes designated in the public notice of the tests

On the question,

Will the House agree to the section

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 21, page 18, line 7, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-second to the twenty-sixth sections inclusive were separately read and agreed to as follows:

Section 22 For each class where such action is appropriate the Director shall cause to be maintained a re-employment list consisting of the names of persons who have occupied positions in the class and who have been separated from the service without fault on their own part or who have taken leave of absence and are ready to return to duty when a position is open or who have resigned in good standing and with the consent of the appointing authority and of the Director have withdrawn their resignations and have not been restored to their positions or who have been rejected after probation or have been removed and by direction of the Commission have been given opportunity for re-employment in some other organization unit than that from which dismissed The Director shall in all cases have authority to determine whether or not the names of any such persons shall be placed on the re-employment list The names shall be arranged on the re-employment list for each class in the order of the average service ratings of the employes for the last six months of service in a position allocated to the class In the absence of service ratings the order shall be as provided by the rules of the Commission After the name of any person shall have remained on the re-employment list for the class for a period of one year unless the period is extended by action of the Commission taken before the expiration of the year and entered in its minutes that name shall be removed from the re-employment list

Section 23 The Director shall give tests to establish employment lists Such tests may be written oral or in the form of a demonstration of skill or any combination of these and shall be of such character as fairly to test and determine the qualifications fitness and ability of competitors actually to perform the duties of the class of positions to which they seek appointment Any investigation of the capacity of persons to be examined shall also include the potential ability of such persons to undertake higher responsibilities upon promotion Honorably discharged soldiers sailors and marines who have served as such in the Army Navy or Marine Corps of the United States or in the National Guard of the State shall be given full credit for their experience gained in such service having due regard to the position for which the examination is held The tests shall take into consideration elements of charter education aptitude experience knowledge skill personality physical fitness and other pertinent matters

Section 24 The Director shall have charge of the preparation and holding of tests of the rating of the work of competitors and of the preparation of resulting employment lists He may call on other persons not on the regular staff of the Commission either within or without the service of such cities for assistance When such persons are in the service of such cities it shall be deemed a part of their official duty to act as examiners without extra compensation

Section 25 A The Director shall give public notice of all competitive tests at least two weeks in advance by causing to be advertised in at least two daily newspapers of general circulation in such cities and to be posted on a bulletin board maintained in or near the Commission's principal office in a place accessible to the public during business hours a notice stating

(1) the title of each class for which tests are to be held

(2) the standard or most common rates of compensation

(3) the time and place of holding the tests

(4) the probable number of appointments to be made immediately or in the future and

(5) the manner and place in which application forms and detailed pertinent information may be obtained The Director shall prepare such detailed information in a form suitable for general distribution The tests shall be given such other publicity as the Director may determine or as the Commission may direct

B The final earned rating of each person competing in any test shall be determined by the weighted average of the earned rating on all phases of the test according to weights for each phase established by the Director in advance of the giving of the examination All persons competing in any test shall be sent notice by mail of their final earned ratings and of their relative standing or of their failure to attain a place upon the list

Section 26 From the reports of examiners the Director shall prepare and submit to the Commission for approval an employment list or lists containing the names of persons arranged in the order of excellence who have been given at least such minimum rating as may be fixed in advance for the whole or any one or more of the tests and whose general average is not less than the minimum fixed by the rules of the Commission and who are otherwise qualified

The twenty-seventh section was read as follows:

Section 27 Employment lists shall continue in force for a period to be fixed by the rules of the Commission Such period may be different for the various classes of positions but shall not be less than one year nor more than two years for any class except that the period may be extended in any case upon the recommendation of the Director approved by the Commission by action taken before the expiration of the period fixed by the rules and entered in the minutes A new employment list for any class shall be combined with any existing list but in such case any portion of such combined list shall be automatically cancelled at the end of the period fixed by such rules unless held in force as above provided The Director with the approval of the Commission may at any time correct clerical errors occurring in connection with the preparation of any employment list and revise the list accordingly but no person who has been appointed as the result of certification from such list shall be displaced by such action The Commission shall have the power at any time after giving notice as required in this Article and after a public hearing to cancel the whole or any part of any employment list on account of illegality or fraud in connection therewith

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 27, page 22, line 23, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-eighth section was read and agreed to as follows:

Section 28 Tests for positions in the non-competitive division shall conform to tests for the competitive division except that such tests shall be limited to one or more persons nominated by the appointing authority of the department or institution in which the position is located and except that public notice of not less than forty-eight hours shall be given Following any non-

competitive test an employment list shall be prepared and approved by the Director as in the case of tests for classes of positions in the competitive division Tests for positions in the labor division shall as far as practicable conform to tests for the competitive division but the Commission may by rule provide for the registration of ordinary unskilled laborers following such medical physical or other tests as may be prescribed and for the order in which their names shall be placed on the employment lists and the number of names which may be certified

The twenty-ninth section was read as follows:

Section 29 Whenever a vacancy in any permanent position in the competitive division of the classified service is to be filled the appointing authority shall request the Director in writing to certify the name of a person qualified for appointment The Director shall thereupon certify the name of the person who is highest in the reemployment list for the class to which the vacant position has been allocated and who is willing to accept appointment In case there is no re-employment list for the class the Director shall certify the names of the two persons who are highest on the employment list for the class and who are willing to accept appointment In case the re-employment and employment lists for the class do not contain the names of a sufficient number of persons to fill the vacancies the Director shall forthwith hold a test to establish an employment list If necessary to prevent the cessation of public business but not otherwise the Director may authorize the filling of the position at once through a provisional appointment as provided in this Article

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 29, page 24, line 4, by striking out the following: "Article" and inserting in lieu thereof: "act".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirtieth to the thirty-sixth sections inclusive were separately read and agreed to as follows:

Section 30 Unless it is found to be in the interest of the service not to fill the vacant position the appointing authority within a reasonable time to be fixed by the rules of the Commission shall appoint the person whose name has been certified from the re-employment list or in case there is no re-employment list the appointing authority shall with sole reference to the relative merit and fitness of the candidates make an appointment from the two names certified from the employment list After any name has been rejected twice by any one appointing authority for the same or a similar position in favor of others on the same employment list such name shall not again be certified to the appointing authority unless requested by such authority In case an employment list consists of less than two names the appointing authority may at his option expressed in writing to the Director at the time of appointment treat such appointment as provisional

Section 31 Appointing authorities shall promptly report to the Director the selection and appointment of eligibles whose names have been certified If an eligible whose name has been certified shall refuse to accept an appointment offered to him such refusal shall be promptly investigated by the Director and if it be found that the refusal has been made for improper or insufficient reasons the Director may remove his name from the employment or re-employment list

Section 32 In case a vacancy of a permanent position in the classified service is to be filled and no person whose name is on the re-employment or employment list for the class is willing to accept appointment or there is no re-employment or employment list for the class the Director subject to the approval of the Commission may if necessary to prevent the cessation of public business but not otherwise authorize the provisional appointment of a qualified person with or without holding any test In all such cases the provisional appointee shall before beginning work fill out and forward to the Director an application form Each such provisional appointment shall only be effective until an appropriate re-employment or employment list has been established and shall not in any event continue for a total of more than ninety days

Section 33 When from pressure of work an extra position in the classified service must be established for a period of less than six months the appointing authority shall request the Director in writing to certify the name of a qualified person In such request the appointing authority shall state the cause of the extra work the probable length of employment and unless the position has been classified the duties which the appointee is to perform The Director shall thereupon authorize the appointment with or without competitive tests of a qualified person for a period not exceeding ninety days Such temporary appointments shall not be renewed more than once As far as practicable however temporary appointment to extra positions shall be made following certification from re-employment and employment lists

Section 34 Any appointing authority or any subordinate authorized by him may to prevent cessation of public business when an emergency arises and time will not permit of securing the authorization from the Director for the appointment of a certified eligible appoint any qualified person during the emergency for a period not exceeding ten days A vacancy in a position of which the appointing authority has had reasonable notice or employment concerning the conditions of which the appointing authority had previous knowledge or of which by the exercise of due diligence he might have had previous knowledge shall not hovewer be considered an emergency Persons thus appointed shall be known as "emergency employes" Appointing authorities shall forthwith report to the Director all emergency appointments and such appointments shall not be renewed

Section 35 To enable the appointing authority to exercise a choice in the selective process involved in the filling of positions no appointment to a position in the classified service whether made from a re-employment list or an original entrance or promotion employment list shall be deemed complete until after the expiration of a probation period to be prescribed in the rules of the Commission The probation period shall in no case be less than three months nor more than six months At the end of the probation period any appointing authority may remove any employe from the position held by him if in his opinion the test provided by observation of his work during the test period thus afforded shows the employe to be unable or unwilling to perforf his duties in a satisfactory manner The Director may require from any appointing authority at any time during the probationary period a report showing whether any employe on probation has shown the degree of efficiency which may reasonably be demanded if he is to continue in the classified service

Section 36 The Director shall devise plans for and cooperate with appointing authorities and other supervising officials in the conduct of employe training programs to the end that the quality of service rendered by persons in the classified service may be continually improved

The thirty-seventh section was read as follows:

Section 37 A The Director subject to the approval of the Commission shall as soon as practicable after this Article takes effect establish standards of performance and a uniform system of service rating for each class of positions or for groups of classes Such standards of per-

formance shall as far as practicable be based upon actual output including quantity and quality of work done and upon conduct and attendance Such standards of performance shall set forth the degree of efficiency which shall constitute ground for

(a) Increase in the rate of compensation for employes who have not attained the maximum rate for the class to which their positions are allocated

(b) Continuance at the existing rate of compensation without increase or decrease

(c) Decrease in the rate of compensation for employes who at the time are above the minimum rate for the class to which their positions are allocated

(d) Demotion or removal and

(e) Consideration in tests for promotion to a higher class

B The Director upon the establishment of standards of performance for any class or group of classes shall also provide for the rating according to the numerical percentage normal distribution or other plan of the service of each employe or of groups of employes by the appointing authorities in the various departments and institutions and for such report or review and revision by the Director of the ratings as may in his judgment be necessary or desirable Each appointing authority shall when requested by the Director submit such ratings to him but in no case shall an appointing authority be compelled to submit such ratings oftener than once in three months Each employe shall have the right at reasonable times during business hours to inspect his service ratings and the service ratings of other employes in the same class as shown by the records of the Commission or of the department or institution in which he is employed

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 37, page 27, line 21, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-eighth to the forty-fifth sections inclusive were separately read and agreed to as follows:

Section 38 An appointing authority may at any time according to the rules of the Commission transfer any classified employe under his jurisdiction from one position to another in the same class of position In every such case the appointing authority shall give written notice of his action to the Director Transfer of a classified employe from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority may be made subpect to the rules of the Commission with the approval of the Director and of both appointing authorities concerned Any transfer of an employe from a position in a lower classification to a position in a higher classification shall be deemed a new appointment and may be accomplished only in the manner hereinbefore provided for the making of appointments No person shall be transferred from a position in the unclassified service to a position in the classified service unless he has obtained a position on an employment list of the classified service as herein provided

Section 39 The Commission shall by rule provide for the granting of annual sick and special leaves of absence to employes with or without pay or with reduced pay No employe shall be granted leave of absence except under such rules

Section 40 In case a reduction in force is necessary because of a change in organization or through cessation or lack of work the employes having the lowest service ratings in the unit and in the class affected shall be first laid off In the absence of service ratings the order of lay-off shall be established by the rules of the Commission The appointing authority shall promptly report to the Director the names of employes laid off together with the date the lay-off of each is effective and the character of his services and the Director shall place the names of such employes whose services have been satisfactory on the re-employment lists for the appropriate class in the order provided herein for the preparation of such lists

Section 41 An appointing authority may for good cause suspend an employe holding a position in the classified service for disciplinary purposes without pay for a period aggregating not more than thirty days in one calendar year No such suspension shall however be for racial religious political or partisan reasons The reasons which shall constitute good cause for suspension may be stated in the rules Every case of suspension together with the reason therefor shall forthwith be reported to the Commission in writing and such report shall be made a part of the Commission's public records

Section 42 The appointing authority may reject an employe appointed to a position in his department or institution at any time before the expiration of the probation period fixed by the rules of the Commission but in all cases the appointing authority shall furnish the Director a statement in writing of the cause for rejection The employe so rejected shall be considered permanently separated from such position but the Director may if he considers such action appropriate place the name of the person thus rejected on the re-employment list of the appropriate class for future certification to other appointing authorities

Section 43 A The Commission shall adopt rules governing the re-instatement within one year of persons who without fault or delinquency on their part have resigned or have been separated from the classified service Persons who have voluntarily resigned from the service shall not be re-instated within three months Absence from duty without notice to the appointing authority for a period of three working days may be regarded as the abandonment of a position and in effect a resignation

B No resignation of any person in the classified service shall be effective unless accepted within fifteen days after the actual date of making thereof Any person who leaves the classified service may request the Director in writing for a public hearing before the Commission stating his reasons for such request If on investigation the Director finds that the employe has been forced to resign against his will and without just cause or that his separation from the service has been involuntary and not justificable the Commission shall grant such person at the earliest opportunity a public hearing as hereinafter provided in the case of removal or demotion

Section 44 The Director with the approval of the Commission shall recommend to the Mayor the retirement of any employe who is his judgment has become unfitted for the efficient performance of the duties of his position owing to advanced age or to physical or mental disability

Section 45 A Except as provided herein concerning suspension for disciplinary purposes no person in the classified service shall be dismissed removed suspended reduced or demoted in pay or position except for just cause which shall not be religious racial political or partisan Nor shall any person in the classified service be dismissed removed suspended reduced or demoted in pay or position except as herein provided as to the holders of provisional temporary or emergency appointments or employes on probation until he shall have been furnished with a written notice of intended dismissal removal suspension reduction or demotion setting forth the reasons for such action and until he has been allowed to give the

appointing authority such written answer as the person about to be dismissed removed suspended reduced or demoted may desire In every case of such dismissal removal suspension reduction or demotion a copy of the statement of reasons therefor and of the written answer thereto shall be promptly furnished to the Commission and shall be made a part of its public records

B The transfer of an employe from a position in one class to a position in a different class for which a lower maximum rate of compensation is prescribed and involving a reduction in compensation shall be considered a demotion and may be made upon the recommendation of the appointing authority or the petition of the employe supported by such evidence as the Director may require to show that the employe is not performing satisfactory service in the position he is holding but it able to perform the duties of the class of positions to which it is recommended or petitioned that he be demoted The compensation of any employe so demoted shall in no case exceed the maximum rate for the class to which he is demoted

C Except as hereinafter provided within sixty days after the receipt of such notice of removal or demotion from an appointing authority the Commission may upon its own initiative or upon request of either the appointing authority or the removed or demoted employe make such investigation as it may deem advisable either sitting as a body or through one or more of its members or through the Director The investigation inquiry or hearing provided for herein is declared to be for the purpose of fairly determining whether or not the employe involved by reason of his act or acts as charged and his record of service merits continuance therein or should be removed therefrom or demoted or otherwise disciplined for the good of the service In such investigations inquiries or hearings the Commission shall not be required to follow established rules of evidence or court procedure but shall seek information and evidence bearing on the merits of the case The records of such investigations and all hearings shall be open to the public and the employe sought to be removed or demoted shall on request have opportunity to be heard personally or through counsel in his own defense Within twenty days after the completion of such investigation or hearing or sooner if practicable the Commission shall make its findings and conclusions which shall be forthwith certified to and enforced by the appointing authority Charges against any employe in the classified service asking for his removal for a violation of law or for any cause enumerated in the rules may be filed with the Commission by any citizen or taxpayer and when so filed shall at the discretion of the Commission publicly recorded be investigated and determined in the manner provided in this section The Commission may in its discretion order that the name of any person whose removal from the classified service has become final and binding be placed at the head of the appropriate re-employment or employment list or that said person be transferred or reinstated provided that such action is taken not later than sixty days after the removal has become final and binding

D Except as provided herein concerning suspension for disciplinary purposes No police officer or fireman except those dismissed at the expiration of the probationary period shall be dismissed removed suspended reduced or demoted in pay or position except for just cause upon written charges and after having been given an opportunity to be heard personally or through counsel in his own defense Such charges may be filed by any superior officer or by any citizen or taxpayer and shall within thirty days after filing be investigated heard and determined by the Commission or by one of the Commissioners or by some person or board appointed by the Commission to investigate hear and determine the same Where one person is appointed by the Commission to hear such charges he shall be a person learned in the law Where a board is appointed to hear such charges at least one member of such board shall be learned in the law The hearing shall be public In the cases to which this subsection relates the finding and decision of the Commission or Commissioner or of such person or board when approved by the Commission shall be forthwith certified to and enforced by the appointing authority

The forty-sixth section was read as follows:

Section 46 It shall be unlawful for any officer or employe of such cities to draw sign issue or authorize the drawing signing or issuing of any requisition voucher check warrant or mandamus on the disbursing officer of such cities for the payment of or for the disbursing officer to pay the salary or wages of any person holding a position in the civil service of such cities unless an estimate account requisition or payroll of such salary or compensation containing the names titles periods for which payments are to be made and rates of pay of the persons to be paid shall bear the certificate of the Director that the persons named in such estimate account requisition or payroll have been appointed and employed in accordance with the provisions of this Article and the rules made thereunder If the Director shall find that any person has been employed in violation of any provision of this Article or the rules of the Commission he shall so notify the fiscal officers of such cities and thereafter such officer shall not draw sign or issue or authorize the drawing signing or issuing of any requisition voucher check warrant or mandamus on such disbursing officer for the payment of salary or compensation to any such person except upon order of a court of competent jurisdiction Any sums paid contrary to the provisions of this Article and the rules made thereunder may be recovered from any officer or officers making such payment and if paid contrary to the provisions of this section may be recovered from any officer signing or countersigning or authorizing the signing or countersigning of any requisition voucher check warrant or mandamus for such payment or from the sureties on his official bond in an action maintained by a taxpayer of such cities All moneys recovered in any action brought under the provisions of this section shall when collected be paid into the treasury of such cities except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 46, page 35, line 24, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 46, page 35, line 27, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 46, page 36, line 6, by striking out the following "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-seventh section was read as follows:

Section 47 Any false statement made under oath either in any application or other paper filed with the Commission or in any proceeding before the Commission or in any investigation conducted by or under the direction of the Commission or by the Director or in any proceedings arising under this Article shall be perjury and punishable as such

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 47, page 36, line 24, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-eighth section was read as follows:

Section 48 Any person who wilfully by himself or in cooperation with one or more other persons defeats deceives or obstructs any person in respect to his right of taking any test or receiving appointment according to this Article or according to any rules made thereunder or who shall wilfully or corruptly or falsely make rate grade estimate or report upon the tests or proper standing of any person tested or certified pursuant to the provisions of this Article or aid in so doing or who shall wilfully make any false representations concerning the same or concerning the persons tested or who shall wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so tested or certified or to be tested or certified or who shall impersonate any other person or permit or aid in any manner any other person to impersonate him in connection with any test or request to be tested certified or appointed or who shall use or promise to use his influence official or political authority to secure for any person any appointment or prospect of appointment to any position in the classified service as a reward or return for personal or partisan political service shall for each offense be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars ($50.00) and not exceeding three thousand dollars ($3,000) and to serve imprisonment for a period not exceeding three (3) years or both in the discretion of the court

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 48, page 37, line 2, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 48, page 37, line 6, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The forty-ninth section was read as follows:

Section 49 No person in the civil of such cities service shall be a member of or a delegate or alternate to any political convention nor shall he be present at any such convention except in the performance of his official duty nor shall he serve as a member of or attend the meetings of any committee of any political party or take active part in political management or in political campaigns or use his office or position to influence political movements or influence the political action of any officer or employe in the civil service nor shall he circulate or seek signatures to any nominations or other petition provided by any primary or election law nor shall he seek or accept election nomination or appointment as an officer of a political club or organization or serve as a member of a committee of any such club or organization nor shall he in any manner participate in or interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the vote or returning the election material to the place provided by law for that purpose save only for the purpose of voting as speedily as it reasonably can be done nor shall he be within the polling place or within fifty feet thereof except for the purposes of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and have left the polling place for the purpose of depositing the election material in the place provided by law for that purpose excepting only police officers who may temporarily approach or enter the polling place in order to make any arrest permitted by law or for the purpose of preserving order and in each such case remain only long enough to accomplish the duties aforesaid after which the said officers shall at once withdraw

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 49, page 37, line 28, by inserting after the word "civil" the following: "service"

Amend sec. 49, page 37, line 28, by striking out the following: "service"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fiftieth section was read as follows:

Section 50 A No person shall solicit pay give or receive in any public building belonging to such cities any money or valuable thing for any political purpose whatever No person shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing or any assessment subscription or contribution whether voluntary or involuntary from any officer or employe in the civil service of such cities for any political or partisan purpose whatever No person in the civil service shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing for any political purpose whatever No person in the service shall pay or give any money or valuable thing or make any subscription or contribution whether voluntary or involuntary for any political purpose whatever No person about to be appointed to any position in the service shall in advance of such appointment sign or execute a resignation dated or undated No person in the service of such cities shall dismiss remove suspend lay off reduce demote or promote or in any manner change the official status or compensation of any other person in said service or promise or threaten to do so for withholding or neglecting to make any contribution of money or service or other valuable thing for any political or partisan purpose

B No person shall take part in preparing any political

assessment subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the civil of such cities service and no person shall knowingly send or present directly or indirectly in person or by letter any political assessment subscription or contribution to or request its payment by any person in the civil service

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 50, page 39, line 21, by striking out the following: "classified" and inserting in lieu thereof: "civil"

Amend sec. 50, page 40, line 8, by inserting after the word "civil" the following: 'service"

Amend sec. 50, page 40, line 9, by striking out the following: "service"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifty-first section was read as follows:

Section 51 Any person holding a position in the civil service of such cities who violates any of the provisions of this Article or of the rules made thereunder shall be immediately separated from the service It shall be the duty of the Mayor and of the appointing authority of the department or institution in which the offending person is employed to dismiss him at once Any taxpayer may bring an action against such cities to restrain the payment of compensation or the issuing of warrants for the payment of compensation of any officer clerk or employe who has violated any of the provisions of this Article and may as an additional remedy obtain a writ of mandamus to compel such dismissal Any person dismissed under the provisions of this section shall for a period of two years be ineligible for re-appointment to any position in the service of such cities

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 51, page 40, line 16, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 51, page 40, line 25, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifty-second section was read and agreed to as follows:

Section 52 The Commission shall have the power from time to time to enter into arrangements and agreements with other public personnel agencies for the purpose of exchanging information and services The Commission shall have power from time to time to become a member of or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration

The fifty-third section was read as follows:

Section 53 Any person who shall wilfully or through culpable negligence violate or shall conspire to violate any of the provisions of this Article or of the rules made thereunder shall be guilty of a misdemeanor Persons convicted of a misdemeanor under this Article shall be punished by a fine of not less than fifty dollars ($50.00) and not more than three thousand dollars ($3,000.00) or by imprisonment for a term not exceeding three years or by both such fine and imprisonment in the discretion of the court

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 53, page 41, line 11, by striking out the following: "Article" and inserting in lieu thereof: "act"

Amend sec. 53, page 41, line 13, by striking out the following: "Article" and inserting in lieu thereof: "act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifty-fourth section was read as follows:

Section 54 A The persons who immediately prior to the passage of this act were the Civil Service Commissioners in cities of the first class appointed pursuant to the provisions of Act Number 41 of this Session of the General Assembly of Pennsylvania approved by the Governor March 30 1937 entitled "An Act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the Civil Service Commissioners in said cities" shall become the Civil Service Commissioners of such cities immediately upon the effective date of this act as if then appointed pursuant to the foregoing provisions hereof

B The person who immediately prior to the passage of this act held the office of chief examiner under such Civil Service Commissions in cities of the first class and who had been appointed to such office after test and certification shall become the first Civil Service Director of such cities immediately upon the effective date of this act as if then appointed pursuant to the foregoing provisions hereof

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment were read by the Clerk as follows:

Amend sec. 54, page 42, line 3, by inserting after the word "cities" the following: "as last amended by the act, approved the nineteenth day of May, one thousand nine hundred and thirty-seven (Act No. 187)"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifty-fifth to the fifty-eighth sections inclusive and the preamble and title were separately read and agreed to as follows:

Section 55 All existing minutes records and correspondence of the Civil Service Commissions in cities of the first class and all office equipment supplies and building facilities of such Commissions shall be turned over to the Civil Service Commission established herein and all employes of such Civil Service Commissions who have been appointed after test and certification shall become employes of such Civil Service Commissions without further test and certification in order that the provisions of this act may be administered without delay and without interruption in the functioning of the civil service of such cities

Section 56 If any section sub-section sentence clause or phrase of this act or of any rule adopted hereunder for any reason is held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act no rof any rule adopted hereunder The Legislature hereby declares that it would have passed this act and each section sub-section sentence clause or phrase hereof irrespective of the fact that any one or more sections sub-sections sentences clauses or phrases be declared unconstitutional

Section 57 Article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" be and the same is hereby repealed All other Acts of Assembly or parts thereof that are in any way in conflict or inconsistent with this act or any part hereof are hereby repealed

Section 58 This act shall become effective immediately upon final enactment

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

An Act for the better government of cities of the first class of this Commonwealth regulating and improving the civil service of such cities establishing and regulating the powers and duties of Civil Service Commissions providing for the appointment of Civil Service Commissioners providing for the appointment and regulating the duties and powers of Civil Service Directors defining certain crimes imposing penalties and repealing existing laws relating thereto

And said bill having been read at length the second time, and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2415, (Senate Bill No. 1139), entitled:

An Act to authorize cities of the first class of the Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in five equal annual instalments and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending inconsistent legislation

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act the word "deficits" shall mean (1) obligations provided for in the budget for the year one thousand nine hundred and thirty-seven but remaining unpaid by reason of non-receipt of revenues for said year (2) other indebtedness payable out of current funds including indebtedness evidenced by outstanding writs of mandamus execution but not including obligations due the sinking fund commission

The second section was read as follows:

Section 2 Cities of the first class be and they are hereby authorized and directed to pay the amount of deficits as hereinabove defined which have arisen and which may arise on or before the thirty-first day of December one thousand nine hundred and thirty-seven in five equal annual installments during the years one thousand nine hundred and thirty-eight one thousand nine hundred and thirty-nine one thousand nine hundred and forty one thousand nine hundred and forty-one and one thousand nine hundred and forty-two and to provide by appropriation for the payment thereof during the said years The Council of said cities in levying and fixing the tax rate and in making appropriations and in framing and formulating their annual financial programs or budgets during the said years shall not be required to provide for or include therein the amount of such deficits as hereinabove defined except as to one-fifth thereof for each of said years and the City Controller in furnishing data for the preparation of the financial programs or budgets for said years as required by law shall take into account as a current liability of said cities by reason of such deficits to be discharged during each of said years only the said one-fifth of such deficits and in countersigning and approving contracts and warrants he is hereby duly authorized to approve and countersign the same notwithstanding that no provision has been made by appropriation for the payment of the balance of the amounts of such accrued deficits and contracts may be entered into and warrants drawn and issued by the municipal authorities of such cities and duly approved by the City Controller although no appropriations have been made to discharge such deficits except as herein provided Provided however That all indebtedness arising from writs of mandamus executions incurred in accordance with law during the year one thousand nine hundred and thirty-eight or any subsequent year and not paid during such year shall be included and certified as a current liability by the City Controller in furnishing data for the preparation of the financial programs or budgets for the next succeeding year and shall be provided for in the budget and tax levy for such next succeeding year

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 2, section 2, line 14 by inserting between the words "defined" and "which" the following "to the extent and not in excess of the sum of twenty-five million dollars ($25,000,000)"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the fifth sections inclusive and title were separately read and agreed to as follows:

Section 3 So much of Article XVII of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" and of all other parts of such act or other acts inconsistent herewith be and the same are suspended to the extent of such inconsistency during the period for which the provisions of this act shall remain in effect

Section 4 It is hereby declared that the provisions of this act are severable one from another and if for any reason any provision or part of this act is held by the court to be unconstitutional or invalid for any reason such decision of the court shall not affect or impair any of the remaining provisions or parts of this act It is hereby declared as the legislative intent that this act would have been adopted had such provision or part hereof not been included herein

Section 5 This act shall become effective immediately upon the final passage hereof

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in five equal annual instalments and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending inconsistent legislation

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2385, (Senate Bill No. 630), entitled:

An Act to further amend the act, approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act; imposing penalties and repealing certain acts and parts of acts relating to corporations;" by further defining the scope of the act; eliminating certain approvals of articles of incorporation and certificates of authority; and further regulating the incorporation of business corporations, regulating and extending the rights, responsibilities authority powers and immunities of such corporations and of the shareholders thereof the officers thereof; further providing for and regulating the dissolution of such corporations; further providing for and regulating the issuance and revocation of certificates of authority of foreign non-profit corporations and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four two hundred six three hundred four three hundred ten four hundred one four hundred six five hundred nine eight hundred three section one thousand five as amended section one thousand seven as amended sections one thousand eleven one thousand twelve one thousand thirteen one thousand fourteen one thousand one hundred three of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officer to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred twenty-three) are hereby further amended to read as follows

Section 4 Scope of Act This act does not relate to does not affect and does not apply to

(1) Co-operative associations whether for profit or not for profit

(2) Any corporation which may be organized under the Non-profit Corporation Law to which if not existing would be required to incorporate under the act

(3) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of Banking the Insurance Department [The Public Service Commission] the Pennsylvania Public Utility Commission or the Water and Power Resources Board

Section 206 Filing of Articles Certificates of Incorporation

A The incorporators shall deliver or cause to be delivered to the Department of State the articles of incorporation and proof of the advertisement required by the preceding section If the Department of State finds that the articles conform to law it shall forthwith but not prior to the day specified in the advertisement required by the preceding section endorse its approval thereon and when all bonus fees and charges have been paid as required by law shall file the articles and issue to the incorporators or their representative a certificate of incorporation to which shall be attached a copy of the approved articles The articles upon being approved and filed by the Department of State shall constitute the charter of the corporation

B If the articles of incorporation delivered to the Department of State are for the incorporation of a business corporation for the transaction of any business in which a corporation may not engage without the approval of or a license from any department board or commission of the Commonwealth the Department of State shall [refer the articles to such department board or commission and shall not file the articles or issue a certificate of incorporation until the approval or consent of such department board or commission shall have been endorsed on the articles] upon the issuance of the Certificate of Incorporation promptly certify the fact of such incorporation to each such department board or commission setting forth the name of the corporation and post office address of the initial registered office in this Commonwealth the date of

issuance of the Certificate of Incorporation the purpose or purposes for which the corporation is organized and the names and post office addresses of the first directors of such corporation

Section 304 Adoption and Contents of By-Laws [Except as hereinafter provided the] The shareholders shall have the power to make alter amend and rpeal the by-laws of a business corporation [. The] but the authority to make alter amend and repeal by-laws may be expressly vested by the articles or the by-laws in the board of directors subject always to the power of the shareholders to change [or repeal such by-laws] such action Unless the articles or by-laws otherwise provide the [by-laws shall be adopted altered amended and repealed] powers hereby conferred shall be exercised by a majority vote of the members of the board of directors or of the shareholders entitled to vote thereon as the case may be at any regular or special meeting duly convened after notice to the shareholders or directors of that purpose The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles and may provide penalties for the breach thereof not exceeding twenty dollars

Section 310 Authority to Acquire Property at Tax or Judicial Sale A business corporation may at any tax or judicial sale of any property upon which the corporation holds at mortgage or has a lien of any nature whatsoever bid in such property if necessary for the protection of its interest The corporation shall acquire a good and indefeasible title to any and all property so purchased irrespective of any limitation as to the acquisition of property that may exist in its articles or in this act All property so purchased may be held by the corporation until such time as it shall believe it advisable to dispose sof the same It shall be lawful for the corporation to sell the property upon such terms and for such consideration as it deems desirable The corporation may sell such property and convey a marketable title thereto without the authorization or confirmation of any court

Section 401 Board of Directors The business and affairs of every business corporation shall be managed by a board of at least three directors who shall be natural persons of full age and who need not be residents of this Commonwealth or shareholders in the corporation unless the articles or by-laws so require Each director shall hold office for the term for which he is elected and until his successor shall have been elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as hereinafter provided in this article in the case of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders A business corporation may allow compensation to its directors for their services and a director may also be a salaried officer of the corporation

Section 406 Officers and Agents Every business corporation shall have a president a secretary and a treasurer and may have such other officers and assistant officers and agents [as the needs of the corporation may require] as it shall authorize from time to time The articles or by-laws may prescribe special qualifications for such officers The President and Secretary shall be natural persons of full age the Treasurer however may be a corporation but if a natural person shall be of full age The officers assistant officers and agents shall be elected or appointed either by the shareholders at such time in such manner and for such terms and compensation as the by-laws may prescribe It shall not be necessary for the officers to be directors If the by-laws so provide and two or more offices may be held by the same person except the offices of president and secretary The board of directors may secure the fidelity of any or all of such officers by bond or otherwise Unless otherwise provided in the by-laws the board of directors shall have power to fill any vacancies in any office occurring from whatever reason All officers and agents of the corporation as between themselves and the corporation shall respectively have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the by-laws or in the absence of controlling provisions in the by-laws as may be determined by resolution of the board of directors

Section 509 Determination of Shareholders of Record Unless the by-laws otherwise provide the board of directors may fix a time not less than ten or more than [forty] seventy days prior to the date of any meeting of shareholders or the date fixed for the payment of any dividend or distribution or the date for the allotment of rights or the date when any change or conversion or exchange of shares will be made or go into effect as a record date for the determination of the shareholders entitled to notice of and to vote at any such meeting or entitled to receive payment of any such dividend or distribution or to receive any such allotment of rights or to exercise the rights in respect to any such change conversion or exchange of shares In such case only such shareholders as shall be shareholders of record on the date so fixed shall be entitled to notice of and to vote at such meeting or to receive payment of such dividend or to receive such allotment of rights or to exercise such rights as the case may be notwithstanding any transfer of any shares on the books of the corporation after any record date fixed as aforesaid The board of directors may close the books of the corporation against transfers of shares during the whole or any part of such period and in such case written or printed notice thereof shall be mailed at least ten days before the closing thereof to each shareholder of record at the address appearing on the records of the corporation or supplied by him to the corporation for the purpose of notice While the stock transfer books of the corporation are closed no transfer of shares shall be made thereon Unless a record date is fixed by the by-laws or the board of directors for the determination of shareholders entitled to receive notice of or vote at a shareholders' meeting transferees of shares which are transferred on the books of the corporation within ten days next preceding the date of such meeting shall not be entitled to notice of or to vote at such meeting

Section 803 Notice of Shareholders' Meetings Written notice shall not less than ten days before the shareholders' meetings called by the board of directors for the purpose of considering proposed amendments be given to each shareholder of record except the written notice of any proposed amendment for increasing the authorized capital stock of the corporation (where such increases will involve an increase in the stated capital or paid-in surplus or both) shall be given to each shareholder of record at least sixty days before such meeting Such notice shall set forth the proposed amendment or a summary of the changes to be effected thereby

Section 1005 Issuance of Certificate of Authority

A If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to a certificate of authority to do business in this Commonwealth it shall forthwith but not prior to the day specified in the advertisement heretofore required in this article endorse its approval upon the application for a certificate of authority and when all bonus fees and charges have been paid as required by law shall file the application and the copy of the articles and shall issue to the corporation a certificate of authority to do business in this Commonwealth The certificate of authority shall set forth the name of the corporation the address of its registered office in this Commonwealth and the character and nature of the business it is authorized to transact in this Commonwealth Upon the issuance of the certificate of authority by the Department of State the corporation may do in this Commonwealth any or all of the kinds of the business referred to in the certificate of authority and no other subject however to the right of the Commonwealth to cancel or revoke such right to transact business in this Commonwealth as provided in this act The certificate of authority shall be delivered to the corporation or its representative

B If the applicant corporation desires to transact any business in which a corporation may not engage without the approval of or license from any department board or commission of the Commonwealth the Department of State shall [refer the application and articles of the corporation to such department board or commission and shall not issue a certificate of authority until the approval or consent of such department board or commission shall

have been endorsed upon the application] upon the issuance of the certificate of authority promptly certify the fact of the issuance of such certificate of authority to each such department board or commission setting forth the name of the corporation the name of the State or country under the laws of which it is formed the address of the proposed registered office in this Commonwealth the general character of the business it proposes to transact within Pennsylvania and the date of issuance of the certificate of authority

Section 1007 Amended Certificate of Authority

A After receiving a certificate of authority a foreign business corporation may subject to the provisions of this act change its name or be authorized to do in this Commonwealth other or additional business than that authorized by its certificate of authority by filing with the Department of State an application for an amended certificate of authority and proof of the advertisement hereinafter required by this section. Such application shall be executed under the seal of the corporation signed and verified by two duly authorized officers thereof and shall set forth the changes desired by the corporation

B A foreign business corporation shall before making application to the Department of State advertise its intention to apply for an amended certificate of authority by publication in a manner similar to that prescribed in this act in the case of the formation of a domestic business corporation Advertisements shall appear at least three days prior to the day on which application is made to the Department of State and shall set forth briefly

(1) The name of the corporation and of the state or country under the laws of which it is formed

(2) If the application is for permission to do in this Commonwealth other or additional business the character and nature of the business it proposes to do under the amended certificate of authority

(3) If the application is for a change of name the new name under which it proposes to do business

C If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to an amended certificate of authority it shall forthwith but not prior to the day specified in the adver sement heretofore required by this section endorse its approval upon the application and when all fees bonus taxes and charges have been paid as required by law shall file the application and issue to the application corporation an amended certificate of authority setting forth the desired changes

Section 1011 Service of Process upon the Secretary of the Commonwealth Service of process against a foreign business corporation upon the Secretary of the Commonwealth shall be made by the Sheriff of Dauphin County by leaving the fee the plaintiff is required by law to pay to the Secretary of the Commonwealth for this service and two copies of the process at the office of the Secretary of the Commonwealth The sheriff shall make due return of his service of the process to the court magistrate or justice of the peace issuing the same Such process may be issued by any court magistrate or justice of the peace having jurisdiction of the subject matter of the controversy in any county of the Commonwealth in which the corporation shall have its registered office or in the county in which the right of action arose When legal process against any such corporation has been served upon the Secretary of the Commonwealth he shall immediately send by mail postage prepaid one copy of such process directed to the corporation at its registered office The fee paid by the plaintiff to the Secretary of the Commonwealth at the time of the service shall be taxed in the plaintiff's cost if he prevails in the suit necessitating the service of the process The Secretary of the Commonwealth shall keep a record of the day and hour of the service of such process on him and a certified copy of such record shall be sufficient evidence thereof The service of process on the Secretary of the Commonwealth under this section shall be of the same legal force and validity as if the process had been served on the corporation and the authority for such service of process shall continue in force as long as any liability remains outstanding against the corporation in the Commonwealth Nothing herein contained shall limit or affect the right to serve any process notice or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law

Section 1012 Acquisition of Real Property Every foreign business corporation authorized to transact business within this Commonwealth may acquire hold mortgage lease and transfer real property in this Commonwealth in the same manner and subject to the same limitations as domestic business corporations Every such corporation may purchase in its corporation name at any [sheriff's] tax or [other] judicial sale any real estate within this Commonwealth upon which such corporation may have or hold a judgment or lien and may at its pleasure sell and convey such real estate All the rights privileges and duties now by law accorded to and imposed upon lien creditors purchasing at judicial sales are hereby extended to such corporations

Section 1013 Revocation of Certificate of Authority Whenever the Department of State shall find that a foreign business corporation authorized by a certificate of authority to do business in this Commonwealth is engaged in this Commonwealth in any business which it is not authorized to transact by its certificate of authority or by any amended certificate of authority or has changed its name [or the location of its registered office] without first securing an amended certificate of authority as required by this act or has changed the location of its registered office without filing a statement with the Department of State as required by this act or is violating any of the laws of this Commonwealth the Department of State shall give notice by registered mail to such corporation that such default exists and that its certificate of authority including any amendments thereto will be revoked and cancelled unless such default shall be cured within thirty days after the mailing of such notice If such default shall not be cured within such period of thirty days the Department of State shall revoke and cancel the certificate of authority of such foreign corporation including any amendments thereto Upon revoking and cancelling any such certificate of authority the Department of State shall mail to such corporation at its registered office in this Commonwealth a certificate of revocation Upon the issuance of such certificate of revocation the authority of the corporation to transact business in this Commonwealth shall cease and such corporation shall not thereafter transact any business in this Commonwealth unless it applies for and receives a new certificate of authority

Section 1014 Penalty for Doing Business without Certificate of Authority Any person agent officer or employe who shall transact any business within this Commonwealth for any foreign business corporation which is required by the provisions of this act to procure a certificate of authority but has not done so or any person agent officer or employe of such a foreign corporation who transacts any business within this Commonwealth after a certificate of authority issued by the Department of State has been revoked cancelled or withdrawn as provided by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment not exceeding thirty days or by a fine not exceeding one thousand dollars ($1000) or both in the discretion of the court trying the same but the failure of any such corporation to apply for and secure a certificate of authority from the Department of State shall not impair or affect the validity of any contract with such corporation and actions or proceedings at law or in equity may be instituted and maintained on any such contract No such action however shall be instituted or recovery had by any such corporation on any such contract either expressed or implied in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof until such corporation shall obtain a certificate of authority and shall pay to the Department of State a fine of two hundred fifty dollars ($250.00)

Section 1103 Certificate of Election to Dissolve Upon the execution by all the shareholders of a written agreement for the voluntary dissolution of a corporation or upon the adoption at a meeting of the shareholders of a

resolution for the voluntary dissolution of a corporation as the case may be a certificate of election to dissolve shall be executed under the seal of the corporation signed and verified by two duly authorized officers of the corporation which shall set forth

(1) The name of the corporation

(2) The address including street and number if any of the registered office of the corporation in this Commonwealth

(3) The names and respective addresses including street and number if any of its officers

(4) The names and respective addresses including street and number if any of its directors

(5) If the election to dissolve was by written agreement of all shareholders a statement that the agreement was signed by all shareholders of record of the corporation or signed in their names by their duly authorized attorneys

(6) If the election to dissolve was by resolution adopted at a meeting of the shareholders the number of shares outstanding the number of shares entitled to vote in respect of the dissolution of the corporation and the number of shares voted for and against the voluntary dissolution of the corporation respectively and if the shares of any class are entitled to vote as a class the number of shares of such class and the number of shares of all other classes voted for and against the voluntary dissolution of the corporation

The certificate of election to dissolve shall be delivered to the Department of State If the Department of State finds that the certificate conforms to law it shall endorse its approval thereon and when all [bonus taxes] fees [and charges] required by law have been paid shall file the certificate and shall issue to the corporation or its representative a copy of the approved certificate Upon the filing by the Department of State of a certificate of election to dissolve the corporation shall cease to carry on its business except in so far as may be necessary for the properw winding up thereof but its corporate existence shall continue until a certificate of dissolution has been issued by the Department of State or until a decree dissolving the corporation has been entered by a Court of Common Pleas as elsewhere provided in this act

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 36 by adding after line 2 the following new section:

"Section 2. This act shall become effective immediately upon its final enactment."

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain right powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain state departments commissions and officers authorizing certain state departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by further defining the scope of the act eliminating certain approvals of articles of incorporation and certificates of authority and further regulating the incorporation of business corporations regulating and extending the rights responsibilities authority powers and immunities of such corporations and of the shareholders thereof and the rights powers qualifications and compensation of the officers thereof further providing for and regulating the dissolution of such corporations further providing for and regulating the issuance and revocation of certificates of authority of foreign non-profit corporations and providing penalties

On the question,

Will the House agree to the title?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 2, line 25 of the title by striking out at the end of the line the following: "[non-]"

Amend page 2, line 26 of the title by striking out at the beginning of the line the word: "[profit]" and inserting in lieu thereof the word: "business."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this cased dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2231, (Senate Bill No. 158), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for health rooms altering the provisions regulating light areas floor space and cubical contents of school buildings providing for enumeration of minors in certain cases; requiring enumeration of illeterate children and alien residents; providing for home and school visitors in lieu of or in addition to, other attendance officers and for their compensation; making further provision for transportation of pupils and State reimbursement therefor changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children; authorizing school districts to provide care and treatment of defective ears of pupils; making uniform for all districts the required number of days school shall be kept open and

authorizing school districts of the fourth class to provide inspection at their own expense.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly and it is hereby enacted by the authority of the same That section six hundred and eighteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 618 All school buildings hereafter built or rebuilt shall [comply with the following conditions] conform to standards established by the State Council of Education as to light area floor space and cubical contents [in every school building the total light area must equal at least twenty per centum of the floor space and the light should not be admitted thereto from the front of seated pupils

Every school room shall have not less than fifteen square feet of floor space and not less than two hundred cubic feet of air space per pupil]

Every school building of ten class rooms or more hereafter erected shall contain a room to be known as the Health Room which shall be not less twenty-one feet in length and which shall be furnished and equipped for use as quarters in which regular school medical inspections may be given and as a first aid room for pupils requiring medical attention while attending classes

On the question,

Will the House agree to the section?

Mr. BROWNFIELD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1 (sec. 618), page 3, line 19, by inserting after the word: "Every" the following: "public"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the fifth sections inclusive were separately read and agreed to as follows:

Section 2 That section one thousand four hundred and three of said act as amended by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1403 Unless otherwise directed by the board of school directors the admission of beginners to the public schools shall be confined to [two periods namely during] the first two weeks of the annual school term [and during the first two weeks of school following the first day of January in any school year] Provided That beginners becoming six years of age after the beginning of the school term and before the first day of [January] February of any year shall be admitted during the first two weeks of the annual school term [the period at the beginning of the school term and beginners becoming six years of age between the first day of January and the close of the term shall be admitted during the period following the first day of January] Provided further That the board of school directors in any school district may fix such additional periods for the admission of such beginners as it may determine

The term beginners as used in this section shall mean any child that should enter the lowest grade of the primary school or the lowest primary class

Section 3 Section one thousand four hundred and thirteen of said act as amended by section eight of the act approved the first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 1152) is hereby further amended to read as follows

Section 1413 It shall be the duty of the secretary of the school board teachers school enumerators and attendance officers in every school district in this Commonwealth in accordance with rules of procedure prescribed by the Superintendent of Public Instruction to secure information and report [to the medical inspector of the school district and] to the district or county superintendent of schools on or before the fifteenth day of October of each year and thereafter as cases arises every child within said district between the ages of eight (8) and sixteen (16) years who is gravely retarded in his or her school work or any child between the ages of six (6) and sixteen (16) who because of apparent exceptional physical or mental condition is not being properly educated and trained and as soon thereafter as possible the child shall be examined by a mental clinic approved by the State Council of Education or by a person certified by the Department of Public Instruction as a public school psychologist or psychological examiner and a report shall be made concerning his fitness for special education [the medical inspector shall examine such child in accordance with rules of procedure prescribed by the Secretary of Health and report whether such child is a fit subject for special education and training] In school districts of the first second and third class having a district superintendent of schools said report shall be made to the superintendent of the district In all other districts the report shall be made to the [Secretary of Health and by him reported to the] superintendent of schools of the county

[Pupils may also be designated as candidates for special education by mental clinics approved by the Council of Education or by a psychologist or a psychological examiner who has been certified by the Superintendent of Public Instruction and is employed by any school district]

The county or district superintendent of schools shall submit to the board or boards of school directors plans for establishing and maintaining special classes in the public schools or special public schools for the proper education and training of all such children reported to him as fit subjects for special education and training and except as herein otherwise provided it shall be the duty of the board of directors of any district having such children to provide and maintain or to jointly provide and maintain with neighboring districts such special classes or schools Provided however That if it is not feasible to form a special class with a minimum attendance of ten children in any district or if for any other reason it is not feasible to provide such education for any suche child in the public schools of the district the board of school directors of that district shall except as herein otherwise provided unless approved provision for the education of such child is made by the parents or guardian secure such proper education and training outside the public schools of the district or in special institutions or by providing for teaching the child in his home in accordance with rules and regulations prescribed by the Department of Public Instruction on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children

[If in any district in which ten or less feeble minded children between the ages of eight and sixteen have their legal residences the board of school directors shall be of the opinion that it is not feasible to establish a special class for such children such board shall report such feeble-minded children to the Department of Welfare for enrolment in a school for feeble-minded children] Any child who is reported by an approved mental clinic or by a person who is certified as a public school psychologist or psychological examiner as being uneducable in the public schools may be reported by the board of school directors

to the Department of Welfare in accordance with regulations approved by the State Council of Education After any such board shall have thus reported any child [ren] it shall be relieved of the obligation of providing education for such child [ren] The Department of Welfare shall thereupon [provide adequate facilities] arrange for the education and training of such child [ren]

Any physically or mentally handicapped child who is regularly enrolled in a special class that is approved by the Department of Public Instruction may be furnished with free transportation by the school district The Commonwealth shall reimburse any school district furnishing such transportation in the same manner and amounts as provided for in this act for the transportation of pupils from closed schools

When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided that in no case shall the State's share of the cost exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week

School districts maintaining special classes in the public schools or special public schools or providing special education as hereinafter specified in this section shall receive reimbursement as provided by law so long as such and discharge of pupils equipment courses of study methods of instruction and qualifications of teachers

The State Superintendent of Public Instruction shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act

On or before the first day of October of each year the secretary of the board of school directors in each district in which special education for physically or mentally handicapped children is provided shall make suchc reports in regard to such special education maintained during the previous school year and that for which the approval of the State Council of Education for the current year is desired as may be required by the Department of Public Instruction When any child between the ages of six (6) and twenty-one (21) years of age resident in this Commonwealth who is blind or deaf is enrolled with the approval of the Department of Public Instruction as a pupil in any of the schools or institutions for the blind or deaf under the supervision of and approved by the Department of Public Instruction the school district in which such child is resident shall pay twenty-five per centum (25%) of the cost of tuition and maintenance of such child in such school or institution as determined by the Department of Public Instruction and for the tuition and maintenance of such children the Commonwealth shall pay out of funds appropriated to the department for special education seventy-five per centum (75%) of the cost of their tuition and maintenance as determined by the department When any person less than six (6) or more than twenty-one (21) years of age resident in this Commonwealth who is blind or deaf is enrolled with the approval of the Department of Public Instruction as a pupil in any of the schools or institutions for the blind or deaf under the supervision of and approved by the Department of Public Instruction the Commonwealth shall pay to such school or institution out of moneys appropriated to the department for special education the cost of tuition and maintenance of such person as determined by the Department of PPublic Instruction To facilitate payments by the several school districts to the schools or institutions in which deaf or blind children are enrolled of amounts due by such districts for their proportion of the cost of tuition and maintenance of suchc children the Superintendent of Public Instruction shall withhold from any moneys due to such districts out of any State appropriation for the assistance as reimbursement of school districts the amounts due by such districts to such schools or institutions for the blind or the deaf and amounts so withheld shall be paid to such schools or institutions by warrant of the Auditor General upon the State Treasurer after requisition of the Superintendent of Public Instruction for which purpose all amounts so withheld are hereby specifically appropriated to the Department of Public Instruction Payments of the Commonwealth's proportion of the cost of tuition and maintenance of blind or deaf pupils enrolled in schools or institutions for the blind or for the deaf as hereinbefore provided shall be made quarterly out of moneys appropriated to the Department of Public Instruction for special education by warrant of the Auditor General upon the State Treasurer after requisition by the Superintendent of Public Instruction For the purpose of enabling the Department of Public Instruction to determine from time ot time what amounts are due to schools for the blind or for the deaf hereunder such schools shall forward to the department at such times and in such form as the department shall prescribe sworn statements setting forth the names ages and residences of all pupils enrolled hereunder specifying the school districts liable for a part of the cost of tuition and maintenance of any such pupils the per capita cost of and maintenance of pupils and such other information as the Department shall require

Section 4 Section one thousand four hundred and fourteen of said act as last amended by section thirty-five of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

[Every child having a legal residence in this Commonwealth as herein provided between the ages of eight and sixteen years and every migratory child between such ages] is required to attend a day school in which the [common English branches provided for in this act] subjects and activities prescribed by the State Council of Education are taught in the English language and every parent guardian or other person in this Commonwealth having control or charge of any child or children [between the ages of eight and sixteen years] is required to send such child or children to a day school in which the common English branches are taught in the English language and such child or children shall attend such school continuously through the entire term during which the public elementary schools in their respective districts shall be in session or in cases of migratory children during the time the schools are in session in the districts in which such children are temporarily domiciled Provided that the certificate of any principal or teacher of a private school or of any institution for the education of children in which the common English branches are taught in the English language setting forth that the work of said school is in compliance with the provisions of this act shall be sufficient and satisfactory evidence thereof And provided further That the term "Migratory child" whenever used in this act shall include any child domiciled temporarily in any school district for the purpose of seasonal employment but not acquiring residence therein and any child accompanying his parent or guardian who is so domiciled Regular daily instruction in the English language for the time herein required by a properly qualified private tutor shall be considered as complying with the provisions of this section if such instruction is satisfactory to the proper county or district superintendent of schools

Every parent guardian or other person in this Commonwealth having control or charge of any child between the ages of six and sixteen years who is deaf or blind or is so crippled or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident shall allow such child to be sent to some school where proper provision is made for the education of the deaf or of the blind or of crippled children or shall provide for the tuition of such child by a legally certified private tutor

Section 5 Section one thousand four hundred and sixteen of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1034) is hereby further amended to read as follows

Section 1416 The provisions of this act requiring regular attendance shall not apply to any child between the ages of [fourteen and sixteen years who has completed a course of study equivalent to six yearly grades of the public school and] is regularly engaged in any useful and lawful employment or service during the time the public schools are in session and who holds an employment cer-

tificate issued according to law or who has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner and has been found to be unable to profit from further school attendance and who has been reported to the board of school directors and excused in accordance with regulations prescribed by the State Council of Education nor shall the said provisions apply to any child between the ages of [fourteen and sixteen] years engaged in farm work or domestic service in a private home on a permit issued bythe school board or the designated school official of the school district of the child's residence in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe

The sixth section was read as follows:

Section 6 Section one thousand four hundred and seventeen of said act is hereby amended to read as follows

Section 1417 Every principal or teacher in [every] any public school and every principal teacher or tutor in any school other than a public school and in every institution for children and every public teacher in every school district in this Commonwealth shall immediately after their admission to such school or institution, or at the beginning of such private teaching furnish to the district superintendents supervising principals attendance officers home and school visitors or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside lists of the names and residences of all children between [eight and sixteen] years of age enrolled in such school or institution or taught by such private teacher and shall further report at once to such district superintendent supervising principal or secretary of the board of school directors the name and date of withdrawal of any such pupil withdrawing from any such school or institution or from such withdrawal occurs during the period of compulsory attendance in said district And every principal or teacher in a school other than a public school and every private teacher shall also report at once to the superintendent supervising principal attendance officer home and school visitor or secretary of the board of school directors of the district any such child who has been absent three days or their equivalent during the term of compulsory attendance without lawful excuse

On the question,

Will the House agree to the section?

Mr. BROWNFIELD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 6 (section 1417) page 15, line 2, by inserting before the word "years" the following words: "six and eighteen"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh to the eleventh sections inclusive were separately read and agreed to as follows:

Section 7 Section one thousand four hundred and eighteen of said act as last amended by section one of the act approved the twenty-ninth day of March one thousand nine hundred and twenty-seven (Pamphlet Laws 75) is hereby further amended to read as follows

Section 1418 In case there is no public school in session within two miles by the nearest public highway of the residence of any child such child shall be exempt from the provisions of this act relating to compulsory attendance unless proper free transportation be furnished to such child to and from school Provided If proper free transportation is furnished to any such child under sixteen years of age to and from school the Commonwealth shall reimburse any school district of the fourth class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools

After the first day of July one thousand nine hundred and thirty-nine in case there is no public school in session within two miles by the nearest public highway of the residence of any child in a school district of the fourth class or in a school district of the third class which is located wholly within the boundary lines of a township such child shall be frunished free transportation to and from school from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education For such proper free transportation furnished to any child to and from school the Commonwealth shall reimburse any school district of the fourth class or any school district of the third class which is located wholly within the boundary lines of a township furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools

When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided That in no case shall the State's share of the cost exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week

Section 8 Sections one thousand four hundred and nineteen and one thousand four hundred and twenty of said act are hereby amended to read as follows

Section 1419 Every person firm association or corporation in this Commonwealth accepting service from or employing a child or children between the ages of fourteen and [sixteen years during the hours when the public schools are in session shall on or before the first day of September in each year and quarterly thereafter during the period of compulsory attendance] eighteen years shall semi-annually on the first day of January and on the first day of July in each year furnish to the superintendent of schools supervising principal or secretary of the board of school directors of the district in which such child or children reside the name age place of residence and name of parent or guardian of every such child in his or its employ or service Such report shall be made upon blanks to be furnished by the Superintendent of Public Instruction at the expense of the Commonwealth

Section 1420 Every person firm association or corporation in this Commonwealth accepting service from or employing a child or children between the ages of fourteen and [sixteen] eighteen years during the hours when the public schools are in session and during the period of compulsory attendance in any school district shall make a true and correct list of all such children giving their names ages places of residence names of parents or guardians the dates of and names of the persons issuing the employment certificates and the time of beginning and ending of service with him or it which list shall be clearly written or printed and kept publicly posted at the place of employment of such child where the same may be inspected by any member of the board of school directors or the secretary thereof by the district superintendent the supervising principal or the attendance officer of any school district at any time during the business hours

Section 9 Section one thousand four hundred and twenty-one of said act as amended by section one of the act approved the twenty-third day of April one thousand nine hundred and fifteen (Pamphlet Laws 174) is hereby further amended to read as follows

Section 1421 No person in this Commonwealth either for himself or for any firm association or corporation shall [during the term of compulsory attendance as fixed by the board of school directors in any school district

and] during the hours the public schools are in session accept service from engage or employ any child [or children between eight and fourteen years of age nor shall he accept service from engage or employ any child or children between the ages of fourteen and sixteen years] unless [such child shall first furnish and deliver to] such employer shall have on file an employment certificate or farm or domestic service permit issued according to law Provided however That any male minor over sixteen years of age employed in the distribution sale exposing or offering for sale of any newspaper magazine periodical or other publication shall not be required to procure an employment certificate under this act

If the child leaves such employment or is absent from such employment five days the employer shall immediately in writing notify accordingly the school official who issued the certificate

Section 10 Section one thousand four hundred and twenty-two of said act as last amended by section thirty-six of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one(Pamphlet Laws 243) is hereby further amended to read as follows

Section 1422 Any person or persons accepting service from or engaging or employing any child between eight and [fourteen] eighteen years of age [during the term of compulsory attendance and] while the public schools are in session [or accepting service from engaging or employing any child during the same period of time between the ages of fourteen and sixteen years] without [being first furnished by] having on file for such child [with] an employment certificate or farm or domestic service permit or failing to furnish to the district superintendent of schools supervising principal attendance officer or secretary of the board of school directors the information required by this act concerning the children employed by him or them or shall fail to post for inspection at the place of employment of such children the list of children engaged by him or them as required by the provisions of this act who shall fail to notify the proper school official as required by the last preceding section of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished for first offense by a fine of not less than ten dollars ($10.00) or more than twenty-five dollars ($25.00) or ten days' imprisonment in the county jail or either or both at the discretion of the court and for a subsequent offense shall be punished by a fine of not less than twenty dollars ($20.00) or more than fifty dollars ($50.00) or ninety days' imprisonment in the county jail or either or both at the discretion of the court

Section 11 The first paragraph of section one thousand four hundred and twenty-three of said act is hereby amended to read as follows

Section 1423 Every parent guardian or person in parental relation in this Commonwealth having control or charge of any child or children [between the ages of eight and sixteen years] who shall fail to comply with the provisions of this act regarding compulsory attendance shall be guilty of a misdemeanor and on conviction thereof before any alderman magistrate or justice of the peace shall be sentenced to pay a fine for the benefit of the school district in which such offending person resides not exceeding two dollars ($2.00) for the first offense and not exceeding five dollars ($5.00) for each succeeding offense together with costs and in default of the payment of such fine and costs by the person so offending shall be sentenced to the county jail for a period not exceeding five days Provided That any person sentenced to pay any such fine may at any time within five days thereafter appeal to the Court of Quarter Sessions of the proper county upon entering into a recognizance with one or more proper sureties in double the amount of penalty and costs And provided That before any proceedings are instituted against any parent guardian or person in parental relation for failure to comply with the provisions of this act such offending person shall have three days' written notice given him by the superintendent of public schools supervising principal attendance officer or secretary of the board of school directors of such violation and if after such notice has been given the provisions of this act regarding compulsory attendance are again violated by the persons so notified at any time during the term of compulsory attendance such person so again offending shall be liable under the provisions of this act without further notice

The twelfth section was read as follows:

Section 12 Section one thousand four hundred and twenty-four of said act is hereby amended to read as follows

Section 1424 Whenever the board of school directors or the attendance officer superintendent supervising principal or secretary of any board of school directors in this Commonwealth ascertains that any child between eight and sixteen years of age who is by the provisions of this act required to attend the public schools in the district over which such board of school directors has control is unable to do so on account of lack of necessary clothing or food such case shall be promptly reported to any suitable relief agency operating in the school district or if there be no such suitable relief agency to which the case can be referred it shall be reported to the proper directors or overseers of the poor for investigation and relief

On the question,

Will the House agree to the section?

Mr. BROWNFIELD. Mr. Speaker, I desire to offer the following amendment?

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 12 (section 1424), page 23, line 10 by inserting after the word "officer" the following words: "home and school visitor."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirteenth to the twenty-fourth sections inclusive were separately read and agreed to as follows:

Section 13 Section one thousand four hundred and twenty-five of said act as amended by section one of the act approved the third day of May one thousand nine hundred and fifteen (Pamphlet Laws 238) is hereby further amended to read as follows

Section 1425 The board of school directors in every school district in this Commonwealth shal between [April] March first and September first of each year cause to be made by the attendance officers teachers or other persons employed for this purpose a careful correct and accurate enumeration on census cards provided by the district at the expense of the district or in a substantial book or books provided by the Superintendent of Public Instruction at the expense of the State for that purpose of all the children between the [age of six and sixteen] ages of six and eighteen years within their district giving the full name date of birth age sex nationality place of residence in such school district name and address of parent or persons in parental relation the name and location of the school where the child is enrolled or belongs and the name and address of the employer of any child under [sixteen] eighteen years of age who is engaged in any regular employment or service Such enumeration shall be made by careful inquiry at the residence of each family in the district and the person making the same upon completion thereof shall make a proper oath or affirmation as to its correctness Such enumeration shall also include the names and addresses of all persons firms or corporations employing or accepting service from children under eighteen years of age The board of school directors in any school district in the Commonwealth shall have authority to cause to be made an enumeration of all minors residing within the district and the Superintendent of

Public Instruction may at his discretion require such enumeration

Beginning in the year one thousand nine hundred and thirty-eight and thereafter in the year one thousand nine hundred forty the year one thousand nine hundred forty-five and each fifth year following said board of school directors shall and at more frequent intervals may also cause to be recorded in the same or separate books or on the same or separate census cards in like manner to and in conjunction with said enumeration of children an enumeration of all persons ten years of age or over resident within their district who are unable to write the English language according to standards hereinafter provided giving the full name age sex race nationality place of residence in such school district whether able to write English whether able to read English and whether able to speak English and of all persons twenty-one or more years of age resident within their district who are not citizens of the United States of America giving their full name age sex nationality place of residence in school district whether declarants and whether petitioners for naturalization

The standards used in determining whether residents are able to speak English able to read English and able to write English shall be formulated by the State Council of Education for the purpose of recording the facts of said enumeration

Such enumeration shall be made by careful inquiry at the residence of each family in the district and the persons making the same upon completion thereof shall make a proper oath or affirmation as to its correctness If any person shall hinder or prevent or attempt to hinder or prevent any attendance officer or teacher or other person from performing any duty provided for in this section he shall on conviction thereof before any alderman or justice of the peace of the county be sentenced to pay a fine not exceeding five dollars or to undergo an imprisonment not exceeding five days

Section 14 Section one thousand four hundred and twenty-six of said act is hereby amended to read as follows

Section 1426 The secretary of each board of school directors or such other person as is directed by the board shall at or before the opening of the school term furnish to the principal or teacher of each school a correct list of the names and residences of all aliens of all residents over ten years of age unable to read or write the English language and of children assigned to such school who are subject to the provisions of this act The said secretary or other person shall also forward on or before the first day of October of each year to the county or district superintendent to be by him forwarded on or before the first day of November of each year to the Superintendent of Public Instruction a summary of such statistics regarding the children in each district as is required by the Superintendent of Public Instruction on blanks provided by him for that purpose

Section 15 Section one thousand four hundred and twenty-seven of said act is hereby amended to read as follows

Section 1427 The cost and expense of making a proper enumeration of the children and of aliens and of persons unable to write English of each school district as herein provided shall be paid per diem or by the name or in such other manner as the board of school directors may [see] deem proper out of the funds of the district Provided That the attendance officer the superintendent of schools supervising principal or the secretary of the board of school directors shall have the power to add to this enumeration the names of any children and of any aliens and of persons unable to write English whose names do not appear thereon together with other information required by this act

Section 16 Section one thousand four hundred and twenty-eight of the said act is hereby amended to read as follows

Section 1428 It shall be the duty of every principal or teacher of a public school to report immediately to the attendance officer superintendent of schools supervising principal or secretary of the board of school directors the names of all children in the list furnished to him who have not appeared for enrollment and he shall also properly report from time to time to the attendance officer superintendent of schools supervising principal or secretary of the board of school directors the names of all children who having enrolled have subsequently withdrawn from school or who have been absent three days or their equivalent [during the term of compulsory attendance] without lawful excuse Such person shall thereupon serve upon the parent guardian or other person in parental relation to such children unlawfully absent from school the written notice hereinbefore provided and if it shall appear that within three days thereafter any child parent guardian or other person in parental relation shall have failed to coomply with the provisions of this act the superintendent supervising principal attendance officer or secretary of the board of school directors in the name of the school district shall proceed against the person so offending in accordance with the provisions of this act

Section 17 Section one thousand four hundred and thirty-two of said act as amended by section six of the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 497) is hereby further amended to read as follows

Section 1432 The board of school directors of every school district in this Commonwealth of the first second or third class shall and in any school district of the fourth class may employ one or more persons to be known as attendance officers or home and school visitors whose duties shall be to enforce the provisions of this act regarding compulsory attendance Such attendance officers or home and school visitors shall in addition to the duties imposed upon them by the provisions of this act have full police power without warrant and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act or who is incorrigible insubordinate or disorderly during attendance at school or on his way to or from school Provided That all home and school visitors shall be legally certified as such by the Department of Public Instruction upon meeting such requirements as shall be prescribed by the State Council of Education and when so certified any district employing such home and school visitors shall be reimbursed for their salaries on the same basis as they are now reimbursed for elementary school teachers

Section 18 Section one thousand four hundred and thirty-five of said act is hereby amended to read as follows

Section 1435 Any officer director superintendent manager employe or other person at any place where any child between fourteen and sixteen years of age is engaged who refuses to permit or in any way interferes with the entrance therein of the attendance officer any member of the board of school directors the secretary thereof the district superintendent or supervising principal of any school district as provided for in this act shall be guilty of a misdemeanor and on conviction thereof before any magistrate alderman or justice of the peace shall be sentenced to pay a fine of not less than five dollars ($5.00) or more than twenty-five dollars ($25.00) in default of which he may be sentenced to imprisonment not exceeding thirty days Provided That any person sentenced to pay any such fine may upon giving proper surety in double the amount of penalty and costs at any time within five days thereafter appeal to the Court of Quarter Sessions of the proper county

Section 19 Section one thousand four hundred and thirty-six of said act as last amended by section one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1087) is hereby further amended to read as follows

Section 1436 Such attendance officers or home and school visitors may be employed for the full calendar year and shall be paid such amounts and in such manner as the board of school directors appointing them may decide and they shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them Provided That in districts of the first class the compensation [shall not be

less than twelve hundred dollars ($1,200) per annum] of attendance officers shall be according to the same salary schedule as for elementary teachers of such districts Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost therein in such details as said Superintendent of Public Instruction shall request

Section 20 Section one thousand five hundred and three of said act as amended by section two of the act approved the twenty-third day of June one thousand nine hundred and nineteen (Pamphlet Laws 572) and section three of the act approved the seventeenth day of July one thousand nine hundred and ninetee (Pamphlet Laws 997) is hereby further amended to read as follows

Section 1503 In every school district of the fourth class in this Commonwealth the State Department of Health shall provide in such manner as it may determine medical inspection for all the pupils in the public schools by proper medical inspectors to be appointed by the State Commissioner of Health at the expense of said department In the event that such department because of lack of funds is unable to provide adequate medical inspection at its expense the school district may at its own expense provide such medical inspection or additional medical inspection All such medical inspectors shall be legally qualified physicians who have had not less than two years' experience in the practice of their profession Such medical inspection shall be made in the presence of the parent or guardian of the pupil when so requested by parent or guardian

Section 21 Section one thousand five hundred and eleven of said act as added by section one of the act approved the seventeenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1032) is hereby amended to read as follows

Section 1511 Any school district may provide for the care and treatment of defective eyes ears and teeth of all pupils of its public schools

Section 22 Section one thousand six hundred and one of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 983) is hereby further amended to read as follows

Section 1601 [All the public elementary and high schools in the school district of the first second and third class in this Commonwealth shall be kept open each year as follows For the school year beginning the first Monday of July one thousand nine hundred and twenty-one and each school year thereafter one hundred eighty (180) days All the public elementary and high schools of school districts of the fourth class in this Commonwealth shall be kept open each year as follows For the school year beginning the first Monday of July one thousand nine hundred twenty-one not less than one hudred fifty (150) days for the school year begining the first Monday of July one thousand nine hundred and twenty-two and eachc school year thereafter not less than one hundred sixty (160) days] During the school year beginning the first Monday of July one thousand nine hundred and thirty-seven and each school year thereafter each public elementary and high school in all of the school districts of this Commonwealth shall be kept open at least one hundred and eighty (180) days each year Unless otherwise provided by this act the board of school directors in any district may keep such other schools or departments as it may establish open during such time as it may direct

Section 23 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 24 Except as hereinbefore otherwise specifically provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

The title was read as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for health rooms altering the provisions regulating light areas floor space and cubical contents of school buildings providing for enumeration of minors in certain cases requiring enumeration of illiterate children and alien residents providing for home and school visitors in lieu of or in addition to other attendance officers and for their compensation making further provision for transportation of pupils and State reimbursement therefor changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children authorizing school districts to provide care and treatment of defective ears of pupils making uniform for all districts the required number of days school shall be kept open and authorizing school districts of the fourth class to provide medical inspection at their own expense

On the question,

Will the House agree to the section?

Mr. BROWNFIELD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 2, lines 2 and 3, by striking out the bold face brackets before the word "changing" and after the word "attendance."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2384, (Senate Bill No. 629), entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain state departments commissions and officers authorizing certain local public officers and state departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" further regulating and

extending and restricting in certain cases the rights responsibilities authority and powers of non-profit corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof further providing for and regulating the dissolution of such corporations and providing penalties further providing for and regulating the revocation of certificates of authority of foreign nonprofit corporations

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred four section three hundred six as amended sections three hundred seven three hundred thirteen section three hundred sixteen as amended section four hundred one section five hundred one as amended sections five hundred four six hundred two six seven hundred two nine hundred five nine hundred eleven nine hundred twelve nine hundred thirteen nine hundred fourteen one thousand one one thousand two one thousand four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two thousand eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the acts approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred thirty) and the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred thirty-seven are hereby further amended to read as follows

Section 304 Membership Certificates and Capital Stock A nonprofit corporation may be organized upon either a non-stock basis or upon a stock share basis as set forth in its articles A nonprofit corporation organized upon a non-stock basis shall not issue shares of stock but membership in such corporation may be evidenced by certificates of membership Upon the face of each such certificate there shall be printed in clear type a statement that the corporation is a nonprofit corporation The shares of nonprofit corporations organized upon a stock share plan shall be of such denominations not exceeding one hundred dollars ($100.00) as the articles shall provide and shall be represented by share certificates Upon the face of each share certificate there shall be printed in clear type a statement that the corporation is a nonprofit corporation Unless the articles or by-laws otherwise provide each share shall entitle the holder thereof to one vote No dividends shall be directly or indirectly paid on any such shares nor shall the shareholders be entitled to any portion of the earnings of such corporation derived through increment of value upon its property or otherwise incidentally made but upon dissolution of any such corporation the shareholders shall be entitled to a pro rata distribution of the assets thereof after the payment of all debts and the liquidation of all liabilities based upon their several holdings therein as represented by the shares standing in the names of such shareholders at the time of dissolution except that no property held subject to any trust shall be diverted from the purpose or object of the trust Such shares shall not be transferable by assignment or sale nor be transferred through legal heirs or devisees upon the death of the owner thereof unless the by-laws of such corporation make express provision therefor Such nonprofit corporation shall have power to exclude from further membership any shareholder who fails to comply with the reasonable and lawful requirements of the laws rules and regulations duly made by such corporation for the government of its members and may cancel the shares of any such offending member without liability for an accounting excepting as may be provided for in the articles or by-laws The provisions of the Uniform Stock Transfer Act of this Commonwealth approved the fifth day of May one thousand nine hundred eleven (Pamphlet Laws one hundred twenty-six) shall not be held to apply to the shares of nonprofit corporations in any manner or to be to any extent inconsistent with the provisions of this act

Section 306 Authority to Take and Hold Trust Property Investments Subject to any limitations or restrictions contained in its articles every nonprofit corporation formed for religious educational scientific or charitable purposes may without limitations as to value take receive and hold such real and personal property including the principal or interest of any money or other fund as may be given granted conveyed bequeathed devised to or otherwise vested in such corporation in trust for the purpose or purposes set forth in its articles Such real and personal property shall be faithfully and specifically used for or applied to the purpose or purposes for which it was given in trust to the corporation The directors of the corporation shall as trustees of such property be held to the same degree of responsibility and accountability as if not incorporated unless a less degree or a particular degree of responsibiltiy and accountability is prescribed in the trust instrument or unless the directors remain under the control of the members of the corporation or third persons who retain the right to direct and do direct the actions of the directors as to the use of the trust property from time to time Unless otherwise specifically directed in the trust instrument by which any real or personal property money or other funds are given granted conveyed bequeathed devised to or otherwise vested in corporations formed for religious educational scientific or other charitable purposes the directors thereof shall have power to invest the funds thus received or the proceeds of any property thus received in such investments as in the honest exercise of their judgment they may after investigation determine to be safe and proper investments and to retain any investiments heretofore so made The directors of the corporation shall keep accurate accounts of all trust funds separate and apart from the other funds of the corporation and shall unless the terms of the particular trust instrument provide otherwise make an annual report signed by the treasurer to the members of the corporation concerning the trust funds held under this section and the use made of such funds and of the income thereof

Section 307 Authority to Acquire Property at Tax or Judicial Sale A non-profit corporation may at any tax or judicial sale of any property upon which the corporation holds a mortgage or has a lien of any nature whatsoever bid in such property if necessary for the protection of its interests The corporation shall acquire a good and indefeasible title to any and all property so purchased irrespective of any limitation as to the acquisition of property that may exist in its articles or in this act All property so purchased may be held by the corporation until such time as it shall believe it advisable to dispose of the same except that such property shall be sold within twenty years from the time it was purchased at the tax or judicial sale It shall be lawful for the corporation to sell the property upon such terms and for such consideration as it deems desirable The corporation may sell such property and convey a marketable title thereto without the authorization or confirmation of any court

Section 313 Vesting of Corporate Property in Trustee to Escape Liability for Debts Any corporation for religious educational or charitable uses owning any property dedicated to religious educational or charitable purposes suc

as churches schoolhouses parsonages hospitals almshouses and the like may for the purpose of protecting such property from liability to debt thereatfer contracted on the part of the corporation vest its property in trustees upon trust for the use of the congregation or members of the corporation for the time being as places of worship or for the use as schoolhouses or residences for ministers or pastors or for [the maintenance] use in the actual administration of any charity When the trustees shall be so vested by deeds duly recorded the property so conveyed as long as it is used for the purposes above mentioned and is not used [for any secular purpose or] for a purpose from which profits are derived other than incidental profits used for or applied to the lawful purposes of the corporation shall not be liable to any debts contracts or engagements of the corporation thereafter made or entered into but shall be deemed and taken to be freed therefrom in the same manner and with like effect as if the same had been conveyed or devised to the trustees by a stranger in trust for the uses of the corporation but so that the same shall not be liable for their debts contracts or engagements or to their control for any purposes other than for the uses of the same as places of worship or as free schools or schools from which no pecuniary profits are derived or as residences for ministers or pastors or for [the maintenance] use in the actual administration of the charitable purpose for wihch it was dedicated or intended by the donors or contributors All trustees and officers of corporations having the management of property for charitable uses which is held in trust as aforesaid contracting debts or causing them to be contracted in the improvement of the property by building thereon shall be personally liable for the debts thus contracted unless they shall have notified the persons with whom the contract is made that the property is not liable for the debts contracted in building thereof but there shall be no liability to anyone other than persons with whom such contracts are made by the corporation

Section 316 Registered Office Records

A Every non-profit corporation shall maintain an office in this Commonwealth to be known as its registered office The location and post office address of the registered office shall be stated in the articles as heretofore provided in this act After incorporation the location of the registered office may be changed

(1) From one location to another in the same county by resolution adopted by a majority of all the members including members not entitled by the articles or by-laws to vote On or before the day that such change is made notice of such change and of the post office address of the new registered office shall be filed with and recorded by the recorder of deeds of the county

(2) From one county to another county by resolution adopted by a majority of all the members including members not entitled by the articles or by-laws to vote On or before the day that such change is made notice of such change and of the post office address of the new registered office shall be filed with and recorded by the recorder of deeds of the county from which and of the county to which the registered office is to be moved In addition a certified copy of the articles of the corporation shall be filed with and recorded by the recorder of deeds of the county in which the registered office is to be located before the corporation shall transact any business in such county

B Every non-profit corporation shall keep at its registered office records of the proceedings of the members and of the directors a membership register giving the names of the members in alphabetical order and appropriate and complete records of its finances Every member shall have the right to examine in person or by agent or attorney at any reasonble time or times for any reasonable purpose the books of account the membership register and the records of the proceedings of the members and directors

Section 401 Power to Make By-Laws [Except as hereinafter provided the] The members of a non-profit corporation shall have the power to make alter amend and repeal the by-laws of a non-profit corporation [. The] but the authority to make alter amend and repeal by-laws may be expressly vested by the articles or the by-laws in the board of directors subject always to the power of the members to change [or repeal the by-laws] such action Unless the articles or by-laws otherwise provide the [by-laws shall be adopted altered amended and repealed] powers hereby conferred shall be exercised by a majority vote of the members of the board of directors or of the members of the corporation entitled to vote thereon as the case may be at any regular or special meeting duly convened after notice to the members or directors of that purpose

Section 501 Board of Directors The business and affairs of every non-profit corporation shall be managed by a board of at least three directors who shall be natural persons in full age and who need not be residents of this Commonwealth or members in the corporation unless the articles or by-laws so require [A] Each director shall hold office for the term for which he was named or elected and until his successor is elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as hereinafter provided in the case of vacancies directors other than those constituting the first board shall be elected by the members unless some other method is expressly provided in the articles A nonprofit corporation may allow compensation to its directors for their services and a director may also be a salaried officer of the corporation

Section 504 Officers and Agents Every non-profit corporation shall have a president a secretary and a treasurer and may have such other officers and assistant officers and agents [as the needs of the corporation may require] as it shall authorize from time to time The articles or by-laws may prescribe special qualifications for such officers The President and Secretary shall be natural persons of full age the Treasurer however may be a corporation but if a natural person shall be of full age The officers and assistant officers and agents shall be elected or appointed either by the board of directors or by the members at such time in such manner and for such terms and compensation as the by-laws may prescribe It shall not be necessary for the officers to be directors If the by-laws so provide any two or more offices may be held by the same person except the offices of president and secretary The board of directors may secure the fidelity of any or all of such officers by bond or otherwise Unless otherwise provided in the by-laws the board of directors shall have power to all any vacancies in any office occurring from what ever reason All officers and agents of the corporation as between themselves and the corporation shall respectively have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the by-laws or in the absence of controlling provisions in the by-laws as may be determined by resolution of the board of directors

Section 602 Membership Fees Assessments Non-profit corporations may levy dues or assessments or both upon their members if authority to do so is conferred either by the articles or the by-laws and subject to any limitations therein contained Such dues or assessments or both may be imposed upon all classes of members alike or in different amounts or proportions or upon a different basis upon different classes of members Members of one or more classes may be made exempt from either dues or assessments or both in the manner or to the extent provided either in the articles or by-laws The amount of the levy and method of collection of such dues or assessments or both may be fixed in the articles or by-laws or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time and make them payable at such time and by such methods of collection as the directors may prescribe Such corporations may make by-laws necessary to enforce the collection of such dues or assessments including provisions for the cancellation of memberships upon reasonable notice for non-payment of such dues or assessments and for re-instatement in such corporation [upon reasonable notice]

Section 702 Approval of Amendments by Members Be-

fore the application is made to the court a resolution authorizing the proposed amendments shall be adopted by the affirmative vote of at least a majority of the members entitled to vote thereon at a regular or special meeting duly convened after at least ten days' written notice to all the members of this purpose If a proposed amendment would make any change in the rights of the members of any class then the members of such class shall be entitled to vote as a class upon such amendment whether by the terms of the article such class is or is not entitled to vote and in addition to the general vote herein required the affirmative vote of at least a majority of the members of each class so affected by the amendment shall be necessary for the adoption thereof Any amendments which might be adopted at a meeting of the members may be adopted without a meeting if written consent to the amendment has been given by all members entitled to vote thereon The resolution shall contain the language of the proposed amendment to the articles by providing that the articles shall be amended so as to read as therein set forth in full or that any provision thereof be amended so as to read as therein set forth in full or that the matter stated in the resolution be added to or stricken from the articles

Section 905 Issuance and Recording of Certificate of Authority If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to a certificate of authority to do business in this Commonwealth it shall forthwith but not prior to the day specified in the advertisement heretofore required in this article endorse its approval upon the application for a certificate of authority and when all fees and charges have been paid as required by law shall file the application and the copy of the articles and shall issue to the corporation a certificate of authority to do business in this Commonwealth The certificate of authority shall set forth the name of the corporation the address of its initial registered office in this Commonwealth and the business which the corporation is authorized to transact in this Commonwealth Upon the issuance of the certificate of authority by the Department of State the corporation may do in this Commonwealth any or all of the kinds of business referred to in the certificate of authority and no other subject however to the right of the Commonwealth to cancel or revoke such right to transact business in this Commonwealth as provided in this act The certificate of authority shall be returned to the corporation or its representative and such certificate and a verified copy of its articles shall be recorded in the office of the recorder of deeds of the county in which the registered office of the corporation in this Commonwealth is located The certificate of authority upon being recorded by the recorder of deeds shall be returned to the corporation or its representative

Section 911 Revocation of Certificate of Authority Whenever the Department of State shall find that a foreign non-profit corporation is doing in this Commonwealth a business which a domestic nonprofit corporation could not do or is exceeding the authority contained in its original or amended certificate of authority or has changed its name (or the location of its registered office) without first securing an amended certificate of authority from the Department of State or has failed to file a copy of its articles or a copy of any amendments thereto or its certificate of authority or any amended certificate of authority in the office of the recorder of deeds of the county in which its registered office is situated or has changed the location of its registered office without filing with the Department of State and recording with the recorder of deeds of the proper county the statement required by this act or is violating any of the laws of this Commonwealth the Department of State shall give notice by registered mail to such corporation that such default exists and that its certificate of authority including any amendments thereto will be revoked and cancelled unless such default shall be cured within thirty days after the mailing of such notice If such default shall not be cured within such period of thirty days the Department of State shall revoke and cancel the certificate of authority of such foreign corporation including any amendments thereto Upon revoking and cancelling any such certificate of authority the Department of State shall mail to such corporation at its registered office in this Commonwealth a certificate of revocation and shall mail a copy of such certificate to the recorder of deeds of the county in which the registered office of the corporation is situated who shall record the same without any fee therefor Upon the issuance of such certificate of revocation the authority of the corporation to transact business in this Commonwealth shall cease and such corporation shall not thereafter transact any business in this Commonwealth unless it applies for and receives a new certificate of authority

Section 912 Service of Process Service of process against a foreign non-profit corporation upon the Secretary of the Commonwealth shall be made by the sheriff of Dauphin County by leaving the fee the plaintiff is required by law to pay to the Secretary of the Commonwealth for this service and two copies of the process at the office of the Secretary of the Commonwealth The sheriff shall make due return of his service of the process to the court magistrate or justice of the peace issuing the same Such process may be issued by any court magistrate or justice of the peace having jurisdiction of the Commonwealth in which the corporation shall have its registered office or in the county in which the right of action arose When legal process against any such corporation has been served upon the Secretary of the Commonwealth he shall immediately send by mail postage prepaid one copy of such process directed to the corporation at its registered address The fee paid by the plaintiff to the Secretary of the Commonwealth at the time of the service shall be taxed in the plaintiff's costs if he prevails in the suit necessitating the service of the process The Secretary of the Commonwealth shall keep a record of the day and hour of the service of such process on him and a certified copy of such record shall be sufficient evidence thereof The service of process on the Secretary of the Commonwealth under the section shall be of the same legal force and validity as if the process had been served on the corporation and the authority for such service of process shall continue in force as long as any liability remains outstanding against the corporation in this Commonwealth Nothing herein contained shall limit or affect the right to serve any process notice or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law

Section 913 Penalty for Doing Business without Certificate of Authority Any person agent officer or employe of a foreign nonprofit corporation who shall transact any business within this Commonwealth for any such foreign non-profit corporation without first obtaining a certificate of authority as provided in this article or who transacts any business within this Commonwealth after a certificate of authority issued by the department of State has been revoked cancelled or withdrawn as provided by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment not exceeding thirty days and by a fine not exceeding one thousand dollars ($1,000.00) or either in the discretion of the court trying the same but the failure of any such corporation to apply for and secure a certificate of authority from the Department of State shall not impair or affect the validity of any contract with such corporation and actions or proceedings at law or in equity may be instituted and maintained on any such contract No such action however shall be instituted or recovery had by any such corporation on any such contract either expressed or implied in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof until such corporation shall obtain a certificate of authority and shall pay to the Department of State a fine of two hundred fifty dollars ($250.00)

Section 914 Acquisition of Real Property Every foreign non-prot corporation authorized to transact business within this Commonwealth may acquire hold mortgage lease and transfer real property in this Commonwealth in the same manner and subject to the same limitations as non-

profit corporation formed under the laws of this Commonwealth Every such corporation may purchase in its corporate name at any [sheriff's] tax or [other] judicial sale any real estate within this Commonwealth upon which such corporation may have or hold a judgment or lien and may at its pleasure sell and convey such real estate All the rights privileges and duties now by law accorded to and imposed upon lien creditors purchasing at tax or judicial sales are hereby extended to such corporations

Section 101 Voluntary Dissolution

A Any non-profit corporation may upon application to the [equity side of the] Court of Common Pleas of the county in which its registered office is located [or in which its principal activities are conducted] be dissolved and wind up its affairs Before the application is made to the court a resolution authorizing the institution of voluntary proceedings for the dissolution of the corporation shall be approved by a majority vote or such other vote as the articles may require of each class of members of the corporation at a regular or special meeting converted after proper notice of this purpose to all the members

B Application to the court shall be made by a petition of the corporation signed and verified by at least two duly authorized officers thereof The petition shall be under the seal of the corporation and shall among other things set forth

(1) The name and location of the registered office of the corporation

(2) The act of Assembly under which the corporation was formed the date when the court entered the decree of incorporation and the date when and the place where the original articles were recorded

(3) The time and place of the meeting of the members of the corporation at which the resolution authorizing the dissolution proceeding was adopted the kind and period of notice of the meeting given to the members and the total vote by which the resolution was adopted

(4) An inventory of all the real personal property of the corporation which shall show separately any real or personal property held in trust by the corporation

(5) A statement of all liens and encumbrances upon the corporate property and all outstanding claims of the corporation

(6) The name and addresses of all the existing members of the corporation to the extent this information is known and their respective rights if any to share in the corporate assets in excess of the debts and obligations of the corporation

The petition shall in all cases be accompanied by a certified copy of the charter of the corporation the resolution authorizing the institution of the dissolution proceedings and any trust instrument relating to any real or personal property of the corporation Upon the presentation of the petition to the court the proceedings for dissolution shall be deemed to commence and thereafter the corporation shall cease to transact any business whatsoever except in so far as may be necessary for the winding up of the affairs of the corporation

C Upon the presentation of the petition the court shall enter a preliminary decree appointing a day for the hearing of the petition and directing all persons interested in the corporation at that time to show cause if any they have why the corporation should not be dissolved The petitioners shall advertise the contents of the decree once a week for two consecutive weeks in the county wherein the registered office of the corporation is located [and also in the county where the principal activities of the corporation are conducted if the petition for dissolution is filed in such county] Advertisements shall appear in a newspaper of general circulation published within the county and in the legal newspaper if any designated by the rules of court for the publication of legal notices otherwise in two newspapers of general circulation published within the county Where there is but one newspaper of general circulation published in any county advertisements in such newspaper shall be sufficient On the day fixed in the decree or as soon thereafter as the matter may be heard proof of the advertisements heretofore required shall be presented to the court whereupon the court shall consider the petition If the court shall be satisfied that the prayer of the petition may be granted without prejudice to the public welfare or the interests of the members of the corporation the court shall decree that the petition is approved and that upon the recording of the petition and decree the corporation shall be dissolved Before entering the final decree of dissolution the court shall cause the assets of the corporation to be marshaled and the property rights to be adjudicated either by proceedings before the court or before a master appointed by it provided that property devoted to religious literary educational or charitable uses shall not be diverted from the objects for which it was donated granted bequeathed or devised In entering the final decree the court shall order the distribution of the property and assets of the corporation among the members entitled thereto shall direct what disposition shall be made of any real or personal property devoted to any religious literary educational or charitable use and shall designate the directors of the corporation or having proper cause a liquidating trustee to wind up the affairs of the corporation according to the decree of the court Upon the recording of the petition and decree of the court in a manner similar to that heretofore specified in this act in the case of the formation of a corporation the dissolution of the corporation shall become effective and thereafter the directors of the corporation or the liquidating trustee appinted by the court shall wind up the affairs of the corporation in accordance with the decree

D The prothonotary in making the monthly report to the Department of State heretofore required by this act shall include in such report the name and location of the registered office of every corporation which during the preceding month was dissolved by proceedings under this section For this service the prothonotary shall receive a fee of one dollar ($1.00) from each corporation The Department of State shall cancel the registration of the name of the corporation and shall note after the name the date the corporation was dissolved

Section 1002 Dissolution of Certain Religious Corporations Whenever any non-profit corporation organized for the suport of public worship by reason of the shifting of population withdrawal of membership or any other cause whatsoever has ceased to support public worship within the intent and meaning of its articles the diocesan convention presbytery synod conference council or other supervising and controlling organization of which the corporation is a member or with which it is in allegiance and to which it is subordinate may petition the [equity side of the] Court of Common Pleas of the county in which the registered office of the corporation is located setting forth the facts of the case and praying for a decree of dissolution The petition shall be under the seal of the organization signed and verified by at least two duly authorized officers thereof and shall set forth the information heretofore required to be set forth in a petition for the voluntary dissolution of a corporation to the extent that such information is applicable The court shall after notice and hearing as hertofore provided in this article enter a decree of dissolution if satisfied that the prayer of the petition may be granted without prejudice to the public welfare or the interests of the members of the corporation Upon the recording of the petition and decree of the court as heretofore provided in this article the dissolution of the corporation shall become effective

Section 1004 Continuation of Corporation After Dissolution All non-profit corporations whether they expire by their own limitation or are otherwise dissolved shall nevertheless continue to exist for a period of two years after the date of dissolution for the purpose of winding up their affairs instituting prosecuting and defending actions by or against them collecting and discharging obligations disposing of and conveying their property and collecting and dividing their assets but not for the purpose of continuing business except in so far as necessary for the winding up of the corporation No action or pro-

ceeding to which a non-profit corporation is a party shall abate by the dissolution of the corporation

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 35 by adding after line 13 the following new section: "Section 2. This act shall become effective immediately upon its final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain state departments commsisions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" further regulating and extending and restricting in certain cases the rights responsibilities authority and powers of non-profit corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof further providing for and regulating the dissolution of such corporations and providing penalties further providing for and regulating the revocation of certificates of authority of foreign non-profit corporations

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2286, (Senate Bill No. 214), as follows:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases and defining the powers of the court in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all parties who have a right of action whether jointly severally or in the alternative in respect of or arising from the same transaction or series of transactions and whose actions would give rise to any common question of law or fact may join as plaintiffs in one civil action

Section 2 If in any such action it shall appear that the joinder of the plaintiffs will complicate prejudice or delay the trial of such action the court on petition or on its own motion may order separate trials or make such other order as it deems expedient and proper

Section 3 In every such action separate verdicts shall be rendered and judgments entered as to each plaintiff

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2456, (Senate Bill No. 1069), entitled:

An Act relating to and regulating the mining of anthracite coal providing for the health safety and welfare of persons employed in and about the anthracite coal mines and for the protection and preservation of property connected therewith amending consolidating revising and changing the law relating thereto and imposing penalties

Articles I to V inclusive were separately read and agreed to as follows:

ARTICLE I

Preliminary Provisions

Section 101 This act shall be known and may be cited as "The Anthracite Mining Code"

Section 102 The provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any provision of law shall not revive any law heretofore repealed or superseded nor shall such repeal affect any act done liability incurred or any right accrued or vested or affect abate or prevent any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

Section 103 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included therein

Section 104 This act shall apply to every anthracite coal mine or colliery in the Commonwealth where five or more persons are employed or engaged in work Provided however That any mine inspector shall nevertheless have the right to enter and inspect all mines where from two to five persons are employed or engaged in work for the purpose of determining the conditions of safety in any such mine In case a mine inspector shall find any such mine to be unsafe or to be operated in any unsafe manner he shall order such unsafe conditions to be forthwith corrected and in default of the owner or operator doing so shall order such mine closed until the unsafe conditions are corrected

ARTICLE II

Inspection Districts

Section 201 The counties of Luzerne Lackawanna Sullivan Susquehanna Wayne Carbon Schuylkill Northumberland Columbia and Dauphin shall be divided into eight inspection districts as follows

First District—County of Luzerne
Second District—County of Lackawanna
Third District—County of Carbon

Fourth District—County of Schuylkill
Fifth District—County of Northumberland
Sixth District—County of Columbia
Seventh District—County of Dauphin
Eighth District—Counties of Susquehanna Wayne and Sullivan

Section 202 The Governor shall appoint the following number of qualified persons to act as mine inspectors of this Commonwealth namely

First Inspection District—Nine Inspectors
Second Inspection District—Six Inspectors
Third Inspection District—One Inspector
Fourth Inspection District—Four Inspectors
Fifth Inspection District—Two Inspectors
Sixth Inspection District—One Inspector
Seventh Inspection District—One Inspector
Eighth Inspection District—One Inspector

Said inspectors shall be under the direction of the Secretary of Mines who shall assign districts to the several inspectors but where an inspector has not enough work or duty to perform in his own inspection district then it shall be the right of the Secretary of Mines to assign said inspector to work or duty in another adjoining district or territory wherein the services of said inspector are necessary

Section 203 It shall be the duty of the Secretary of Mines to direct one or more of the inspectors who shall be appointed under this act and it shall be the duty of said inspectors to obey said orders of the said Secretary of Mines to inspect such collieries as come under this act in counties not mentioned in the act in such manner and at such times as is required by law and the inspectors inspecting said collieries shall make and include in their return a due report of said inspection

ARTICLE III

Examination and Appointment of Mine Inspectors

Section 301 The Antharcite Mine Inspectors' Examining Board shall meet upon the call of the chairman thereof at such times and places as the chairman shall designate and at such times and places as the board may by rule designate

Section 302 The said examining board shall prepare questions and formulate rules to be used in conducting and governing the examinations given to applicants for the office of Anthracite Mine Inspector The members of the board upon assuming office shall each take and subscribe to before any officer authorized to administer the same the following oath namely

"I do solemnly swear that I will perform the duties of examiner of applicants for the office of mine inspector to the best of my ability and that in recommending or rejecting said applicants I will be governed by the evidence of their qualifications to fill the position and not by any consideration of political or personal favor and I will certify all applicants who may be found qualified and no others according to the true intent and meaning of the law"

The oaths of the members of the examining board shall be filed in the Department of Mines

Section 303 Public notice of an examination shall be given at least two weeks prior thereto in a newspaper published in each of the following counties Luzerne Lackawanna Schuylkill and Northumberland The board shall meet at the time and place set forth in said notice and examine the applicants for the office of Anthracite Mine Inspector and the qualifications of applicants shall be certified to the board and be as follows

(a) They shall be citizens of this Commonwealth and residents of the anthracite region of temperate habits of good repute of personal integrity in good physical condition and not under thirty or over fifty years of age Every applicant shall furnish to the examining board a service statement Such statement shall show the length of time served at each class of work at which the applicant has been employed in and about the mines and be certified to by the superintendent or other responsible official under whom such applicant was employed The owner operator or superintendent of every mine or colliery is hereby required to furnish such a statement to every applicant

(b) They shall give to the board satisfactory evidence of having had at least ten (10) years of practical experience in the anthracite coal mines of this Commonwealth five (5) years of which they shall have served as qualified coal miners possessing miners' certificates engaged in the actual practice of cutting and blasting coal or rock at the face of a gangway airway breast pillar or other working place in a mine and in performing such other work in such working places as is necessary for the extraction of coal

(c) They shall give to the board satisfactory evidence of having had practical experience with explosive gases and other dangerous and noxious gases found in coal mines

(d) They shall give to the board satisfactory evidence of having a general practical knowledge of mines mining and machinery

(e) They shall give to the board satisfactory evidence of having a general practical and comprehensive knowledge of the chemistry of gases generally found in coal mines

(f) They shall give to the board satisfactory evidence of having knowledge of the methods of administering first aid to the injured and of the work and requirements of rescue corps

(g) They shall give to the board satisfactory evidence of knowledge of the science of electricity as applied to coal mining and they shall in addition give evidence of sufficient knowledge of the science of mining engineering to enable them to read and understand the mine workings of any mine as shown on mine maps presented at such examinations and they shall be able to make a cross section of a mine from said maps

(h) They shall give to the board satisfactory evidence of theoretical and practical knowledge of the different systems of mining and ventilating anthracite coal mines and of their fitness and capability to perform the duties of the office of a mine inspector

Section 304 The examination shall be in writing and the applicants who have made an average of at least ninety per cent including proper allowances for experience shall be deemed successful but in no case shall the allowances for experience be more than fifteen per cent

Section 305 The manuscripts and all other papers of the applicants in the examination together with the tally sheets and the correct solution of each question as prepared by the examining board shall be filed in the Department of Public Instruction The examining board or at least four members thereof shall certify to the Governor and also to the Secretary of Mines the names and percentages of all successful applicants who are properly qualified under the provisions of this act to fill the office of Anthracite Mine Inspector A certificate of qualification shall be issued to each successful applicant A certificate so issued shall remain in force for a period of four years only unless the holder thereof has received an appointment as Anthracite Mine Inspector and has served as such for a period of four years in which case the certificate shall become permanent

Section 306 The Anthracite Mine Inspectors holding office at the date this act becomes effective shall continue to serve until the expiration of their respective terms and such persons shall thereafter be eligible for re-appointment as Anthracite Mine Inspectors without examination provided they have served as Anthracite Mine Inspectors for a period of four (4) years or longer Such re-appointment shall not be governed by the provisions of section three hundred seven of this act

Section 307 When a vacancy occurs in the office of Anthracite Mine Inspector by death or otherwise the Governor shall appoint from the list of successful applicants certified to him by the Anthracite Mine Inspectors' Examining Board a person to fill such vacancy

Section 308 When there remain upon the list of successful applicants certified to the Governor less than three

names as a result of appointments made therefrom or as a result of the expiration of the certificates of qualification of persons named therein or from any other cause the Governor shall call the Anthracite Mine Inspectors' Examining Board to meet and proceed to conduct an examination for the purpose of supplying a new list of eligible applicants

Section 309 The tenure of office of Anthracite Mine Inspectors appointed under this act shall be during good behavior subject to the provisions of section three hundred twelve of this act and the Constitution of this Commonwealth

Section 310 In case an inspector becomes incapacitated to perform the duties of his office or is granted a leave of absence by the Secretary of Mines for sixty (60) days or more it shall be the duty of the Governor at the request of the Secretary of Mines to appoint temporarily to the office a person on the eligible list of applicants The temporary inspector shall act until the regular inspector is able to resume the duties of his office and shall be paid in the same manner as hereinbefore provided for the payment of regular inspectors

Section 311 No Anthracite Mine Inspector under this act shall act as manager of any anthracite coal mine or be interested in the operation of any anthracite coal mine in this Commonwealth

Section 312 Upon a petition signed by not fewer than fifteen reputable citizens who shall be miners or operators of mines and with the affidavit of one or more of said petitioners attached setting forth that any inspector of mines is holding office illegally or is neglectful or is incompetent or unable to perform the duties of his office or that he is guilty of malfeasance in office or upon petition of the Secretary of Mines setting forth any of the above charges the Court of Common Pleas of the county in which the inspector is acting and is a resident shall issue a citation in the name of the Commonwealth to the said inspector to appear at not less than ten (10) days' notice on a day fixed before said court and the court shall then proceed to inquire into and investigate the allegations of the petitioners If said charges are sustained the court shall declare the office of said inspector vacant and shall so certify to the Governor who shall proceed in compliance with the provisions of this act to fill the vacancy If said charges are not sustained and the court believes there was sufficient ground for said charges the costs shall be placed upon the county

Section 313 Any anthracite mine inspector violating the provisions of section three hundred eleven of this act shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or undergo imprisonment in the county jail for a period of not less than ninety (90) days or both at the discretion of the court

Any person who shall give any false or forged evidence of any kind to the Anthracite Mine Inspectors' Examining Board or to any member thereof in obtaining a certificate of qualification shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than three hundred dollars ($300.00) or to undergo imprisonment in the county jail for a period of not less than three (3) months or both at the discretion of the court

Any person or persons found to be in collusion with any member or members of the examining board or who shall use any undue influence or attempt to bribe any member or members of the board for the purpose of procuring certificates for applicants or who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of three hundred dollars ($300.00) or undergo imprisonment in the county jail for a period of three (3) months or both at the discretion of the court

ARTICLE IV

Duties of Mine Inspectors

Section 401 Each of the said inspectors shall reside in the district for which he is appointed and shall give his whole time and attention to the duties of his office He shall examine all the collieries in his district at least once every three months and as often in addition thereto as the necessities of the case or condition of the mines require He shall see that every precaution is taken to secure the safety of the workmen and that the provisions of this act are observed and obeyed and he shall personally visit each working face and see that the air current is carried to the working faces and is of sufficient quantity or volume to thoroughly ventilate the places He shall make to the Secretary of Mines at the end of every month a detailed report of the number of days worked during the month marking in tabular form the number of hours spent inspecting mines investigating accidents traveling inspecting surface plants around the mines together with any other information that will be of value to the department He shall every four months make a report of the condition of each working place at each colliery on a form to be furnished to the inspector by the Secretary of Mines showing the gangway in which the working place is located and the breast number of said working and their condition shall be designated by the words "good" "fair" or "bad" as the circumstances may warrant Said report shall also set forth the condition of the mine with respect to ventilation tracks timber drainage and traveling ways and the said report or a duplicate shall be placed in a weather or dust-proof case with a glass front said case to be furnished by the operator and placed in a conspicuous place at each mine opening shaft slope or drift so that the workmen may have easy access thereto He shall certify in said report that the employes are hoisted to the surface of the ground or given access thereto according to law he shall attend every inquest held by the coroner or his deputy upon the bodies of persons killed in or about the collieries in his district he shall visit the scene of the accident for the purpose of making an examination into the particulars of the same wherever loss of life or serious personal injury occurs as elsewhere herein provided for and whenever he deems the same necessary and shall deputize any person or persons to aid or advise him in connection with any accident such deputies shall consist of a representative of the operator and a qualified miner He shall make an annual report of his proceedings to the Secretary of Mines of the Commonwealth at the close of every year enumerating all the accidents in and about the collieries in his district marking in tabular form those accidents causing death or serious personal injury the condition of the workings of the said mines with regard to the safety of the workmen therein and the ventilation thereof and setting forth generally the results of such inspection and shall perform such other duties as now are or hereafter may be required by law

Section 402 The mine inspector shall have the right and it is hereby made his duty to enter inspect and examine any mine or colliery in the territory allotted to him and the workings and machinery belonging thereto at all reasonable times either by day or by night but not so as to obstruct or impede the working of the colliery and shall have the power to take one or more of his fellow inspectors into or around any mine or colliery in the territory allotted to him for the purpose of consultation or examination

Section 403 He shall also have the right and it is hereby made his duty to make inquiry into the condition of such mine or colliery working machinery ventilation drainage method of lighting or using lights and into all matters and things connected with or relating to such mine or colliery as well as to make suggestions providing for the health and safety of persons employed in or about the same and especially to make inquiry as to whether the provisions of this act have been complied with

Section 404 The owner operator or superintendent of such mine or colliery is hereby required to furnish the means necessary for such entry inspection examination inquiry and exit

The inspector shall make a record of the visit noting the time and material circumstances of the inspection

Section 405 The maps and plans of the mines and

the records thereof together with all the papers relating thereto shall be kept by the inspector property arranged and preserved in a convenient place in the territory to which the inspector has been allotted and shall be transferred by him with any other property of the Commonwealth that may be in his possession to his successor in office

Section 406 The inspector shall also do the following

(a) Apply to the court for an injunction where the speedy closing of a mine or section thereof is expedient for health or safety

(b) Approve self-acting doors

(c) Assist in determining width of barrier pillars

(d) Inspect emergency hospitals every six months

(e) Reduce the number of persons to be hoisted when necessary

(f) Request the removal of coal dust in breaker where injurious to health

ARTICLE V

Employment of Mine Foremen and Assistant Mine Foremen

Section 501 It shall not be lawful neither shall it be permitted for any person or persons to act as mine foremen or assistant mine foremen of any coal mine or colliery unless they are registered as holders of certificates of qualification for service under this act or unless in the judgment of the employer he is a person possessed of qualifications which make him equally competent to act in such position

Article VI, Sections 601 to 605 inclusive were separately read and agreed to as follows:

ARTICLE VI

Examination and Qualification of Mine Foremen and Assistant Mine Foremen

Section 601 For the purpose of examining applicants for mine foremen's and assistant mine foremen's certificates a board of examiners shall be appointed in each of the inspection districts provided for by this act The said boards shall consist of the district inspector of mines two practical miners and one operator superintendent or mining engineer of a mine The said inspector shall act ex officio and the said operator superintendent mining engineer and miners of the several boards shall be appointed as follows

The Court of Common Pleas of Luzerne County shall appoint for the Counties of Luzerne Carbon and Sullivan as many boards as there may be inspectors in the aforesaid counties

The Court of Common Pleas of Lackawanna County shall appoint for the Counties of Lackawanna Susquehanna and Wayne as many boards as there may be inspectors in the aforesaid counties

The Court of Common Pleas of Schuylkill County shall appoint for the Counties of Schuylkill Dauphin Columbia and Northumberland as many boards as there may be inspectors in the aforesaid counties

The person serving as members of mine foremen and assistant mine foremen examining boards on the effective date of this act shall continue to serve under the provisions of this article until the terms for which they were appointed shall have expired

Section 602 The said boards shall act as such for the period of one year from the date of their appointment Meetings of the boards may be held at any time and they may make such rules and conduct such examination as in their judgment may seem proper for the purpose of such examination The said boards shall report their action to the Secretary of Mines and at least three (3) of the members thereof shall certify to the qualifications of each candidate who has passed such examination

Section 603 The boards for the examination of applivants for mine foremen and assistant mine foremen in the anthracite mines shall send to the Secretary of Mines all papers of the applicants together with the tally sheets a list of the questions and the solution of each question as given by the examining board which shall be filed in the department as public documents

Section 604 The members of the several boards appointed under the provisions of this act to examine candidates for foremen's and assistant foremen's certificates shall be compensated at the rate of ten dollars ($10.00) per day for each day during which the said members shall be actually in attendance on the sessions of the board and mileage at the rate of five cents (5c) for each mile actually traveled going from the home of the member to the place of meeting of the board and returning from said place to said home

Each of the said boards is hereby authorized to employ a clerk whose compensation and mileage shall be the same as that of a member of the board The mine inspector shall be chairman of the board

Section 605 The members of the said boards shall on the final adjournment of their respective boards submit statements approved by the chairmen of their respective boards setting forth the number of days during which each member shall have been actually in attendance on the sessions of the board of which he is a member as well as the distance from the home of the member to the place of meeting of his board and the number of miles actually traveled by him and the clerks of said boards shall submit like statements and the Auditor General shall upon receipt of such statement draw his warrant upon the State Treasurer in favor of each of such members and clerks for such sums as shall appear to be properly due to each

Article VI, section 606 was read as follows:

Section 606 Certificates of qualification to mine foremen and assistant mine foremen in the anthracite mines shall be issued by the Secretary of Mines to each applicant who has passed a successful examination and has given satisfactory evidence of having had at least five (5) years' practical experience as a coal mine in the authracite mines of the Commonwealth of Pennsylvania and of good conduct and of good conduct capability and sobriety Applicants shall be citizens of the United States and residents of the Commonwealth and be at least twenty-five years of age The certificates shall be in such manner and form as shall be prescribed by the Secretary of Mines and a record of all certificates granted shall be kept in the Department of Mines Each certificate shall contain the full name age and place of birth of the applicant and also the length and nature of his previous service in the mines Before the examination for certificates of qualification to mine foremen and assistant mine foremen in the anthracite mines each applicant shall pay a fee of two dollars ($2.00) and each successful applicant shall an additional fee of three dollars ($3.00) before receiving a certificate The money thus received from applicants shall be transmitted to the Secretary of Mines to be deposited in the State Treasury In case of the loss or destruction of a certificate the Secretary of Mines shall upon the presentation of satisfactory evidence of the loss or destruction issue a copy of the certificate to the original possessor on the payment of the sum of one dollars ($1.00)

On the question,

Will the House agree to the section?

Mr. BRADLEY. Mr Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 606, page 20, line 12, by striking out the word "mine" and inserting in lieu thereof: "miner."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article VI sections 607 to 609 inclusive were separately read and agreed to as follows:

Section 607 The said examining boards shall before entering upon the duties of their office take and subscribe to an oath or affirmation before a duly qualified officer that they will to the best of their ability conduct such examinations according to law and that the credits given to an applicant's papers shall be according to merit only Such oaths or affirmations shall be made upon blanks furnished by the Department of Mines and they shall be returned to the department and kept on file as other records are kept Every applicant for a mine foremen's or assistant mine foreman's certificate must furnish the board with a statement of his experience in anthracite mines Such statement must show the class of work the applicant was engaged in together with the length of time at each class of work and be signed by the superintendent of the colliery or other responsible official

Section 608 If any person or persons shall forge or counterfeit a certificate or knowingly make or cause to be made any false statement in any certificate under this act or in any official copy of the same or shall urge others to do so or shall utter or use any such forged or false certificate or unofficial copy thereof or shall make give utter produce or make use of any false declaration representation or statement in any such certificate or copy thereto for any document in any such certificate or they shall be guilty of a misdemeanor and upon conviction thereof shall be fined two hundred dollars ($200.00) or imprisoned for a term not exceeding one year or both at the discretion of the court trying the case

Section 609 No mine shall be operated for a longer period than thirty (30) days without the supervision of a mine foreman In case any mine is worked a longer period than thirty (30) days without a mine foreman the owner operator or superintendent shall upon conviction thereof be subject to a penalty of twenty dollars ($20.00) per day for each day over the said thirty (30) days during which the said mine is operated

Article VII sections 701 to 705 inclusive were separately read and agreed to as follows:

ARTICLE VII

Duties of Mine Foremen and Assistant Mine Foremen

Section 701 It shall be the duty of every mine foreman on arrival at his office every morning without delay to make inquiry from his assistants as to the condition of the mine or part thereof under their charge and if any dangerous thing is reported to him by any assistant that may affect the safety of the workmen he shall have the same remedied without delay If any dangerous condition is discovered by any assistant he shall take immediate steps to correct the same and report the same to the Mine Foreman without delay

Section 702 He shall examine every day all reports made of mine inspections and mine equipment If he finds anything reported as unsafe or dangerous he shall have such unsafe or dangerous thing remedied without delay and no person shall be allowed to work at or near an unsafe or dangerous thing except for the purpose of making it safe He shall sign all said reports after reading them as evidence of having done so

Section 703 Whenever a mine foreman cannot personally carry out the provisions of this act so far as they pertain to him the owner operator or superintendent shall authorize him to employ a sufficient number of competent persons to act as his assistants who shall be subject to his orders

Section 704 The mine foreman shall have charge of all matters pertaining to ventilation and the speed of the ventilators shall be particularly under his charge and direction and any superintendent who shall cause the mine foreman to disregard the provisions of this act shall be amendable in the same manner as the mine foreman The mine foreman shall designate some competent person whose duty it shall be to start and stop all auxiliary and booster fans

Section 705 All accessible parts of an abandoned portion of a mine in which explosive gases have been found shall be carefully examined by the mine foreman or his existing therein shall be immediately removed A report of assistants at least once a week and all danger found said examination shall be recorded in a book kept at the colliery for that purpose and signed by the person making the same

Article VII, section 706 was read as follows:

Section 706 In all mines the mine foreman or his assistant shall make a careful examination every morning of all working places and traveling roads and all other places which might endanger the safety of the workmen before the workmen shall enter the mine and such examination shall be made with a safety lamp within three (3) hours at most before time for commencing work and a workman shall not enter the mine or his working place until the said mine or part thereof and working place are reported to be safe Every report shall be recorded without delay in a book which shall be kept at the colliery for the purpose and shall be signed by the person making the examination Provided That in cases of emergency as from sickness or other causes the mine foreman may designate a competent person to make such examinations

On the question,

Will the House agree to the section?

Mr. BRADLEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 706, page 24, line 12, by inserting a heavy-faced bracket after the word "morning", thus "]".

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question.

Will the House agree to the section as amended?

It was agreed to.

Article VII, sections 707 to 716 inclusive were separately read and agreed to as follows:

Section 707 The person who makes said examination shall establish proof of the same by marking plainly the date thereof at the face of each working place and all other places examined

Section 708 A station or stations shall be established at the entrance to each mine or different parts of each mine as the case may require and a workman shall not pass beyond any such station until the mine or parts of the mine beyond the same have been inspected and reported to be safe It shall be the duty of the mine foreman to designate some competent person or persons to stand guard at the station from the time that persons begin to enter the mine until the mine or part of the mine shall have been examined and reported to be safe and the said guard shall not allow any person to pass such station without permission from the mine foreman or the assistant foreman

Section 709 If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in such mine or any part thereof or of any cause whatever the mine or the said part is dangerous every precaution shall be used to ensure the safety of the workmen and every workman except such persons as may be required to remove the danger shall be withdrawn from the mine or such part thereof as is so found dangerous until the said mine or said part thereof is examined by a competent person and reported by him to be safe

Section 710 The Mine Foreman or his assistant shall visit and examine every working place in the mine every working day and if safe and practicable this visit and examination shall be made while the men of such place are or should be at work and shall direct that each and every working place is properly secured by props or timber and that safety in all respects is assured by directing that all loose coal or rock shall be pulled down or secured and that no persons shall be permitted to work in an unsafe place unless it be for the purpose of making it secure Provided however That if the mine is idle forty-eight (48) hours or more the mine foreman or his assistant shall examine every working place the day before operations are resumed the mine foreman or his assistant shall examine every working place

Section 711 The mine foreman or some other competent person or persons to be designated by him shall examine at least once every day all slopes shafts main roads traveling ways signal apparatus pulleys and timbering to see that they are in safe and efficient working condition

Section 712 In every shaft or slope in which provision is made in this act for lowering and hoisting persons a headsman and footman shall be designated by the superintendent or foreman to be at their proper places at all times while men are underground Such headman and footman shall personally attend to the signals and see that the provisions of this act in respect to lowering and hoisting persons in shafts and slopes shall be complied with

Section 713 Whenever loss of life to a miner or otherer employe occurs in or about a colliery notice thereof shall be given promptly to the inspector of mines for the district in which the accident occurred by the mine foreman or outside foreman or other person having immediate charge of the work at the time of the accident and when death results from personal injury such notice shall be given promptly after the knowledge of the death comes to the said foreman or person in charge

Section 714 It shall be the duty of the mine foreman or his assistants in case of injury to any employe by explosion of gas or powder or by any cause while said miners are at work in said mines to at once visit the scene of accident see that the injured is carefully wrapped in woolen blankets and removed to the 'medical room" and so treated with oils or other remedies as will add to the comfort and care of the patient After being treated with all the skill known to the foreman or his assistants the injured person shall be carefully wrapped up and sent to the surface to be taken in an ambulance or to the mining hospital as may be desired without expense to the injured person

Section 715 Where an accident to any employe involves injury to limbs or causes loss of blood the foreman or his assistants shall see that the bandages splints and linen shall be applied where necessary to prevent loss of blood and relieve pain The foreman shall in all cases see that the injured person is sent to the surface without delay He shall also keep a record showing the name of the person injured the nature of the injury the treatment and by whom treated at the time of the accident

Section 716 It shall be the duty of the mine foreman or his assistant to test by means of a flame safety lamp or with some other approved device the condition of the atmosphere in each section of his mine each day while the men are at work A report of such examination shall be recorded in a book kept at the colliery for that purpose The test shall show the extent to which gas was detected whether cap or an explosive mixture

Articles VIII to XVII inclusive were separately read and agreed to as follows:

ARTICLE VIII

Examination and Qualification of Miners

Section 801 Hereafter no person whosoever shall be employed or engaged in the anthracite coal regions of this Commonwealth as a miner in any anthracite coal mine without having obtained a certificate of competency and qualification so to do from the Miner's Examining Board of the proper district and having been duly registered as provided by existing law

ARTICLE IX

Duties of Miners and Other Workmen

Section 901 Before commencing work and also after the firing of every blast the miner working a breast or any other place in a mine shall enter such breast or place to examine and ascertain its condition and his laborer or assistant must not go to the face of such breast or place until the miner has examined the same and found it to be safe

Section 902 A miner or other person who is about to explode a blast by the use of patent or other squibs or matches shall not shorten the match nor saturate it with mineral oil nor turn it down when placed in the hole nor ignite it except at its extreme end nor do anything to shorten the time the match will burn

If a miner or other person uses a fuse to explode a blast such fuse shall be of sufficient length to protrude at least six (6) inches from the mouth of the hole and in no case shall the total length of the fuse be less than eighteen (18) inches

A place shall be stopped for at least thirty (30) minutes after a squib misses fire Where fuses (straight and time fuses) are used and a missed shot occurs the working place shall be stopped for at least twelve (12) hours If a misfire occurs where electric blasting caps are used an interval of at least thirty (30) minutes must elapse before workmen shall return to such working face

Section 903 A miner or other workman shall not withdraw a charge of powder or other explosive in coal slate or rock which has missed fire nor shall the hole be re-opened

Section 904 When a miner or other workman is about to fire a blast he shall be careful to notify all persons who may be in danger therefrom and shall give sufficient alarm before firing any blast by any means whatsoever so that any person or persons who may be approaching shall be warned of the danger

Section 905 Any miner or other person having charge of a working place in any mine shall keep the roof and sides thereof properly secured by timber or otherwise so as to prevent such roof and sides from falling and he shall not do any work or permit any work to be done under loose or dangerous material except for the purpose of securing the same

Section 906 Any miner or other workman who shall discover anything wrong with the ventilating current or with the condition of the roof side timber or roadway or with any other part of the mine in general such as would lead him to suspect danger to himself or his fellow workmen or to the property of his employer shall immediately report the same to the mine foreman or other person for the time being in charge of that portion of the mine

Section 907 Any miner or other workman shall not be allowed to store gunpowder or any other explosive in a mine He shall not have at any one time in any one place more than one keg or box containing twenty-five (25) pounds unless more is necessary for a person to accomplish one day's work

Section 908 Any miner or other workman who has gunpowder or other explosive in a mine shall keep it in a wooden box securely locked and such box shall be kept at least ten (10) feet from the tracks in all cases

Section 909 Whenever a miner or other workman shall open a box containing explosives or while in any manner handling the same he shall first place his open lamp not less than five (5) feet from such explosives and in such position that the air current cannot convey sparks to it and a workman shall not approach nearer than five (5) feet to an open box containing powder with a lamp lighted pipe or anything containing fire

Section 910 In charging holes for blasting in coal slate or rock no miner or other workman in any mine

shall use an iron or steel pointed needle The end of any metal tamping bar must be tipped with at least six (6) inches of copper or other soft metal The hole must be large enough to admit freely the cartridge containing the explosive and in no case shall a tight cartridge be rammed into a hole

Section 911 When gas is ignited by blast or otherwise the miner or other person igniting the same shall immediately extinguish it if possible and notify the mine foreman or his assistant of the fact and workmen must see that no gas blowers are left burning upon leaving their working places

Section 912 Not more than five blasts shall be fired at the working face of a low coal seam within a period of one hour except by permission from the mine foreman or his assistant and each hole when charged and fired shall constitute a blast This section shall not pertain to cracked gangways

Section 913 No miner or laborer shall run cars out of any breast or chamber or on any gravity road unless he is a suitable person designated by the mine foreman for that particular work and no person under the age of eighteen (18) years shall be designated by any mine foreman to perform such work

Section 914 No workman or other person shall ride upon or against any loaded car cage or gun-boat in any shaft slope or plane in or about a mine or colliery

Section 915 When any person is about to descend or ascend a shaft or slope the headman or footman as the case may be shall inform the engineer by signal or otherwise of the fact and the engineer shall return a signal before moving or starting the engine In the absence of a headman or footman the person about to descend or ascend shall give and receive signals in the same manner

Section 916 No person shall couple or uncouple loaded or empty cars while the same are in motion Provided however That this shall not apply to the top or bottom men of slopes planes or shafts

Section 917 No person except the man giving the signal shall jump on a car cage or gun-boat after the signal has been given and if any person shall enter a car cage or gun-boat in excess of the lawful number the headman or footman shall notify him of the fact and request him to get off which request must be immediately complied with Any violation of this rule must be promptly reported to the mine foreman

Section 918 No workman shall pass a fenced off place a fenced off traveling way or a designated danger station unless accompanied by a colliery official or unless he has been directed by a colliery official to pass such place fenced off traveling way or such designated danger station for the purpose of making such place or places safe

ARTICLE X

Maps and Plans

Section 1001 The owner operator or superintendent of every coal mine or colliery shall make or cause to be made an accurate map or plan of the workings or excavations of such coal mine or colliery on a scale of one hundred feet to the inch which map or plan shall exhibit the workings or excavations in each and every seam of coal and the tunnels and passages connected with such workings or excavations It shall state in degrees the general inclination of the strata with any material deflection therein in said workings or excavations and shall also state the tidal elevations of the bottom of each and every shaft slope tunnel and gangway and any other point in the mine or on the surface where such elevation shall be deemed necessary by the inspector

The map or plan shall show the number of the last survey station and date of each survey on the gangways or the most advanced workings

It shall also accurately show the boundary lines of the lands of the said coal mine or colliery and the proximity of the working thereto and in case any mine contains any water dammed up in any part thereof it shall be the duty of the owner operator or superintendent to cause the true location of the said dam to be accurately marked on said map or plan together with the tidal elevation inclimation of strata and areas of said workings containing water and whenever any workings or excavations are approaching the workings where such dam or water is contained or situated the owner operator or superintendent shall notify the inspector of the same without delay

Whenever a mine fire is sealed an outline of the sealed area must be plainly shown on the mine map together with such data as the mine inspector may request pertaining to the same

Upon request of the mine inspector the location of all bore holes must be placed on the mine inspector's map and the operator or superintendent of the mine shall furnish the inspector with any additional information regarding bore holes upon his request

The said owner operator or superintendent shall deposit a true copy of such map or plan with the inspector of mines for the district in which the said coal mine or colliery is situated showing the workings of each seam if so desired by the inspector on a separate sheet of tracing muslin One copy of said map or plan shall be kept at the colliery

Section 1002 The said owner operator or superintendent shall as often as once in every six months place or cause to be placed on the said inspector's map or plan of said coal mine or colliery the plan of the extensions made in such coal mine or colliery during the preceding six months The said extensions shall be placed on the inspector's map and the map returned to the inspector within two months from the date of the last survey

Section 1003 When any coal mine or colliery is worked out preparatory to being abandoned or when any lift thereof is about to be abandoned the owner operator or superintendent of such coal mine or colliery shall have the maps or plans thereof extended to include all excavations as far as practicable and such portions thereof as have been worked to the boundary lines of adjoining properties Any part or parts of the workings which are intended to be allowed to fill with water must be surveyed in duplicate and such surveys must practically agree They shall be certified to by the owner operator or superintendent and shall be filed with the inspector of the district in which the mines are situated

Section 1004 Whenever the owner operator or superintendent of any coal mine or colliery shall neglect or refuse or from any cause not satisfactory to the inspector shall fail for a period of three months to furnish to the inspector the map or plan of said colliery or of the extensions thereto as provided for in this Article the inspector is hereby authorized to cause an accurate map or plan of such coal mine or colliery to be made at the expense of the owner thereof which cost shall be recoverable from said owner as other debts are by law recoverable

Section 1005 If the inspector finds or has reason to believe that any map or plan of any coal mine or colliery furnished under the provisions of this article is materially inaccurate it shall be his duty to make application to the Court of Common Pleas of the county in which such colliery is situated for an order to have an accurate map or plan of said colliery prepared and if such survey shall prove that the map furnished was materially inaccurate or imperfect such owner operator or superintendent shall be liable for the expense incurred in making the same

Section 1006 If it shall be found that the map or plan furnished by the owner operator or superintendent was not materially inaccurate or imperfect the Commonwealth shall be held liable for the expense incurred in making said test survey

Section 1007 If it shall be shown that the said owner operator or superintendent has knowingly or designedly caused or allowed such map or plan when finished to be incorrect or false such owner operator or superintendent thus offending shall be guilty or a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding three (3) months at the discretion of the court

Section 1008 The maps or plans of the several coal mines or collieries in each district and which are placed in the custody of the inspector shall be the property of the Commonwealth and shall remain in the care of inspector of the district in which the said collieries are situated to be transferred by him to his successor in office and in no case shall a copy of the same be made without the consent of the owner operator or superintendent

Section 1009 The inspector's map or plan of any particular colliery shall be open for inspection in the presence of the inspector to any miner or miners of that colliery whenever said miner or miners shall have cause to fear that his or their working place or places are becoming dangerous by reason of their proximity to other workings which may be supposed to contain water or dangerous gases Said map shall also be open to the inspection and examination of any citizen interested during business hours

Section 1010 It shall be obligatory on the owners of adjoining coal properties to leave or cause to be left a pillar of coal in each seam or vein of coal worked by them along the line of adjoining property of such width that taken in connection with the pillar to be left by the adjoining property owner will be a sufficient barrier for the safety of the employes of either mine in case the other should be abandoned and allowed to fill with water such width of pillar to be determined by the engineers of the adjoining property owners together with the inspector of the district in which the mine is situated Such width of pillar as shall have been agreed upon by the adjoining property owners and the mine inspector of the district shall be placed on the inspector's map without delay

The sureys of the face of the workings along such pillar shall be made in duplicate and must practically agree A copy of such duplicate surveys certified to must be filed with the owners of the adjoining properties and with the inspector of the district in which the mine or property is situated

Section 1011 At the request of the mine inspector the owner operator or superintendent of any coal mine shall furnish him with a geological cross section of such soal seams in such mine as he may require

ARTICLE XI

Shafts Slopes Openings and Outlets

Section 1101 It shall not be lawful for the owner operator or superintendent of any mine to employ any person or persons in such mine or permit any person or persons tobe in such mine for the purpose of working therein unless there are in connection with every seam of coal and from every lift thereof worked in such mine not less than two openings or outlets separated by a stratum of not less than sixty (60) feet in breadth underground and one hundred and fifty (150) feet in breadth at the surface at which openings or outlets safe and distinct means of ingress or egress are at all times available for the person or persons employed in said mine This section shall not apply to opening a new mine or to opening any new lift of a mine while being worked for the purpose of making a connection between said two outlets so long as not more than twenty (20) persons are employed at one time in such mine or new lift of a mine At least half of this number must be employed at making the second outlet Neither shall this section apply to any mine or part of a mine in which the second outlet has been rendered unavailable by reason of the final robbing of pillars previous to abandonment so long as not more than twenty (20) persons are employed therein at any one time The cage or cages and other means of egress shall at all times be available for the persons employed where there is no second outlet

Section 1102 The owner operator or superintendent of any mine to which there is only one shaft slope or outlet may petition the Court of Common Pleas in and for the county in which said mine is situated which said court is hereby empowered to act in the premises setting forth that in consequence of intervening lands between the working of his mine and the only practicable point at which to make or bring to the surface from the working of his mine he is unable to make an additional shaft slope or outlet in accordance with the requirements of this act whereupon the court may make an order of reference and appoint three disinterested persons residents of a county viewers one or more of whom shall be a practical mining engineer all of whom after being sworn to a faithful discharge of their duties shall view and examine the premises and determine as to whether the owner should have the privilege of making an additional outlet through or upon any intervening lands as the case may require and report in writing to the court which report shall be entered and filed of record

Section 1103 If the finding of the viewers or any two of them is in favor of the owner of such coal mine or colliery he may make an additional shaft slope or outlet through or upon intervening lands as may be determined upon and provided for by the award If the finding of the viewers is against the owner or if no award be made by reason of any default or neglect on the part of the owner he shall be bound to comply with the provisions of this act in the same manner as if this section had not been enacted In case the said owner operator or superintendent desires to and claims that he ought to make an additional opening under through or upon any adjoining or intervening lands to meet the requirements of this act for the ingress and egress of the men employed in his or their mine he or they shall make a statement of the facts in the petition with a survey setting forth the point of commencement and the point of termination of the proposed outlet which he or they their engineers agents or employes may enter upon said intervening lands and survey and mark as he or they shall find it proper to adopt for such additional outlet doing as little damage as possible to the property explored and the viewers shall state in their report what damage will be sustained by the owner or owners of the intervening lands by the opening construction and use of the outlet and if the report is not appealed from it shall be confirmed or rejected by said court as to right and justice shall appertain and any further and all proceedings in relation thereto shall be in conformity with like proceedings as in the case of a lateral railroad across or under intervening lands under the act in relation to lateral railroads approved the fifth day of May Anno Domini one thousand eight hundred thirty-two (Pamphlet Laws five hundred one) and the supplements thereto so far as the provisions of the same are applicable hereto and the notices to the owner of intervening lands of the intention to apply for the privilege of making an outlet and meeting of the viewers shall be given and the costs of the case shall be paid as provided in the said act of May fifth Anno Domini one thousand neight hundred thirty-two (Pamphlet Laws five hundred one) and the supplements thereto

Section 1104 The main escapement shafts or slopes shall be fitted with safe and available appliances by which persons employed in the mine may readily escape in case an accident occurs deranging the hoisting machinery at the main outlets

Section 1105 In all slopes where the angle of inclination is fifteen (15) degrees or less there must be provided a separate traveling way which shall be maintained in a safe condition for travel and kept free from steam and dangerous gases

Section 1106 The top of each slope if dangerous or any intermediate lift thereof shall be securely fenced off by railing or by vertical or flat gates

Section 1107 Every abandoned slope shaft airhole and drift shall be properly fenced around or across its entrance

Section 1108 All underground entrances to any places not in actual course of working or extension shall be properly fenced across the whole width of such entrances so as to prevent person from inadvertently entering the same

Section 1109 The owner operator or superintendent of any coal mine or colliery which is worked by shaft or slope shall provide and maintain a telephone or suitable

appliance by or through which conversation can be held by and between persons at the bottom and at the top of the shaft or slope and also an efficient means of signaling from the bottom of such shaft or slope to the engineer in charge of the hoisting engines The owner operator or superintendent of every coal mine or colliery shall provide and maintain a telephone by or through which conversations can be had between person on the outside of the mines and the principal centers of operations in the mines

Section 1110 The owner operator or superintendent of all mines shall see that the surface landing and all other landings of shafts are provided with gates so hung and adjusted that they will close automatically It shall be unlawful for any man employed as a footman at a shaft in which coal or other material is hoisted to work at this occupation unless he has provided himself with a safety headgear or helmet of a design approved by the Department of Mines which headgear or helmet must be worn by him at all times while on duty

Section 1111 Every cage or gun-boat used for lowering or hoisting persons in any shaft or slope shall be provided with handrails safety catches and a proper protector so constructed that persons while on such cage or gun-boat shall not be struck by anything which may fall or roll down said shaft or slope

Section 1112 Over all shafts which are being sunk or shall hereafter be sunk a safe and substantial structure shall be erected to sustain the sheaves or pulleys at a height of not less than twenty (20) feet above the tipping place and the top of such shaft shall be arranged in such manner that no material can fall into the shaft while the bucket is being emptied

Section 1113 The said structure shall be erected as soon as a substantial foundation is obtained and in no case shall a shaft be sunk to a depth of more than fifty (50) feet without such structure

Section 1114 If provision is made to land the bucket upon a truck the said truck shall be constructed in such manner that material cannot fall into the shaft All rock and coal from shafts as they are being sunk shall not be raised except in a bucket or on a cage and such bucket or cage must be connected to the rope or chain by a safety hook clevis or other safe attachment

Section 1115 Such shafts shall be provided with guides and guide attachments applied in such manner as to prevent the bucket from swinging while descending or ascending therein and such guides and guide attachments shall be maintained at a distance of not more than seventy-five (75) feet from the bottom of such shaft until its sinking shall have been completed but this section shall not apply to shafts one hundred (100) feet or less in depth

Section 1116 Where the strata are not safe every shaft shall be securely cased lines or otherwise made secure

Section 1117 The following rules shall be observed as far as practicable in every shaft to which this act applies

First After each and every blast the chargeman must see that all loose material is swept down from the timbers before the workmen descend to their work

Second After a suspension of work and also after firing a blast in a shaft where explosive gases are evolved the person in charge must have the said shaft examined and tested with a safety lamp before the workmen are allowed to descend

Third Not more than four persons shall be lowered or hoisted in any shaft on a bucket at the same time and no person shall ride on a loaded bucket

Fourth Whenever persons are employed on platforms in shafts the person in charge must see that the said platforms are properly and safely constructed

Fifth While shafts are being sunk all blasts therein must be exploded by an electric battery

ARTICLE XII

Ventilation

Section 1201 The owner operator or superintendent of every mine shall provide and maintain a constant and adequate supply of pure air for the same as hereinafter provided

Section 1202 It shall not be lawful to use a furnace for the purpose of ventilating any mine wherein explosive gases are generated

Section 1203 The quantities of air in circulation shall be ascertained with an anemometer or other efficient instrument Such measurements shall be made by the inside foreman or his assistant once every week at the inlet and outlet airways also at or near the face of each gangway and at the nearest cross-heading to the face of the inside and outside chamber or breast where men are employed Such air measurements shall be entered in the colliery report book Cross-headings between chambers or breasts shall not be driven more than sixty (60) feet from the face of each chamber or breast A report of these air measurements shall be sent to the inspector before the twelfth day of each month for the preceding month together with a statement of the number of persons employed in each district

Section 1204 The minimum quantity of air produced shall not be less than two hundred (200) cubic feet per minute for each and every person employed in any mine and as much more as the circumstances may require

Section 1205 The ventilating currents shall be conducted and circulated to and along the face of each and every working place throughout the entire mine in sufficient quantities to dilute render harmless and sweep away smoke and noxious or dangerous gases to such an extent that all working places and traveling roads shall be in a safe and fit state to work and travel therein

Section 1206 All worked-out or abandoned parts of a mine in operation so far as practicable shall be kept free of dangerous bodies of gases or water and if found impracticable to keep the entire mine free from an accumulation of gases or water the mine inspector must be immediately notified

All accessible parts of an abandoned portion of a mine in which explosive gases have been found shall be carefully examined by the mine foreman or his assistants at least once a week and any dangerous condition found existing therein shall be immediately removed A report of said examination shall be recorded in a book kept at the colliery for the purpose and signed by the person making the same

Section 1207 Every mine employing more than seventy-five (75) persons must be divided into two or more districts Each district shall be provided with a separate split of pure air and the ventilation shall be so arranged that not more than seventy-five (75) persons shall be employed at the same time in an yone current or split of air

The inlet and return air passages for any particular district must be separated by a pillar of coal or stone if the thickness and dip of the vein will permit except where it is necessary to cut through said dividing pillar for the purpose of ventilation traffic or drainage

Section 1208 All air passages shall be of sufficient area to allow the free passage of not less than two hundred (200) cubic feet of air per minute for every person working therein and in no case in mines generating explosive gases shall the velocity exceed four hundred and fifty (450) lineal feet per minute in any opening through which the air currents pass if gauze safety lamps are used except in the main inlet or outlet airways

Section 1209 All cross-cuts connecting the main inlet and outlet air passages of every district when it becomes necessary to close them permanently shall be substantially closed with brick or other suitable building material laid in mortar or cement whenever practicable

Section 1210 All doors used in assisting or in any way affecting the ventilation shall be so hung and adjusted that they will close automatically

Section 1211 All main doors shall have an attendant whose constant duty it shall be to open them for transportation and travel and prevent them from standing open longer than is necessary for persons or cars to pass through unless a self-acting door is used which is approved by the inspector of the district

Section 1212 All main doors shall be so placed that when one door is open another which has the same effect upon the same current shall be and remain closed and thus prevent any temporary stoppage of the air current

Section 1213 An extra main door shall be so placed and kept standing open as to be out of reach of accident and so fixed that it can be at once closed in the event of an accident to the doors in use

Section 1214 The frame work of such main doors shall be substantially secured in stone or brick laid in mortar or cement unless otherwise permitted in writing by the inspector

Section 1215 All permanent air bridges shall be substantially built of fireproof material and of such strength as the circumstances may require Temporary air bridges or overcasts may be built of other suitable material upon permission from the mine inspector

Section 1216 All ventilators used at mines shall be provided with recording instruments by which the speed of the ventilators or the ventilating pressure shall be registered for each hour and such data shall be preserved at the colliery for future references for a period of three months

Section 1217 An accumulation of gas in mines shall not be removed by brushing When such accumulations occur they must be removed by sufficient air currents only

Section 1218 No auxiliary or booster fan shall be allowed in any mine unless a request in writing be made by the superintendent of such mine to the mine inspector of the district and permission granted by him to install such fan

Section 1219 Auxiliary fans driven by electric power shall not be used in gaseous mines unless the motors of such fans are enclosed in explosion proof casings approved by the United States Bureau of Mines All such fans must be located so that there shall be maintained at all times a positive separation of inlet and outlet air currents

Section 1220 All main fans used to ventilate gaseous mines shall be operated continuously when necessary for the safety of the men employed therein and when the Mine Inspector so orders During any period in which repairs are being made to any such fan or fans or for any person any such fans are stopped no person or persons shall be allowed in any gaseous part of said mine except for the purpose of making examinations and observations of gaseous conditions All such examinations shall be made with an approved safety lamp

Section 1221 Whenever a mine suspends operations temporarily and is being maintained in readiness for operation the the mine shall be examined at least once a week in the same manner as if in operation and a report of such examination shall be made in the colliery report book and signed by the person making the examination

Section 1222 When non-gaseous (Class A) mines in which mining has been suspended and fans stopped during such idle periods before such mine or mines resume mining all such fans shall be put in operation at least twelve (12) hours before work is resumed An examination of all working places haulage roads traveling roads etc shall be made before the men are allowed to enter the mine

Section 1223 When any main ventilating fans have been stopped they shall prior to the resumption of work in the mine be operated a sufficient length of time to provide a supply of air adequate enough to dilute render harmless and sweep away all smoke and noxious gases and an examination shall be made of all haulage roads traveling roads working places and other places in which accumulations of gas or smoke might endanger the safety of the workmen before the men are allowed to enter the mine

Section 1224 All inlet and outlet airways shall be kept free from all obstructions and in fit state to be traveled and inspected at all times

Section 1225 Any person or persons who shall neglect or fail to comply with the provisions of this article or who shall make any false report in regard to air measurements shall be guilty of an offense against this act

ARTICLE XIII

Underground Buildings

Section 1301 All Buildings inside of any anthracite coal mine in Pennsylvania including engine-houses pump-houses stables et cetera shall be constructed of incombustible material and no temporary buildings of any character in any mine shall be constructed unless they are constructed of incombustible material

Section 1302 Any owner operator or superintendent of a coal mine failing to comply with this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of one hundred dollars ($100.00) or undergo imprisonment in the county jail for a period of ten (10) days or both at the discretion of the court

ARTICLE XIV

Classification of Mines or Sections Thereof with Reference to Combustible Gas

Section 1401 All anthracite mines or sections thereof shall be classed as A B or C as hereinafter provided

Section 1402 A Class A mine or section thereof shall be considered one in which seven one-hundredths (7/100) of one per cent of combustible gas or less is found Such mine or section thereof shall be considered non-gaseous

Section 1403 A Class B mine or section thereof shall be considered one in which more than seven one-hundredths (7/100) of one per cent and less than five-tenths (5/10) of one per cent of combustible gas is found

Section 1404 A Class C mine or section thereof shall be considered one in which five-tenths (5/10) of one per cent or more of combustible gas is found

Section 1405 Examinations to determine the classification of mines or sections thereof shall be made by the operator or his representative every six months at the faces of the first and last working place on a split and the average of the tests shall be the determining factor Tests shall be made by use of a methane detector approved by the United States Bureau of Mines or by chemical analysis

Section 1406 The ventilation must have been stopped or short-circuited for at least fifteen minutes when the aforesaid examinations are made and the results recorded and a copy of the same shall be sent to the inspector of the district within ten days after such examination

Section 1407 The classification of a section of a mine as "A" "B" or "C" does not of necessity place the whole mine in that class

Section 1408 If one-fourth (¼) of an inch gas cap can be seen on the flame of an approved safety lamp it shall be assumed that the air contains at least one and one-half (1½) per cent of combustible gas

Section 1409 No mine or section thereof shall be considered as belonging to a less hazardous class than the one to which it formerly belonged without permission from the inspector of the district

ARTICLE XV

Use of Electricity

Section 1501 All electrical apparatus and conductors shall be so installed and protected as to reduce danger from shock or fire to a minimum

Section 1502 No higher voltage than medium (650) shall be taken underground except for transmission or for application to transformers or other apparatus in which the whole of the high voltage circuit is stationary

Section 1503 When high voltage cables are taken into the mine through bore holes shafts slopes and other traveling-ways to an underground station from which point low or medium voltage may be conveyed said cables shall be so constructed as to reduce the hazards of accidental shock to a minimum

Section 1504 In gaseous mines (C class) high voltage transmission cables shall be installed in the intake airways or in bore holes provided such bore holes are in or connected to intake airway unless specific permission to install high voltage cables has been given by the In-

spector in writing and in response to a specific written request

High voltage motors and transformers if used in a mine shall be installed only in underground stations ventilated by intake air which has not passed through a gaseous district

Section 1505 Gloves and mats of rubber or other suitable insulating material shall be provided and used by persons when making repairs to live parts of any electrical apparatus or when live parts of electrical apparatus have to be handled for the purpose of adjustment Provided That this section shall not apply to electric signal circuits

Section 1506 Instructions shall be posed in every generating transforming and motor room containing directions as to the restoration of persons suffering from electric shock

Section 1507 In underground stations where switchboards are installed there shall be a passageway in front of the switchboard not less than three (3) feet in the clear The rear of said switchboard must be fenced off so that there is no passageway in the rear of if this be impracticable any such passageway must be three (3) feet in the clear

When medium voltage is used insulating floors or mats shall be provided where live metal work is on the front of the board When high voltage is used unless installed in a locked room to which only authorized persons are admitted all live metal parts on the front of the main switchboard within seven (7) feet of the floor or platform shall be guarded so as to prevent persons from coming in contact with such live parts The floor back of the board shall be made of incombustible material Provided however that this section does not apply to switchboards now in service or extensions thereof

Section 1508 Fire buckets filled with clear dry sand or other standard extinguishers for electrical fires shall be kept in underground stations ready for immediate use in extinguishing fires

Section 1509 Medium or low pressure conductors may be bare except in gaseous portions (C class) of the mines This rule is not to include trolley wire except where hereinafter provided

Section 1510 At all landings and partings where men are required to work regularly or pass under trolley or other bare power wires which are placed less than six and one-half (6½) feet above the top of the rail a suitable protection shall be provided This protection may be afforded by channeling the roof placing boards along the wires which shall extend below them or the use of other approved devices that afford protection .

Section 1511 All underground power wires and cables in hoisting shafts or manway compartments shall be highly insulated and substantially fixed in position On main haulage roads all cables and other wires except trolley wires and D C feeder wires when mounted on the same supports shall be kept at least twelve (12) inches away from any part of the mine car or locomotive

Section 1512 Trailing cables in use shall be examined daily by the machine operator for abrasions and other defects and he shall report any defect to the mine foreman or his assistant and it shall be immediately remedied or the cable put out of service

Section 1513 All points at which a circuit other than a signal circuit has to be made or broken shall be provided with proper switches The use of hooks or other makeshifts are prohibited except that connection for gathering locomotives or locomotives and machines used in driving headings or chambers may be made to the trolley wire by means of suitable hooks

Section 1514 In any gaseous portion of a mine (B and C class) a coal-cutting machine shall not be brought beyond the last cross-cut next the working face until the machine man shall have made an inspection for gas or until such examination shall have been made by some other competennt person If any explosive gas is found in the place the machine shall not be taken in

Section 1515 No coal-cutting machine shall be continued in operation in a gaseous portion of a mine (C class) for a longer period than half an hour without an examination being made for gas and if gas is found the current shall at once be switched off and the machine and the trailing cable shall worthwith be disconnected from the power supply

Section 1516 The person in charge of a coal-cutting machine loading machine or drilling machine shall not leave the machine while it is working and shall before leaving the working place see that the current is cut off from the trailing cables In any gaseous portion of a mine (C class) if an electric spark or arc be produced by the cable or rails the defect shall be immediately reported to the mine foreman or his assistant and the condition remedied without delay

Section 1517 In any gaseous portion of a mine (C class) any gangway airway or other working which is served by cars being pushed to the face of it must not have any trolley wire therein closer than one hundred and fifty (150) feet from its face No modification of this rule shall be allowed unless the mine inspector of the district be first consulted and his permission obtained to make such modification A trailing cable is permitted in all such cases

No electric haulage motor shall be taken to the face of any working place in any gaseous portion of a mine (B or C class) in the absence of the men working in such place until it is first examined by a competent person and found to be safe

Section 1518 In no case shall the potential used in the trolley system be higher than low voltage Provided That this section shall not apply to trolley systems now in service or extensions thereof

Section 1519 No electrical equipment shall be operated in that part of any mine in which more than one and one-half (1½) per cent of combustible gas can be detected and all work must be stopped except such as may be necessary to reduce the percentage content to one and one-half or less

Section 1520 In gaseous mines (B class) open lights and electric lamps are permissible provided a flame safety lamp approved by the Department of Mine is used for testing purposes Such safety lamps shall be as far as practicable kept near the roof of the working face

It shall not be assumed that a mine or portion thereof is gaseous because of the partial or exclusive use of electric cap lamps

Section 1521 In each part of all gaseous mines (C class) no light other than a locked safety lamp or a locked safety lamp and electric cap lamp both of a type which shall be first approved by the Department of Mines shall be allowed or used in such part Whenever safety lamps or electric cap lamps are required in any mine or part thereof they shall be the property of the owner of said mine and a competent person who shall be appointed for the purpose shall examine every safety lamp and electric cap lamp before it is taken into the workings for use and he shall ascertain that all safety lamps are clean safe and securely locked and safety lamps and electric cap lamps shall not be used until they have been so examined and found safe and in the case of safety lamps clean and securely locked

Section 1522 No one except a duly authorized person shall have in his possession a key or any other contrivance for the purpose of unlocking any safety lamp in any gaseous mine where locked safety lamp or electric cap lamps are used It shall be unlawful for any person or persons working in gaseous mines (C class) or portion of a gaseous mine (C class) which is worked by locked afety lamps or locked safety lamps and electric cap lamps to carry into the mine matches smokers' articles or any other material or articles mhich may cause fire To prevent such articles being carried into a dangerous mine or section thereof the mine foreman when he sees fit shall cause a search of the men for such articles

Section 1523 In ay gaseous portion of a mine (C class) except such parts as are ventilated by pure intake air incandescent lamps shall be protected by gas tight fittings of strong glass

Section 1524 All shot firing in gaseous mines or sections of mines (C class) shall be done by the use of an

electric battery approved by the Bureau of Mines and furnished free of charge by the owner or operator of such mine No black powders shall be used in such mines

Section 1525 No shot firing unit shall be connected to the shot firing leads until all other connections preparatory to the firing of shots have been completed and all persons have moved to a place of safety

Section 1526 In any gaseous portion of a mine (C class) the potential used for signaling purposes shall not exceed twenty-four (24) volts and bare wires shall not be used for signal circuits except in intake air currents

Section 1527 Where electric transformers are located on the outside and mounted on steel structures there shall be provided proper walkways or platforms so that examinations or inspections of the same can be made All transformers within eight (8) feet of the ground shall be protected by fencing such fencing to be of a height that will prevent persons from inadvertently coming in contact with same

Section 1528 At all surface plants of collieries and in all mines where electric power is used adequate switches shall be provided at the points where it may be necessary to turn power on or off Such switches except high voltage air break and disconnecting switches and those on D C feeder or on trolley circuits shall be so arranged that they can be operated only from and without the box when the latter is completely closed

Section 1529 Any person or persons failing to comply with the provisions of this article shall be guilty of an offense against this act and upon conviction shall be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) or undergo imprisonment for thirty (30) days in the county jail or both at the discretion of the court

ARTICLE XVI

Inquests

Section 1601 If whenever death occurs from an accident in or about an anthracite coal mine of this Commonwealth and after an examination of such accident the mine inspector finds an inquest should be held he shall notify the coroner to hold such inquest without delay and if no inquest be held by the coroner within forty-eight (48) hours after such notice the inspector shall institute a further and fuller examination of such accident and for this purpose he shall have power to compel the attendance of witnesses at such examination and to administer oaths and affirmations to persons testifying thereat The inspector shall make a record of all such investigations and accidents which record shall be preserved in his office The cost of such investigations shall be paid by the Department of Mines in like manner as other costs are now paid

Section 1602 An inquest held by the coroner upon the body of a person killed by explosion or other accident shall be adjourned by the coroner if the inspector of mines be not present to watch the proceedings and the coroner in such case shall notify the inspector in writing of such adjourned inquest and the time and place of holding the same at least three (3) days previous thereto

Section 1603 Due notice of an intended inquest to be held by the coroner shall be given by the coroner to the inspector and at any such inquest the mine inspector and any representaive of a party in interest shall have the right to examine witnesses and read the law governing the case to the coroner's jury

Section 1604 If at any inquest over the body or bodies of persons whose death was caused by an accident in or about a mine or colliery the inspector cannot be present to watch the proceedings the coroner may proceed with such inquest and if it is shown by the evidence given at the inquest that the accident was caused by neglect or by any defect in or about the mine or colliery which in the judgment of the jury requires a remedy the coroner shall send notice in writing to said inspector of such neglect or default

Section 1605 No person who is interested personally nor a person employed in the mine or at a colliery in or at which loss of life has occurred by accident shall be qualified to serve on a jury empaneled on the inquest and a constable or other officer shall not summon such a person so disqualified as a juror but the coroner shall empanel a majority of the jury from miners who are qualified to judge of the nature of the accident

ARTICLE XVII

Medical Rooms and First Aid Treatment

Section 1701 It shall be unlawful to operate any anthracite mine in the State of Pennsylvania employing more than five persons unless said mine is provided with a sufficient quantity of medical supplies bandages linens splints woolen and waterproof blankets The mine foreman or his assistance shall keep a record showing the required articles on hand Said articles shall be stored in rooms erected at a convenient place in the mine and on the surface which rooms shall not be less than eight by twelve feet and sufficiently furnished lighted clean and ventilated so that therein medical treatment may be given injured employes in case of emergency The furnishings shall be sufficient to accommodate two or more persons in a reclining and sitting posture In mines where five (5) men or less are employed there shall be kept at such mines first aid kits so that first aid to the injured may be rendered in case of necessity

Section 1702 The neglect or refusal to perform the duties required to be performed by this article or the violation of any of the requirements hereof shall be deemed a misdemeanor and shall upon conviction thereof in the Court of Quarter Sessions of the county wherein the misdemeanor was committed be punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment in the county jail for a period not exceeding six months (6) or both at the discretion of the court

Article XVIII, section 1801, was read as follows:

ARTICLE XVIII

Regulating Weights of Explosives

Section 1801 On and after the passage of this act each and every keg or box of explosives used manufactured or sold in or around the anthracite coal mines of this Commonwealth shall have clearly stamped upon it the name of the person firm or corporation manufacturing said explosives the percentage strength of such explosives and also the number of pounds of explosives contained in said keg or box Said explosives must at all times be contained in a metal keg or wooden box

On the question,

Will the House agree to the section?

Mr. BRADLEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1801, page 72, lines 21 and 22, by striking out the words "Said explosives must at all times be" in line 21, and all of line 22.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article XVIII, sections 1802 and 1803 were separately read and agreed to as follows:

Section 1802 Any manufacturer or dealer in said explosives making or selling or causing to be made or sold any keg or box of said explosives containing less weight than shall be shown as stamped upon the keg or box shall be subject to a penalty of five dollars ($5.00) for each and every keg or box of said explosives manufactured or sold which does not contain the respective weights as set forth in the foregoing section

Section 1803 It shall not be lawful for any other person firm or corporation except the person firm or corporation whose name shall be stamped on said keg or box to use any such stamped keg or box for the purpose of containing explosives

Section 1804 Any person firm or corporation violating the provisions of section one thousand eight hundred three of this article shall be subject to a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00)

Articles XIX to XXVIII were separately read and agreed to as follows:

ARTICLE XIX

Recovery of Bodies of Entombed Workmen

Section 1901 Whenever any workman or workmen shall heretofore have been or shall hereafter be enclosed entombed or buried in any anthracite coal mine in this Commonwealth it shall be the duty of the court sitting in equity in the county wherein such workman or workmen are enclosed entombed or buried upon the petition of any of the relatives of those enclosed or buried to make an order of court for the petitioner to take testimony in order that the court may ascertain whether such workman or workmen or the body or bodies of such workman or workmen can be recovered or taken out of said mine

Section 1902 If after full hearing it shall appear to the court that such undertaking is feasible or practicable said court may forthwith issue a peremptory mandamus to the owner or owners lessee or lessees operator or operators of such coal company to forthwith proceed to work for and recover and take out the body or bodies of such workman or workmen and said court shall have full authority to enforce such peremptory mandamus in the manner already provided for the enforcement of such process

ARTICLE XX

Records of Coal Loaded by Miners

Section 2001 At every anthracite coal mine in this Commonwealth where coal is mined and paid for by the car a record of all cars of coal mined shall be kept at the miners' chutes or at the most convenient and practical of said chutes where said coal is loaded in cars which record shall be the final basis in computing the miners' earnings per car without any deduction for any slate or other refuse that may be loaded on said car or cars in the usual and natural course of mining and loading coal and which record shall be open at all times for the inspection of all miners

Section 2002 Any individual firm or corporation violating any of the provisions of section two thousand one shall be guilty of a misdemeanor and upon conviction shall for each offense be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) Provided That nothing contained in this article shall affect any existing contract

Section 2003 Any person who wilfully shall from any loaded coal car in or about any mine breaker or yard in this Commonwealth take remove sever carry away obliterate or destroy any ticket card tin-slip or other device or sign used to indicate or identify the person or persons to whom credit or pay is or shall be due for the mining of the coal in said car or for the loading of said car for the purpose of depriving such person or persons from getting credit or pay for said car or for the purpose of defrauding such person in any manner shall be deemed guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine not exceeding one hundred dollars ($100.00) or to undergo imprisonment not exceeding one (1) year either or both at the discretion of the court and the jury trying the case may infer such intent from the fact of taking removing carrying away severing or destroying in any manner of such ticket card in-slip or other device or sign as aforesaid

ARTICLE XXI

Wash Houses

Section 2101 It shall be the duty of the owner operator or superintendent of each mine or colliery at the request in writing of twenty (20) or more men employed in any of the mines to provide a suitable building not an engine or boiler house which shall be convenient to the principal entrance of such mine for the use of the persons employed for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom The said building shall be maintained in good order be properly lighted and heated and supplied with pure cold and warm water and shall be provided with facilities for persons to wash It shall be the duty of the owner operator or superintendent of each mine or colliery to maintain proper attendents continuously at each and every wash house in order to maintain the wash house in a clean and sanitary condition at all times If any person or persons shall neglect or fail to comply with the provisions of this article or maliciously injure or destroy or cause to be injured or destroyed the said building or any part thereof or any of the appliances or fittings used for supplying light heat and water therein or any act tending to the injury or destruction thereof he or they shall be deemed guilty of an offense against this act

ARTICLE XXII

Ambulances and Stretchers

Section 2201 The owner operator or superintendent of every mine or colliery except as hereinafter provided shall provide and keep at such mine or colliery a motor ambulance and also at least two (2) stretchers for the purpose of conveying to their places of abode any person or persons who hay be injured while in the discharge of his or their work at such mine or colliery

Section 2202 The said motor ambulance shall be constructed upon good substantial and easy springs It shall be covered and closed and shall have windows on the sides or ends It shall be of sufficient size to convey at least two (2) injured persons with two (2) attendants at one time and shall be provided with spring mattresses or other comfortable bedding to be placed on roller frames together with sufficient covering and protection for the convenient movement of the injured It shall also be provided with seats for the attendants The stretchers shall be constructed in such manner as to afford the greatest ease and comfort in the carriage of injured persons The motor ambulance shall at all times be properly heated

Section 2203 Whenever any person or persons employed in or about a mine or colliery shall receive such injury by accident or otherwise while so employed as would render him or them unable to walk to his or their place of abode the owner operator or superintendent of such mine or colliery shall immediately cause such person or persons to be removed in said motor ambulance to his or their place of abode or to a hospital as the case may require Provided however That were two or more mines or colliers are located within four miles of each other or a motor ambulance is located within four miles of each colliery but one motor ambulance as aforesaid shall be required if said mines or collieries have ready and quick means of communication one with the other by telegraph or telephone

Section 2204 A motor ambulance as aforesaid shall not be required at any mine or colliery at which less than twenty (20) persons are employed

Section 2205 In case the distance from any mine or colliery to the place of abode of the person injured is such as to permit his conveyance to his home or to a hospital more quickly and conveniently by railway such mode of conveyance shall be permitted but in such case the conveyance must be under cover and the comfort of the injured person must be provided for

Section 2206 There shall be furnished free of charge by the State Highway Department a registration certificate and two number tags for every such motor ambulance

ARTICLE XXIII

Employment of Boys and Females

Section 2301 No woman or girl of any age shall be employed or permitted to be in any mine for the purpose of employment therein nor shall a woman or girl of any age be employed or permitted to be in or about the outside structures or workings of a mine or colliery for the purpose of employment Provided however That this prohibition shall not affect the employment of a female of not less than sixteen (16) years of age in an office or in the performance of clerical work at a colliery

Section 2302 No minor under sixteen (16) years of age shall be employed or permitted to work in about or in connection with any breaker or any outside part of any mine or colliery No minor under eighteen (18) years of age shall be employed to be permitted to work inside any coal mine No minor under eighteen (18) years of age shall be employed or permitted to work about or in connection with the outside part of any mine or colliery in the operation of hoisting machines at oiling or cleaning machinery in motion at switch-tending and gate-tending at track repairing or in any other dangerous occupation

Section 2303 Before any person under twenty-one (21) years of age shall be permitted to work in or about any mine or colliery he shall first file with the employer a statement properly sworn to before a magistrate or other proper officer setting forth the date and place of birth and post office address Such statements shall be filed in the colliery office and they shall be available at all times for inspection by the mine inspector of the district or other authorized inspectors or officers charged with the enforcement of this act

Section 2304 Any person who shall violate any of the provisions of this article shall upon conviction thereof be sentenced to pay a fine of not less than ten dollars ($10.00) nor more than two hundred dollars ($200.00) or to undergo an imprisonment of not more than ten (10) days or both at the discretion of the court

ARTICLE XXIV

Soliciting Money or Other Valuables from Employes

Section 2401 On and after the passage of this act any mine superintendent mine foreman or assistant foreman or any other person or persons who shall receive or solicit any sum of money or other valuable consideration from any of his or their employes for the purpose of continuing in his or their employ or for the purpose of procuring employment shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00) or undergo an imprisonment of not less than six (6) months or both at the discretion of the court

ARTICLE XXV

Duties of Outside Foremen

Section 2501 The owner operator or superintendent of a colliery shall place a competent person to be called an "outside foreman" in charge of the breaker and outside work of such colliery who shall direct and see that the provisions of this act are complied with in respect to the breaker outside machinery ropes cages and all other things pertaining to the outside work unless otherwise provided for in this act

Section 2502 Whenever an outside foreman cannot personally carry out the provisions of this act so far as they pertain to him the owner operator or superintendent shall authorize him to employ a sufficient number of competent persons to act as his assistants who shall be subject to his orders

Section 2503 In all coal breakers where the coal dust is so dense as to be injurious to the health of persons employed therein the owner operator or superintendent of said breaker shall upon the request of the inspector immediately adopt measures for the removal of the dust

Section 2504 It shall be the duty of the outside foreman of a colliery or his assistant to inspect and examine personally all machinery in breakers and in all other places where machinery is used for the preparation or storage of coal He shall see that all dangerous machinery rolls pulleys screens belts walks etc are properly protected by coverings railings or fencing so as to prevent persons from inadvertently walking against or falling upon the same

Section 2505 All hoisting ropes safety catches main links and chains shall be carefully examined each day they are used by a competent person delegated by the outside foreman to make such examination A record of any defects found therein by which life or limb may be endangered shall be made in a book and signed by the person making it and said book shall be kept in the colliery office where it shall be available for inspection by the inspector of the district

Section 2506 It shall be the duty of the outside foreman to have all iron hoisting chains main links sockets and slope couplings that are used to lower men into and hoist them from the mines annealed at least once every four (4) months and as much oftener as may be found necessary A record of such annealment shall be kept in a book and signed by the person in charge of the work Provided That this shall not apply to hoisting chains main links sockets and slope couplings that are made of modern heat treated steel

Section 2507 It shall be the duty of the outside foreman to have the motor ambulance kept in good working condition and to this end he shall have it inspected by a competent mechanic once every month and any defects found shall be immediately remedied A record of such motor ambulance inspection together with its condition shall be made in a book and signed by the person making the inspection

Section 2508 It shall be the duty of the outside foreman to keep in the colliery office all employment certificates of minors at which place they shall be open for inspection by the mine inspector of the district or by any other person authorized by law to inspect such certificates

Section 2509 It shall be the duty of the outside foreman to have all cages by which persons are hoisted or lowered in shafts tested for safety as often as once every three (3) months Whenever such test shows that a cage drops nine (9) inches or more or that other dangerous defects exist such cage shall not be further used until all defects therein found have been remedied

Section 2510 If at any time it is found by an employe that any part of the machinery in any breaker or about any colliery has become dangerous he shall immediately notify the foreman whose duty it shall be to have such defect or dangerous condition remedied without delay

Section 2511 The outside foreman shall see that a suitable safety device is installed on the railroad tracks that lead to the breaker and maintained in good working order to protect the loaders who may be loading railroad cars from the coal pockets All railroad car runners shall be provided with safety belts to prevent their falling off such cars

Section 2512 The outside foreman shall before the tenth day of each month send to the mine inspector of the district for the preceding month a report of the condition of all hoisting cages safety catches ropes main links chains breaker machinery motor ambulances or other machinery designating the condition of each by using the words "good" "fair" or "bad" as the case may be This report shall be signed by the outside foreman Such reports shall be made on forms furnished by the Department of Mines

ARTICLE XXVI

Breakers and Machinery

Section 2601 No inflammable structure shall be located over the entrance of any mine opening connecting the surface with the underground workings and no breaker or other inflammable structure for the preparation or storage of coal shall be located nearer than two hundred (200) feet to any mine opening provided that this section shall not apply to breakers and other structures that are now erected

Section 2602 The sides of stairs trestles and dangerous

plank walls in and around the collieries shall be provided with hand and guard railings to prevent persons from falling over their sides This section shall not forbid the temporary removal of a fence guard-rail or covering for the purpose of repairs or other operations if proper precautions are used and the fence guard rail or covering is replaced immediately thereafter

Section 2603 All persons employed to operate machinery in and about the breaker other than that used to lower and hoist persons into and out of the mines shall be sober and competent persons not less than eighteen (18) years of age

Section 2604 A signal apparatus shall be established at important points in every breaker so that in case of an accident the engineer can be promptly notified to stop the machinery

Section 2605 No person under eighteen (18) years of age shall be appointed to oil the machinery and no person shall oil dangerous parts of such machinery while it is in motion

Section 2606 No person shall play with loiter around or interfere with any machinery in or about any mine or colliery

Section 2607 The main link of the chain connecting the rope to the cage gun-boat or car in any shaft or slope shall be made of the best quality of iron or of heat treated steel Bridle chains made of the same quality of iron or heat treated steel shall be attached to the main link rope or rope socket from the cross head of the cage gun-boat or car when persons are being lowered or hoisted thereon

Section 2608 An efficient brake shall be attached to every drum that is used for lowering or hoisting persons or material in any mine

Section 2609 Flanges or horns of sufficient dimensions to prevent the rope from slipping off the said drums shall be provided and properly attached to the drum and all machines used for lowering or hoisting persons in mines shall be provided with an indicator to show the position of the cage car or gun-boat in the shaft or slope

Section 2610 It shall be the duty of the owner operator or superintendent of any or all coal breakers to have them properly heated and lighted in order to prevent injury to the health of persons employed therein

Section 2611 Failure to comply with any of the provisions of this article shall be deemed an offense against this act

ARTICLE XXVII

Hoisting Engineers

Section 2701 No person engaged as hoisting engineer at or about the anthracite coal mines of this Commonwealth part of whose duties it to lower men and boys into and hoist them and coal from the said mines shall be engaged for a longer period than eight (8) hours out of each day of twenty-four (24) hours

Section 2702 An engineer placed in charge of an engine whereby persons are hoisted or lowered in any mine shall be a sober and competent person of not less than twenty-on (21) years of age

Section 2703 Every engineer shall work his engine slowly and with great care when any person is being lowered or hoisted in a shaft or slope and no one shall interfere with him while in the performance of this duty

Section 2704 An engineer who has charge of the hoisting machinery by which persons are lowered or hoisted in a mine shall be in constant attendance for that purpose during the whole time any person or persons are below ground

Section 2705 Any person persons firm partnership corporation or their agents managers or superintendents violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100.00)

ARTICLE XXVIII

Boilers and Connections

Section 2801 All boilers used for generating steam in and about mines and collieries shall be kept in good order and the owner operator or superintendent shall have them examined and inspected by a qualified inspector properly certified by the Commonwealth as often as once in six (6) months and oftener if necessary The result of such examination under oath shall be certified in writing to the inspector for the district within thirty (30) days thereafter

Section 2802 It shall not be lawful to place any boiler or boilers for the purpose of generating steam under or nearer than one hundred (100) feet to any coal breaker or other structure in which persons are employed in the preparation of coal Provided That this section shall not apply to boilers or breakers already erected or to boilers used for heating purposes only

Section 2803 Each nest of boilers shall be provided with a safety valve of sufficient area for the steam to escape and with weights or springs properly adjusted

Section 2804 Every boiler house shall be provided with a steam gauge properly connected with the boilers to indicate the steam pressure and another steam gauge shall be attached to the steam pipe in the engine house and they shall be placed in such position that the engineer or fireman can readily examine them and see what pressure is carried Such steam gauges shall be kept in good order tested and adjusted as often as once in every six (6) months and their condition reported to the inspector in the same manner as the report of boiler inspection

Section 2805 Every fireman in charge of a boiler or boilers for the generation of steam shall keep constant watch over the same He shall see that the steam pressure does not at any time exceed the limit allowed by the outside foreman or superintendent He shall frequently try the safety valve and shall not increase the weight on the same He shall maintain a proper depth of water in each boiler and if anything should happen to prevent this he shall report the same without delay to the foreman for the time being in charge and take such other action as may under the particular circumstances be necessary for the protection of life and preservation of property

Article XXIX, section 2901, was read as follows:

ARTICLE XXIX

Props and Timbers

Section 2901 It shall be the duty of the owner operator superintendent or mine foreman of any mine to furnish to miners all props cap pieces ties rails timbers and other materials necessary for the safe mining of coal suitably prepared and delivered to the workmen as near to their working places as they can be conveyed in ordinary mine cars free of charge and where the mine car cannot reach the foot of a working place such material shall be conveyed there by other means

On the question,

Will the House agree to the section?

Mr. BRADLEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 290,, page 89, line 3, by inserting a heavy-faced bracket at the beginnng of said line, before the letter "S", thus "["

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Article XXIX, sections 2902 and 2903 were separately read and agreed to as follows:

Section 2902 Every workman in want of props ties

rails or timbers shall notify the mine foreman or his assistant of the fact at least one day in advance giving the length of the props or timber required and in case of danger from loose roof or sides he shall not continue to cut or load coal until the said props and timber have been properly furnished and the place made secure

Section 2903 No person or persons working in any coal mine or colliery shall cut any props or timbers while the same are in position to support the roof or sides When it becomes necessary to remove any of the said props or timbers for any purpose it may be done by using prop or post pullers or by blasting

Articles XXX to XXXVII, the Table of Contents, the preamble and title, were separately read and agreed to as follows:

ARTICLE XXX

Returns and Notices

Section 3001 Notices of death or serious injuries resulting from accidents in or about mines or collieries shall be made to the inspector of mines in writing and shall specify the name age occupation of the person killed or injured and also the nature and character of the accident and of the injury caused thereby

Sertion 3002 The owner operator or superintendent of a mine or colliery shall without delay give notice in writing to the inspector of the district in which said mine or colliery is situated in any or all of the following cases

First Where any working is commenced for the purpose of opening a new slope or mine to which this act applies

Second Where any mine is abandoned or the workings thereof discontinued

Third Where the working of any mine is recommenced after any abandonment or discontinuance for a period exceeding two (2) months

Fourth Before any new coal breaker is completed and work commenced therein for the purpose of preparing coal for market

Fifth Where the pillars of a mine are to be removed or robbed

Sixth Where a squeeze or crush or any other cause or change may seem to affect the safety of persons employed in any mine or where fire occurs or a dangerous body of gas is found in any mine

Section 3003 On or before the second day of each month the owner operator or superintendent of every mine or colliery shall send to the mine inspector of the district for the preceding month an estimate of the number of days worked tons produced and the number of men employed

Section 3004 On or before the first day of February in each year the owner operator or superintendent of every mine or colliery shall send to the inspector of the district a correct report specifying with respect to the year ending December thirty-first previously the name of the operator and officials of the mine with their post-office addresses the quantity of coal mined the amount of powder or other explosives consumed and the number of persons employed above and below ground in or about such colliery classifying the persons so employed The report shall be in such form as may be from time to time prescribed by the Secretary of Mines Blank forms for such report shall be furnished by the Commonwealth

ARTICLE XXXI

General Rules

Section 3101 The owner operator and superintendent of a mine or colliery shall use every precaution to insure the safety of the workmen in all cases whether provided for in this act or not and shall have supervision direction and control of the mine foreman and all other mine employes

Section 3102 Whenever a place is likely to contain a dangerous accumulation of water the working approaching such place shall not exceed twelve (12) feet in width and there shall be constantly kept at a distance of not less than twenty (20) feet in advance at least one (1) bore hole near the center of the working and sufficient flank bore holes on each side

Section 3103 Not more than ten (10) persons shall be hoisted or lowered at any one time in any shaft or slope and whenever five (5) persons shall arrive at the bottom of any shaft or slope in which persons are regularly hoisted or lowered they shall be furnished with an empty car or cage and be hoisted except however in mines where there is provided a traveling way having an average pitch of fifteen (15) degrees or less and not more than one thousand (1000) feet in length This however shall not prohibit the hoisting or lowering of twenty (20) persons at one time on slopes where two (2) or more loaded cars are regulaly hoisted Provided That not less than thirty (30) workmen working therein make such a request in writing to the inspector of the district and if in his judgment the hoisting appliances in every respect are of sufficient strength he may comply with the request of the workmen And provided further That in any coal mine or colliery where the hoisting appliances are not of sufficient strength to hoist or lower the number of persons named he shall have the power to reduce the number of persons to be hoisted or lowered

Section 3104 When high explosives other than gunpowder are used in any mine the manner of storing keeping moving charging and firing or in any manner using such explosives shall be in accordance with special rules as furnished by the manufacturers of the same The said rules shall be endorsed with his or their official signatures and shall be approved by the owner operator or superintendent of the mine in which such explosives are used

Section 3105 Every passageway used by persons in any mine and also used for transportation of coal or other material shall be made of sufficient width to permit persons to pass moving cars with safety but if found impracticable to make any passageway of sufficient width then holes of ample dimensions and not more than one hundred and fifty (150) feet apart shall be made on one side of said passageway The said passageway and safety holes shall be kept free from obstructions and shall be well drained the roof and sides of the same shall be made secure

Section 3106 When locomotives are used in haulage ways in any mine their speed shall not exceed six (6) miles per hour and a red light shall be provided and attached to the front end of every train of cars pushed by the locomotive in any such haulage ways No locomotive shall be permitted to be used in any mine or colliery unless it is manned by two or more men

There shall also be provided a red light to be attached to the rear of every train of cars that is pulled by a locomotive in the main haulage ways of any mine

Section 3107 Any person or persons who shall knowingly or wilfully damage or without proper authority remove or render useless any fencing means of signaling apparatus instrument or machine or shall throw open or obstruct any airways or open a ventilating door and not have the same closed or enter a place in or about a mine against caution or handle without proper authority or disturb any machinery or cars or do any other act or thing whereby the lives or health of persons or the security of the property in or about a mine or colliery is endangered shall be guilty of an offense against this act

Section 3108 When cars are run on gravity roads by brakes or sprags the runner shall ride only on the rear end of the last car and when said cars are run by sprags a space of not less than two (2) feet from the body of the car shall be made on one or both sides of the track wherever it may be necessary for the runner to pass along the side of the moving car or cars and said space or passageway shall always be kept free from obstructions

Section 3109 Safety holes shall be made at the bottom of all slopes and planes and be kept free from obstruction to enable the footman to escape readily in case of danger Such safety holes shall be properly heated in cold weather

Section 3110 Safety blocks or some other device for the purpose of preventing cars from falling into a shaft or running away on a slope plane or all other inclined tracks on which it may be necessary to block cars shall be placed at or near the head of every shaft slope plane

or inclined track and said safety blocks or other device must be maintained in good working order

Section 3111 No person shall travel on any gravity plane while cars are being hoisted or lowered thereon Whenever ten (10) persons arrive at the bottom or top of any plane on which it is necessary for men to travel traffic thereon shall be suspended for a period of time long enough to permit them to reach the top or bottom of said plane

Section 3112 No mine cars shall be used in any mine unless the bumpers are of sufficient length and width to keep the bodies of said cars separated by not less than twelve (12) inches when the cars stand on a straight level road and the bumpers touch each other

Section 3113 For the purpose of making known the rules and the provisions of this act to all persons employed in or about such mine or colliery to which this act applies an abstract of the act and rules shall be posted up in legible characters in some conspicuous place or places at or near the mine or colliery where they may be conveniently read by the persons employed and so often as the same become obliterated or destroyed the owner operator or superintendent shall cause them to be renewed with all reasonable dispatch Any person who pulls down injures or defaces such abstract of the act or rules when posted up in pursuance of the provisions of this act shall be guilty of an offense against this act

Section 3114 Holes drilled for blasting purposes shall be stemmed to the mouth of the holes and in case of a misfire no stemming or charge shall be removed from such hole but another hole shall be drilled at least eighteen (18) inches from and parallel to the original hole Provided however That where an efficient sealing device is used stemming to the mouth of the hole shall not be necessary and in case of misfire in such sealed holes a second charge may be inserted to explode or destroy the original charge

Section 3115 A gangway or other working place from which chambers are driven or long wall mining is done in a low coal seam shall have a traveling way on one side of same at least three (3) feet wide and five (5) feet high Chambers or other places driven from such gangways shall not be more than three hundred (300) feet long unless provided with a traveling way at least three (3) feet wide and three and one-half (3½) feet high

Section 3116 It shall not be lawful for any mine foreman or superintendent of any mine or colliery to employ any person who is not competent to understand the regulations of any mine evolving combustible gas Provided That this rule shall not apply to a section of a mine free from combustible gas

Section 3117 Any superintendent or mine foreman who prevents the footman from giving an empty car or cage to the number of men designated in section three thousand one hundred three shall be guilty of an offense against the provisions of this article and upon conviction shall be sentenced to pay a fine of fifty dollars ($50.00) for each offense An empty trip shall be hoisted in any shaft or slope where the engine has been standing idle for one hour or more before men are hoisted or lowered in said shafts or slops and no person or persons shall ascend any shaft or slope when working on the night turn until one trip shall first be hoisted therein

Section 3118 When compressed air lines are located in close proximity to electric currents there shall be placed in such air lines at suitable places a safety section of rubber hose of not less than twelve (12) inches in length and of sufficient strength to withstand the air pressure contained in the pipe line Such safety device must be approved by the inspector of the district

Section 3119 In all stripping work which may be in connection with other sections of a mine and in which large charges of high explosives are being used sufficient warning must be given to the mine officials so that all men in the mine may be removed from the danger zone before such blasts are fired in any such strippings

ARTICLE XXXII

Definition of Terms

Section 3201 In this act unless the context otherwise requires the term "anthracite coal mine or colliery" includes every operation and work both under ground and above ground used or to be used for the purpose of mining and preparing coal and not included in the bituminous boundaries

Section 3202 The term "workings" includes all the excavated parts of a mine those abandoned as well as the places actually at work

Section 3203 The term "mine" includes all underground workings and excavations and shafts tunnels and other ways and openings also all such shafts slopes tunnels and other openings in course of being sunk or driven together with all roads appliances machinery and material connected with the same below the surface

Section 3204 The term "shaft" means a vertical opening through the strata and which is or may be used for the purpose of ventilation or drainage or for hoisting men or material in connection with the mining of coal

Section 3205 The term "slope" means any inclined way or opening used for the same purpose as a shaft

Section 3206 The term "breaker" means the structure containing the machinery used for the preparation of coal

Section 3207 The term "coal stripping" means an open type of mine from which the soil and all other material overlying the coal seam has been removed Any seam of coal whose thickness is less than three and one-half (3½) feet shall be considered a low coal seam

Section 3208 The terms "owner" and "operator" mean any person or body corporate who is the immediate proprietor or lessee or occupier of any coal mine or colliery or any part thereof The term "owner" does not include a person or body corporate which merely receives a royalty rent or fine from a coal mine or colliery or part thereof or is merely the proprietor of the mine subject to any lease grant or license for the working or operating thereof or is merely the owner of the soil and not interested in the minerals of the mine or any part threof But any "contractor" for the working of a mine or colliery or part or district thereof shall be subject to this act as an operator or owner in like manner as if he were the owner

Section 3209 The term "superintendent" means the person who shall have on behalf of the owner general supervision of one or more mines or colleries

Section 3210 The term "mine foreman" means the person who shall have on behalf of the owner operator or superintendent charge of a mine with regard to the ventilation mining timbering and transportation of coal and the safety of the persons employed in the mine

Section 3211 The term "coal miner" means a person qualified by law to act as such and who cuts or blasts coal or rock at the face of a gangway airway breast or pillar or other working place in a mine and performs such other work as may be necessary in such working place for the extraction of coal

Section 3212 The term "booster fan" means a fan used to deliver the entire volume of one or more splits of air into the workings of the high resistance circuits

Section 3213 The term "auxiliary fan" means a fan used to deliver only a portion of the volume of the air in a split to the working face through tubing of some type

Section 3214 The term "non-gaseous mine or section thereof" means one in which not more than seven one-hundredths (7/100) of one percent of combustible gas can be found in the manner described in article fourteen of this act

Section 3215 The term "section of a mine" means any portion of such a mine that is being ventilated by one split of air

Section 3216 The term "person" means and includes any individual partnership association or corporation and any employe agent director or officer thereof

Definition of electrical terms

Section 3217 (a) Potential The terms "potential" and "voltage" are synonymous and mean electrical pressure

(b) Difference of Potential The term "difference of potential" means the difference of electrical pressure existig between any two points of an electrical system or between any piece of electrical apparatus and the earth as determined by a voltmeter

(c) Where the conditions of supply of electricity are such that normally the difference in potential between any points of the circuit cannot exceed three hundred and twenty-five (325) volts the supply shall be deemed a low voltage

(d) Where the conditions of the supply of electricity are such that the difference of potential between any two points in the circuit may at any time exceed three hundred and twenty-five (325) volts but cannot exceed six hundred and fifty (650) volts the supply shall be deemed a medium voltage

(e) Where the conditions of supply of electricity are such that the difference of potential between any two points in the circuit at any time exceeds six hundred and fifty (650) volts the supply shall be deemed a high voltage

(f) Grounding Grounding any part of an electrical system shall consist of so connecting such part to the earth as will insure at all times a proper path for the immediate discharge of electrical energy

(g) Underground stations as herein considered are places where electrical machinery including transformers are permanently installed

ARTICLE XXXIII

Arbitration

Section 3301 Whenever an inspector finds any mine or colliery or part thereof or any matter thing or practice connected with such mine which in any respect thereof is not covered or provided against by any provision of this act or by any rule to be dangerous or defective or which in his judgment tends to bodily injure a person he shall give notice thereof in writing to the owner operator or superintendent of such mine or colliery stating in such notice the particular matter or defect requiring remedy and may demand that the same be remedied but the owner operator or superintendent of said mine or colliery shall have the right to refer the demand of the inspector to a board of arbitration and the matter shall then be arbitrated within forty-eight (48) hours of the time such complaint or demand is made and the party against whom the award is given shall pay all costs attending the case The said board of arbitration shall be composed of three (3) persons one of whom shall be chosen by the inspector one by the said owner operator or superintendent and a third by the two thus selected and the decision of a majority of such board shall be final and binding in the matter

ARTICLE XXXIV

Injunctions

Section 3401 Upon application of the inspector of mines of the proper district acting in behalf of the Commonwealth any of the courts of law or equity having jurisdiction where the mine or colliery proceeded against is situated whether any proceedings have or have not been taken shall prohibit by injunction or otherwise the working of any mine or colliery in which any person is employed or is permitted to be for the purpose of working in contravention of the provisions of this act and may award such costs in the matter of the injunction or other proceedings as the court may think just but this section shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this act Written notice of the intention to apply for such injunction in respect to any mine or colliery shall be made to the owner operator or superintendent of such mine or colliery not less than twenty-four (24) hours before the application is made

ARTICLE XXXV

Penalties

Section 3501 Any person or persons who shall neglect or fail to comply with any of the provisions of Articles five (V) seven (VII) nine (IX) ten (X) eleven (XI) twelve (XII) fourteen (XIV) fifteen (XV) sixteen (XVI) twenty-one (XXI) twenty-two (XXII) twenty five (XXV) twenty-six (XXVI) twenty-eight (XXVIII) twenty-nine (XXIX) thirty (XXX) or thirty-one (XXXI) of this act shall be guilty of an offense against this act

Such offenses against this act are declared to be misdemeanors

Section 3502 Any judge of the Court of Quarter Sessions of the peace of the county in which a mine or colliery at which an offense against this act as hereinafter stated has occurred is situated is hereby authorized and required upon the presentation to him of the affidavit of any citizen of the Commonwealth setting forth that the owner operator or superintendent or any other person employed in or about such mine or colliery has been negligently guilty of an offense against the provisions of this act whereby a dangerous accident has resulted or might have resulted to any person or persons employed in such mine or colliery to issue a warrant to the sheriff of said county directing him to cause such person or persons to be arrested and brought before said judge who shall hear and determine the guilt or innocence of the person or persons so charged and if convicted he or they shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) in all cases not otherwise provided for in this act or to undergo an imprisonment in the county jail for a period not exceeding three (3) months or both at the discretion of the court Provided That any defendant may waive trial before a judge as herein provided and at any time at or before the time of such trial demand a trial by a jury in the Court of Quarter Sessions in which case he may enter into a recognizance before said judge with such surety or sureties and in such sum as said judge may approve conditioned for his appearance at the next Court of Quarter Sessions to answer the charge against him and abide the orders of the court in the premises meanwhile to be of good behavior and keep the peace or in default of such recognizance to be committed to the county jail to await such trial

Section 3503 If any person shall feel himself aggrieved by such conviction and sentenced before a judge as aforesaid he may appeal therefrom subject to the following conditions namely the appellant shall within seven (7) days after the decree has been made give notice to the prosecutor of his intention to appear and within the same time enter into a recognizance with such surety or sureties and in such sum as shall be approved by said judge conditioned to appear and try such appeal before the next Court of Quarter Sessions of the peace and to abide the judgment of the court thereon and to pay all such costs and penalties as may be there awarded and upon compliance with such conditions the judge shall release the appellant from custody pending the appeal

Section 3504 Nothing in this act shall prevent any person from being indicted or liable under any other act to any higher penalty or punishment than is herein provided and if the court before which any such proceeding is had shall be of the opinion that proceedings ought to be taken against such persons under any other act or otherwise it may adjourn the case to enable such proceedings to be taken

Section 3505 All fines imposed under this act shall be paid into the county treasury for the use of the county

Section 3506 No conviction or acquittal under this act in any complaint shall be received in evidence upon the trial of any action for damages arising from the negligence of any owner operator or superintendent or employe of any mine or colliery

Section 3507 For any violation of duty by the mine inspector prescribed by this act he shall be deemed guilty of a misdemeanor and upon conviction be sentenced to pay a fine of not more than three hundred dollars ($300.00) or be imprisoned for a period not exceeding three (3) months either or both at the discretion of the court

Section 3508 The mine foreman and assistant mine foreman and any person placed in charge of the works or any part thereof shall be the agents of the owners and operators and such owners and operators shall employ them and in discharge them at will

ARTICLE XXXVI

Effective Date

Section 3601 This act shall become effective immediately upon its final enactment Provided however That a period of six (6) months shall be allowed for mine owners operators or superintendents to adapt their mines to comply with the changes made in the existing law by this act and that this time may be extended by the Secretary of Mines for a further period not exceeding six (6) months upon sufficient cause being shown by the owners operators or superintendents of their inability to comply with the provisions of this act within the time herein specified

ARTICLE XXXVII

Repealer

Section 3701 Repeals The following acts and parts of acts of assembly are hereby repealed as respectively indicated

The act approved the ninth day of May one thousand eight hundred eighty-nine (Pamphlet Laws one hundred fifty-four) entitled "An act to provide for the recovery of the bodies of workmen enclosed buried or entombed in coal mines" insofar as it relates to anthracite mines

The act approved the second day of June one thousand eight hundred ninety-one (Pamphlet Laws one hundred seventy-six) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and its amendments

The act approved the fifteenth day of June one thousand eight hundred ninety-seven (Pamphlet Laws one hundred fifty-seven) entitled "An act for the better protection of employes in and about the coal mines by preventing mine superintendents mine foremen and assistants from receiving or soliciting any sums of money or other valuable cosideration from men while in their employ and providing a penalty for violation of the same" insofar as it relates to anthracite mines

The act approved the twenty-ninth day of May one thousand nine hundred one (Pamphlet Laws three hundred forty-two) entitled "An act relating to anthracite mines and providing for the care and life and attention of employes injured in and about said mines" and its amendments

The act approved the twenty-eighth day of May one thousand nine hundred seven (Pamphlet Laws two hundred seventy) entitled "An act making the removing obliterating or destroying tickets cards tin-slip or other device used to indicate or to identify persons loading coal in cars from mine-cars a misdemeanor and providing penalty therefor" insofar as it relates to anthracite mines

The act approved the twenty-ninth day of April one thousand nine hundred eleven (Pamphlet Laws one hundred two) entitled "An act to provide for the safety of persons employed in and about the anthracite coal-mines of this Commonwealth and to limit the hours of labor of hoisting-engineers employed at or about the same and fixing a penalty for the violation of this act"

The act approved the fifteenth day of June one thousand nine hundred eleven (Pamphlet Laws nine hundred seventy-nine) entitled 'An act to safeguard life in the coal mies of the Commonwealth of Pennsylvania and to protect and preserve the property connected therewith by providing that all inside buildings shall be constructed of incombustible material and providing for failure to comply with the terms of this act and making a violation thereof by mine superintendents as misdemeanor" insofar as it relates to anthracite mines

The act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand thirty-eight) entitled "An act requiring any individual firm or corporation mining anthracite coal in this Commonwealth where coal is mined and paid for by the car to keep a record of all coal mined at the miners' chutes where said coal is loaded in cars providing that said record shall be the final basis in computing the miners' earnings per car without any deduction for any slate or refuse that may be loaded in said car or cars in the usual and natural course of mining coal providing further that said record shall be open for the inspection of all miners and providing penalties for failure to comply with the provisions of this act"

The act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines"

All other acts or parts of acts inconsistent herewith are hereby repealed

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Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

An Act relating to and regulating the mining of anthracite coal providing for the health safety and welfare of persons employed in and about the anthracite coal mines and for the protection and preservation of property connected therewith amending consolidating revising and changing the law relating thereto and imposing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2494, (Senate Bill No. 1322), entitled:

An Act to further amend section one of the act approved the eleventh day of May one thousand nine hundred eleven (Pamphlet Laws 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" by eliminating certain conditions of removal of inspectors and providing for their appointment in counties of the first class

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2372, Senate Bill No. 770, Printer's No. 246, was passed over at the request of Mr. HERBERT B. COHEN.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 792, entitled:

An Act providing for the inspection of weights and measures by the Department of Public Safety of cities of the first class and by its officers and agents as part of its police affairs and abolishing the office of inspectors of weights and measures in counties of the first class transferring standard tests of weights and measures from such counties to such cities conferring powers and imposing duties on such departments of cities of the first class its officers and agents and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter all the powers vested in and duties imposed upon city and county inspectors of weights and measures by the laws of this Commonwealth shall be performed in cities of the first class by the Department of Public Safety of such city through its agents and employes as part of its police affairs which agents and employes when duly authorized by the Director of the Department of Public Safety of any such city shall act as inspectors of weights and measures The office of inspectors of weights and measures in counties of the first class is hereby abolished

On the question,

Will the House agree to the section?

BILL DROPPED FROM THE CALENDAR

Mr. OMINSKY. Mr. Speaker, I move that this bill be dropped from the calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2425, (Senate Bill No. 1270), as follows:

An Act to amend sections one and three of the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws 32) entitled "An act requiring recorders of deeds to prepare and keep in their respective offices general direct and ad sectum indexes of deeds and mortgages recorded therein prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds and prescribing the effect thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and three of the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws 32) "An act requiring recorders of deeds to prepare and keep in their respective offices general dirct and and ad sectum indexes of deeds and mortgages recorded therein prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons" are hereby amended to read as follows

Section 1 Be it enacted etc That in addition to the indexes which the recorder of deeds in each county of this Commonwealth is required to keep the said recorder shall carefully and accurately prepare and keep in his office two general indexes of all deeds recorded therein one of which to be known as the direct index he shall enter in their order the name of the grantor the name of the grantee the volume and page wherein the deed is recorded the date when the deed is recorded the date of the instrument and the exact locality by city borough town or township or other political subdivision in the county wherein the property is situate including also one of the streets by which the premises are bounded if such appear in the deed and also the particular designation of the lot and square by such number or letter as appears in such conveyance if such number or letter is therein set forth or if the property is situated in more than two political subdivisions by general reference to the each of said subdivisions and in the other to be known as the ad sectum index he shall enter in their order the name of the grantee the name of the grantor the volume and page wherein the deed is recorded the date when the deed is recorded the date of the instrument and the exact locality by city borough town or township or other political subdivision in the county wherein the property is situated including also one of the streets by which the premises are bounded if such appear in the deed and also the particular designation of the lot and square by such number or letter as appears in such conveyance if such number or letter is therein set forth or if the property is situated in more than two political subdivisions by general reference to the each of said subdivisions He shall in like manner also prepare and keep two general indexes one direct and the other ad sectum of all mortgages recorded in his office including in the mortgage indexes the date of recordation of the mortgage and the locality of the property in the same manner as herein provided for the indexing of deeds

Said indexes shall be arranged alphabetically and in such a way as to afford an easy and ready reference to said deeds and mortgages respectively and shall be written in a plain and legible hand Provided however That in any county where such indexes have already been prepared and in use or where any special law relating to any of said indexes is now in force they shall be adopted and kept as if made in pursuance of this act

Section 3 The entry of recorded deeds and mortgages in said indexes respectively shall be notice to all persons of the recording of the same and of the other information required by this act to be placed upon said indexes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2194, (Senate Bill No. 830), as follows:

An Act authorizing counties of the second class to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and useable for the payment of taxes due for said year

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any county of the second class shall have power by ordinance or resolution to provide for the issue and sale during any fiscal year of revenue bills which bills may be issued at a discount if purchased in advance of the due date of the taxes for such fiscal year or at face if purchased after the due date of such taxes The discount allowed on such revenue bills shall not exceed five per centum and the discounts on such bills shall vary according to the date at which the same are purchased

Section 2 Such revenue bills shall be issued in multiples of ten dollars ($10) each and shall be issued only for the fiscal year during which they are sold The total issue of revenue bills in any fiscal year shall not exceed the amount of taxes levied or to be levied for that fiscal year including any special taxes Such revenue bills shall be negotiable by the holder thereof

Section 3 The revenue bills issued and sold in any fiscal year shall not be redeemable by the county in money but shall be used by the holder thereof only for the payment of taxes due the county for the year for which such revenue bills were issued and shall be received by the collector or receiver of taxes or any other person authorized to receive payment of taxes for the county at face value in payment of any taxes for such fiscal year or any penalties interest or costs due thereon Such revenue bills may be received in payment of taxes at any time so long as they shall be credited against any taxes due the county for the year for which they were issued and sold

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2348, (Senate Bill No. 1074), entitled:

An Act providing a method of annexation of boroughs to cities of the third class and regulating the proceedings pertaining thereto

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever electors equal to at least ten per centum of the highest vote cast for any office in any borough contigous to a city of the third class at the last preceding general election shall petition the council of the borough for the annexation of the borough to the contiguous city and for a referendum on the question of such annexation the council shall cause a question to be submitted at the primary general or municipal election occurring at least sixty days thereafter or if no such election shall occur within ninety days after the presentation of such petition then at a special election to be called and held as provided by the election laws of this Commonwealth within such period of ninety days The council shall certify a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election both in such borough and in the city of the third class to which annexation is desired in the manner provided by the election laws of this Commonwealth

Such question shall be in the following form

Do you favor the annexation of the borough of ..... to the city of	Yes No	———

If a majority of the persons voting on such question in the borough and a majority of the persons voting on such question in the city shall vote "yes" then the borough shall on the first Monday of January next following be and become a part of the city of the third class

On the question,

Will the House agree to the section?

MOTION TO RECOMMIT BILL

Mr. FLINCHBAUGH. Mr. Speaker, I move that this bill be recommitted to the Committee on Corporations for the purpose of further study and amendment.

On the question,

Will the House agree to the motion?

Mr. LOPRESTI. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Flinchbaugh.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. FLINCHBAUGH. I will, Mr. Speaker.

Mr. LOPRESTI. Mr. Speaker, I desire to know for what reason the motion to recommit is made at this time.

Mr. FLINCHBAUGH. Mr. Speaker, in answer to the gentleman from Cambria I wish to say that I have been requested by quite a number of persons interested in the bill to have it returned to the committee.

Mr. LOPRESTI. Mr. Speaker, I desire to know whether the gentleman from York, Mr. Flinchbaugh, is a member of the committee that handled this bill.

Mr. FLINCHBAUGH. I am not, Mr. Speaker.

Mr. LOPRESTI. Mr. Speaker, does the gentleman from York know what committee this bill was reported from?

Mr. FLINCHBAUGH. Mr. Speaker, I am just informed, in answer to the gentleman from Cambria, that it just came out of the Committee on Cities.

Mr. LOPRESTI. From the Committee on Cities?

Mr. FLINCHBAUGH. Yes, Mr. Speaker.

Mr. LOPRESTI. Mr. Speaker, is the gentleman from York a member of the Committee on Cities?

Mr. FLINCHBAUGH. I am not, Mr. Speaker.

Mr. LOPRESTI. Mr. Speaker, I desire to object to having this bill recommitted to the Committee on Municipal Corporations. The bill was properly considered by the Committee on Cities and quite some study was given to the bill before being reported out. I think it is a proper bill and should remain on the calendar, and I ask my fellow members to vote down this motion to recommit.

Mr. FLINCHBAUGH. Mr. Speaker, I withdrawn my motion to recommit.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second and third sections were separately read and agreed to as follows:

Section 2 Until changed in the manner provided by law the borough if not divided into wards shall constitute a separate new ward of the enlarged city and if the borough at the time of the annexation was divided into wards then each ward of the borough shall constitute a separate new ward of the enlarged city and shall be numbered by the council of the city consecutively beginning with the next highest number after the existing highest numbered ward of the city Until changed in the manner provided by law all election districts in the borough shall remain as constituted at the time of the annexation and shall become election districts of the enlarged city All election and other officers of such election districts in office at the time of the taking effect of the annexation shall continue in office until the expiration of their respective terms unless sooner removed as provided by law

Section 3 All the indebtedness of the borough annexed to a contiguous city of the third class under the provisions of this act as well as the indebtedness of the city to which the same is annexed shall be paid by the city as enlarged by such annexation and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness and the interest thereon of all the territory included within such enlarged city All taxes thereafter levied therefor shall be uniform throughout the territorial limits of the enlarged city

All of the public property owned by any such borough shall become and remain the public property of the city to which it is annexed

The fourth section was read as follows:

Section 4 When an election is held on the question of annexation under the provisions of this act and the borough proposed to be annexed votes against such annexation the question of such annexation shall not again be voted upon for a period of two years from the date of such election

On the question,

Will the House agree to the section?

Mr. FLINCHBAUGH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 4, line 1, b ystriking out the word "two" and inserting in lieu thereof: "five"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth and sixth sections and title were separately read and agreed to as follows:

Section 5 The provisions of this act are in addition to and shall not be construed to repeal or affect any of the provisions of article five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

Section 6 This act shall become effective immediately upon its final enactment

An Act providing a method of annexation of boroughs to cities of the third class and regulating the proceedings pertaining thereto

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2475, (Senate Bill No. 1263), entitled:

An Act to amend Route Two Hundred and Ninety-eight of section one of an act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred forty-eight) entitled "An act establishing certain public roads as State highways and providing for certain construction and maintenance at the expense of the Commonwealth"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2512, (Senate Bill No. 1417), entitled:

An Act making an appropriation out of the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2513, (Senate Bill No. 1418), entitled:

An Act making an appropriation out of the General Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2514, (Senate Bill No. 1429), entitled:

An Act making an appropriation to the Department of Welfare for pensions for the blind

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred forty-five thousand seven hundred dollars ($345,700.00) is hereby appropriated out of the General Fund to the Department of Welfare for the month of June one thousand nine hundred thirty-seven for the payment of pensions for the blind in the manner provided by law

The second section was read as follows:

Section 2 Any unexpended balance remaining in the appropriation made by Section 1 of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending the thirty-first day of May one thousand nine hundred thirty-nine and shall be credited to the allocation contained in such appropriation for the payment of pensions to the blind

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 2, line 2, by striking out at the end of the line the following: "[and shall be credited to]"

Amend section 2, page 2, by striking out lines 3 and 4.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to the Department of Welfare for pensions for the blind.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2515, (Senate Bill No. 1430), entitled:

An Act making an appropriation to the Department of Welfare for Mothers' Assistance.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred eleven thousand eight hundred fifty dollars ($211,850.00) is hereby specifically appropriated out of the General Fund to the Department of Welfare for allocation and expenditure during the month of June one thousand nine hundred thirty-six for Old Age Assistance (including local administration costs in the manner provided by law)

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 1, line 8, by striking out after the word "hundred" and before "Assist-" the following: [thirty-six for Old Age] and inserting in lieu thereof the following: "thirty-seven for Mothers'"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Any unexpended balance remaining in the appropriation made by section one of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending May thirty-first one thousand nine hundred thirty-nine and shall be credited to the allocation contained in such appropriation for Mother's Assistance

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 2, line 3 by striking out at the end of the line the following: "[and shall be credited to the]".

Amend section 2. page 2, by striking out lines 4 and 5.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to the Department of Welfare for Mother's Assistance

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2516, (Senate Bill No. 1431), entitled:

An Act making an appropriation to the Department of Welfare for old age assistance.

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million eighteen thousand three hundred fifty dollars ($1,018,350.00) is hereby specifically appropriated out of the General Fund to the Department of Welfare for expenditure during the month of June one thousand nine hundred thirty-seven for old age assistance in the manner provided by law.

The second section was read as follows:

Section 2 Any unexpended balance remaining in the appropriation made by Section 1 of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending the thirty-first day of May one thousand nine hundred thirty-nine and shall be credited to the allocation contained in such appropriation for the payment of old age assistance.

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 2, line 2, by striking out at the end of the line the following: "[and shall be credited to the]".

Amend section 2, page 2, by striking out lines 3 and 4.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to the Department of Welfare for old age assistance.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2450, (Senate Bill No. 846), entitled:

An Act Making an appropriation to the Department of Military Affairs to pay the traveling expenses of the respective Commanders of the Pennsylvania Departments of the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War or their representatives in accompanying the members of the United States Battle Monuments Commission to Europe to dedicate certain monuments

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2502, (Senate Bill No. 1259), entitled:

An Act to amend sections one and four of the act, approved the ninth day of March, one thousand nine hundred and thirty-seven (Act No. 11), entitled "A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the Courts of Oyer and Terminer General Jail Deliver and Quarter Sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise to make such report a recommendation to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation;" by empowering the commission to sit after the adjournment of the General Assembly; and increasing the amount of the appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2464, (Senate Bill No. 955), entitled:

An Act authorizing and empowering cities of the first class with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to erect and construct water-works as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and lines in connection therewith and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 The word "property" as used in this act shall be construed to mean and include lands buildings earth sand clay gravel rock stone wood materials streams rivers lakes easements and rights of way together with any facilities constructed thereon

The term "water-works" as used in this act shall be construed to mean reservoirs dams storing lakes power plants viaducts aquaducts canals tanks cisterns waters mains and pipes pumping stations filtration plants buildings machinery and any other works connected with a public water supply system and necessary for the collection reception storage purification conveyance and distribution of water for domestic and industrial consumption

The word "city" means a city of the first class

On the question,

Will the House agree to the section?

Mr. O'CONNOR. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 9, by striking out before the word "except" the heavy faced bracket and the letter "S".

Amend sec, 1, page 2, line 10, by striking out the heavy faced bracket after the word "public"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The section section was read as follows:

Section 2 Any city shall have power and authority with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to acquire by purchase lease gift or the exercise of the power of eminent domain any property whether situate within or without the corporate limits of such city and to erect or construct thereon water-works for the purpose of supplying water

to such city and the inhabitants thereof Any such city shall have power to lay its water mains and pipes over or under any creek stream river bridge highway railroad or railway

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 2, line 29, by inserting after the word "railway" the following: "Provided, however, That the power of eminent domain herein granted shall not be construed to authorize the condemnation of property of any public service company doing business in this Commonwealth"

On the question,

Will the House agree to the amendment?

QUESTION OF INFORMATION

Mr. OMINSKY. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. OMINSKY. Mr. Speaker, are these all the amendments submitted by the gentleman from Luzerne, Mr. Yourishin?

The SPEAKER. All of these amendments are to Section 2. There are other amendments to other sections.

Mr. OMINSKY. Mr. Speaker, might I suggest that all of the amendments be read so that we can vote on all of them at the same time?

The SPEAKER. The House will consider the amendments by sections.

Mr. OMINSKY. Mr. Speaker and members of the House, I rise to oppose the amendments submitted by the gentleman from Luzerne, Mr. Yourishin because in effect they will vitiate the entire bill. This bill is intended to empower the City of Philadelphia to obtain and make it possible for the City of Philadelphia to have water-works and in that way purify its water system, and in the insertion of the amendments submitted by the gentleman from Luzerne, Mr. Yourishin, the effect will be to kill the entire bill and I ask the membership of this House to vote the amendments down.

Mr. YOURISHIN. Mr. Speaker, my main reason for offering these amendments, Mr. Speaker and members of the House, is that in the bill it provides that the City of Philadelphia will go in not only for fresh water but will also go into the electric light and power business, and in that way have the right to go up into the Pocono Mountains and take over any watershed they want up there, build dams and power houses and then sell the power to the outside public, outside of Philadelphia, and in doing so close down half the mines that we have in the anthracite and bituminous regions, or help to close them down. I say, if Philadelphia wants fresh water and wants to come up to the Poconos to get that water they should leave out of the bill the right to build dams and power plants where power is already being served or furnished by public service companies. I ask the members to vote for the amendments.

Mr. OMINSKY. Mr. Speaker, in further opposition to these amendments, I wish to call to the attention of the members of this House that the city of Philadelphia will not be able to do anything unless they have the consent of the Water Power and Resources Board of Pennsylvania. In other words, before we will be able to do anything, or before we will be able to harm any locality, the consent of the Water and Power Resources Board will of necessity have to be obtained, and I am sure the membership can trust in the good judgment of that Board. Therefore I request that the amendments be voted down.

MOTION TO LAY BILL ON TABLE

Mr. JIROLANIO. Mr. Speaker, I move that the bill together with the amendments be laid upon the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. OMINSKY and Mr. MELCHIORRE and were as follows:

YEAS—33

Baker, J. J.,	Fiss,	Jirolanio,	Pearson,
Bierly,	Flannery,	Kelso,	Royer,
Boltz,	Ganser,	Kline,	Schrock,
Boose,	Gillette,	Leisey,	Serrill,
Broad,	Habbyshaw,	Longaker,	Terry,
Burrows,	Hays,	Lyons,	VanSickle,
Davies,	Hetrick,	McFall,	Wall,
Dyson,	Holstrom,	McKinney,	Whalen,
Elpern,	Imbrie,	Mellott,	

NAYS—115

Alexander,	Gerard,	Munley,	Snyder,
Allmond,	Hagerty,	Nagel,	Spengler,
Arnold,	Hall,	O'Brien,	Sproul,
Aukerman,	Hamilton, F. P.,	O'Connor,	Stank,
Baine,	Harkins,	O'Keefe,	Stockham,
Baker, F. T.,	Harmuth,	Patterson, C. S.,	Thompson,
Blank,	Hirsch,	Patterson, J. W.,	Tronzo,
Boles,	Holmes,	Perry,	Trout,
Bradley,	Hontz,	Piole,	Turner,
Brancato,	Horting,	Preston,	Valibus,
Brigerman,	Huntley,	Readinger,	VanAllsburg,
Cadwalader,	Kilroy,	Reese,	Wagner,
Caesar,	Levy,	Reising,	Watkins,
Caputo,	Lewis,	Richter,	Webster,
Chervenak,	Long,	Robinson,	Weidemann,
Coakley,	Lopresti,	Sarraf,	Weiss, D. H.,
Cohen, H. B.,	Marino,	Scanlon,	Welliver,
Cohen, R. E.,	McArdle,	Schor,	Westrick,
Coleman,	McCullough,	Schrope,	Wilson,
Corrigan,	Fitch,	Muir,	Winner,
Costanzo,	McDermott,	Schumacher,	Wood,
Decker,	McDevitt,	Shea,	Woodside,
DeNote,	McElroy,	Shepard,	Wright,
Dickinson,	McGee,	Shoemaker,	Yanoshat,
Donohoe,	McShane,	Shugarts,	Yeakel,
Dougherty,	Melchiorre,	Simon,	Yourishin,
Downey,	Moomaw,	Sloan,	Zappala,
Dubbs,	Mooney,	Smith, James A.,	Furman,
Eckels,	Moran,	Smith, John A.,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendments?

Mr. OMINSKY. Mr. Speaker and members of the House, in view of the fact that this bill will more than likely be thrown into a conference committee, I withdraw my objection to the amendments submitted by the gentleman from Luzerne, Mr. Yourishin.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the eighth sections inclusive were separately read and agreed to as follows:

Section 3 Whenever any city shall exercise the power of eminent domain for any of the purposes of this act it shall not be necessary for such city to give or tender security for the taking injury or destruction of property but the funds raised or proper and lawful to be raised by the power of taxation in such city shall be pledged and are hereby made security to the owner or owners of property so taken injured or destroyed for all damages which they may sustain on account of such taking injury or destruction and such city shall not be required to give or tender any further security or to give or tender any bond or bonds whatsoever

Section 4 Whenever any city has condemned property for water-works purposes under the provisions of this act in any county of this Commonwealth other than the one in which such city is located it shall record a copy of the ordinance making such condemnation in the office of the recorder of deeds of each county where any of such property is located together with any subsequent amendments or supplements to such ordinance

Section 5 Upon the recording of the ordinance of condemnation in the county where any property is located it shall be lawful for the city by its officers agents or contractors to enter upon and take possession of any property so condemned and to erect and construct thereon water-works and to do all things necessary for the purpose of fully carrying out the purposes of this act

Section 6 If the owner lessee or occupier shall refuse to remove his personal property or give up possession of any property taken by the city in the exercise of its power of eminent domain the city may serve written notice upon such owner lessee or his agent or the occupier to remove his personal property and give up possession of such property within sixty days from the date of the service of such notice

If the owner lessee or occupier shall refuse to remove his personal property and give possession upon proof of the service of the notice a writ of habere facias possessionem shall forthwith issue directing the sheriff to give to the city possession

Section 7 If any city in erecting and constructing water-works shall find it necessary in storing water to occupy and overflow with water any portion of any public road the city shall restore or relocate all private public or quasi-public property located thereon and shall cause such road to be reconstructed at its own expense on a favorable location and in as perfect a manner as the original road and for such purposes is authorized to condemn lands Whenever an agreement as to the price cannot be had with the owners the damages for land so taken shall be assessed as herein provided in the case of property taken for water-works purposes

Section 8 The city shall attempt to agree with the owner of any property taken or to be taken injured or destroyed as to the amount of damage done or likely to be done to him in the taking of such property and in the erection and construction of such water-works and if no agreement can be reached or if the owner cannot be found or is not sui juris the city or the owner or any person interested may apply by petition to the Court of Common Pleas of the county where the property is located or to any law judge thereof in vacation whereupon the court or judge shall appoint three viewers from the county board of viewers to view and ascertain the damages done by reason of said taking use occupancy injury or destruction and appoint a time not less than twenty nor more than thirty days thereafter when the viewers shall meet at or upon the premises affected Thereupon the same proceedings shall be had for the assessment of damages and the costs and expenses in connection therewith with the same right of appeal and trial by jury as is provided by the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" and the amendments and supplements thereto

The ninth section was read as follows:

Section 9 Any such city shall have power with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to use the reservoirs dams and water-works erected for water supply purposes for the generation of electric power and to erect the necessary power plants distribution systems substations and inter-tie or transmission lines to enable it to use purchase sell and dispose of electric energy inside and outside its corporate limits with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania with the consent of the owner thereof to connect its water-works or power plants and lines with any other water-works or electric distribution systems within and without its corporate limits and to use purchase sell and dispose of water for water supply and power purposes and also to sell and distribute water in territory not supplied with water

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 9, page 6, lines 5 and 6, by striking out the words "distribution systems, sub-stations and inter-tie or transmission lines"

Amend sec. 9, page 6, lines 7 to 15, by striking out the words "inside and" in line 7, and all of lines 7 to 15 inclusive, and inserting in lieu thereof: "water and water power thereat; Provided, however, That none of the power hereby granted shall be exercised for the purpose of rendering or furnishing any service of the kind or character already being rendered or furnished by any public service company; And provided further, That the exercise by the city of any right granted hereby shall be subject to regulation by the Pennsylvania Public Utility Commission, Water and Power Resources Board, and any other regulatory body possessing jurisdiction in the premises to the same extent that similar sarvice furnished by a public service company would be so subject."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth section was read as follows:

Section 10 All acts and parts of acts general local or special inconsistent with this act are hereby repealed but this act shall not be construed to repeal or modify the act approved the eighth day of April one thousand nine hundred thirty-seven (Act No. 64) entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto

providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board" and it is the legislative intent that the power herein given so far as it relates to condemnation of streams rivers and lakes shall be exercised in subordination thereto

On the question,

Will the House agree to the section?

Mr. HOLSTROM. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 7, section 10, line 10, by adding after the word "thereto" the following: "and no power herein granted shall be so used as to tend to increase the danger of flood to lower riparian owners."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eleventh section was read and agreed to as follows:

Section 11 This act shall become effective immediately upon final enactment

The title was read as follows:

An Act authorizing and empowering cities of the first class with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to erect and construct water-works as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and lines in connection therewith and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

On the question,

Will the House agree to the title?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 8 of title, by striking out the words "and lines in connection therewith"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 228.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 228.

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 973.

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County.

HOUSE BILL No. 1132.

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

HOUSE BILL No. 1136.

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

HOUSE BILL No. 1138.

An Act making an appropriation to aid certain school districts.

HOUSE BILL No. 1146.

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yoeman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission.

HOUSE BILL No. 1152.

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

HOUSE BILL No. 1346.

An Act making an appropriation to the Treasury Department for the payment of certain claims against the Commonwealth.

HOUSE BILL No. 1818.

An Act making an appropriation to the Department of Public Instruction for reimbursing fourth class school districts upon certain increases of the salaries of members of the teaching staffs of elementary schools in such school districts.

HOUSE BILL No. 1984.

An Act to amend the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by adding new sections further regulating the use of highways and the operation of and the equipment used in connection with vehicles including trailers and semi-trailers street cars trackless trolley omnibuses school buses and commercial motor cycles upon the highways of this Commonwealth providing exemptions extending certain provisions of the act to trailers and semitrailers providing for the renewal and automatic satisfaction of encumbrances and liens and further amending the procedure relating thereto providing for the further registration of certain vehicles and the licensing of the operators thereof including additional reasons for suspension and revocation conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment changing the procedure disposition of fines and penalties for certain violations of the act and making the fines thereunder mandatory and extending existing penalties and providing additional penalties.

HOUSE BILL No. 2117.

An Act making an appropriation to the Treasury Department for the refund of transfer inheritance and estate taxes erroneously collected or overpaid into the State Treasury.

HOUSE BILL No. 2259.

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional Federal funds.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT FROM COMMITTEE OF CONFERENCE

Mr. LaRUE. Mr. Speaker, I desire to offer the second report of the Committee of Conference on House Bill No. 158.

The SPEAKER. The report will lie over for printing under the rules.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 228.

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER laid before the House a report from the Committee on Committees which was read by the Clerk as follows:

The Committee on Committees reports the following appointments to committees to take the places held by Richard Simpson, Huntingdon, resigned:

Public Utilities, Wrayburn Hall, Potter
Labor, Ira T. Fiss, Snyder
Welfare, W. W. Muir, Warren
Insurance, Harry L. Schumacher, Erie

(Signed)
ROY E. FURMAN
JOHN J. O'KEEFE
HARRY J. BROWNFIELD
CHARLES MELCHIORRE
THOS. WEIDEMANN
WM. E. HABBYSHAW
JOSEPH A. SIMON

On the question,

Will the House adopt the report?

It was adopted.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2232, (Senate Bill No. 708), as follows:

An Act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person shall manufacture process store or have in his possession any explosives in this Commonwealth until all requirements of this act have been complied with Provided That nothing contained in this act shall be construed to apply to the actual use of explosives in legitimate and lawful coal mining operations agricultural work or to the military and naval forces of the United States or to the transportation of explosives upon vessels or railroad cars when in conformity with the rules of the Interstate Commerce Commission

Section 2 The term "explosives" whenever used in this act shall mean and include any chemical compound or other substance intended for the purpose of producing an explosion or that contains oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by fire by friction by concussion by percussion or by detonator may produce an explosion capable of causing injury to persons or damage to property

For the purpose of this act manufactured articles shall not be held to be explosives when individual units con-

tain ingredients in such limited quantities and of such nature as not ordinarily to be classified as an explosive such as fixed ammunition for small arms fire-crackers safety fuse matches and other articles which may be defined from time to time by regulations of the department

The term "magazine" as used herein means any building or other structure used exclusively for the storage of explosives

The word "person" as used in this act shall be construed to include individuals copartnerships associations and corporations as well as the Commonwealth and all political subdivisions thereof

Section 3 All persons engaged in the manufacture of explosives or any process involving explosives or where explosives are used as a component part in the manufacture of any article or device on the date when this act takes effect shall within sixty days thereafter and all persons engaging in the manufacture of explosives or any process involving explosives or where explosives are used as a component part in the manufacture of any article or device after this act takes effect shall before so engaging make a report in writing subscribed to by such person or his agent to the Department of Labor and Industry the report stating

(1) The location of place of manufacture or processing

(2) The kind of explosives manufactured processed or used

Section 4 All persons storing explosives or having explosives in their possession on the date when this act takes effect shall within sixty days thereafter and all persons contemplating the storing of explosives or having same in their possession after this act takes effect shall before obtaining or storing such explosives make a report in writing subscribed to by such person or his agent to the Department of Labor and Industry the report stating

(1) The capacity type of construction and location of the magazine if then existing or in case of a new magazine or a removal of any existing magazine the capacity type of construction and proposed location of such magazine

(2) The kind of explosives that are stored or in possession or intended to be stored or obtained and the maximum quantity involved

(3) The distance that such magazine is located or intended to be located from the nearest buildings magazines railroads and highways

Section 5 The department shall determine the amount of explosives that may be stored or placed in magazines and shall issue a license to the person applying therefor as hereinafter provided such license to stipulate the maximum amount of explosives permitted

Whenever any person fails for thirty days to pay the annual license fee hereinafter provided after the same becomes due or otherwise violates any of the provisions of this act the Secretary of Labor and Industry may cancel such license Whenever a license is cancelled for any cause the Secretary of Labor and Industry or his duly authorized representative shall notify in writing the person to whom such license is issued of the fact of such cancellation and shall in said notice direct the removal of all explosives stored in said magazine within a reasonable time limit but not to exceed ten days from the giving of said notice Failure to so remove the explosives stored in said magazine within the time specified in said notice shall constitute a violation of this act

Section 6 If at any time any governing body or other authority of any locality may know of any reason why a magazine or building in which explosives are used or kept is not or cannot be conducted in accordance with the provisions of this act and should not be permitted to operate upon notifying the Secretary of Labor and Industry in writing or his duly authorized representative a hearing may be conducted by the said Secretary of Labor and Industry or his duly authorized representative to show cause why a license should not be issued or should not be revoked

Section 7 All explosive plants and all buildings and magazines wherein explosives are manufactured or stored shall be located operated maintained equipped and conducted so as to provide for the adequate protection for all persons employed in or about such explosive plants or magazines The location of explosives plants with respect to other buildings railroads and highways and the location of buildings wherein explosives are manufactured or stored with respect to other magazines or buildings when explosives are manufactured shall be in accordance with the regulations adopted by the Department of Labor and Industry

Section 8 There shall be kept in the main office on the premises of every explosives plant a plan of said plant showing the location of all buildings and the distance they are located from other buildings where persons are employed and from magazines and these plans shall at all times be open to inspection by duly authorized inspectors of the Department of Labor and Industry The superintent of each plant shall upon demand of said inspector furnish the following information

(a) The maximum amount and kind of explosives material which is or will be present in each building at any one time

(b) The nature and kind of work carried on in each building whether or not said buildings are surrounded by natural or artificial barricades and if so the details of construction of such barricades

Section 9 After January first one thousand nine hundred and thirty-eight every person storing or in possession of explosives shall be required to have a license for each magazine used for the storing or placing of explosives which license shall be issued on a form prepared and furnished by the Department of Labor and Industry The application for license shall be accompanied by the proper license fee which shall be prescribed by the department stored or placed in the magazine and shall not be less than two dollars and fifty cents ($2.50) nor more than twenty-five dollars ($25) Such license shall be kept posted conspicuously in or about the magazine for which issued Licenses shall expire annually on the thirty-first day of December and shall be renewed annually upon payment of the fee as specified in this section

Section 10 Every person company or corporation manufacturing storing selling transferring dealing in or in any maner disposing of any explosives shall keep in a book for that purpose an accurate record of all transactions with the date thereof relating to the receiving and disposing of the same which record shall show the amount of each such explosive received by whom transported or conveyed and each and every sale or other disposition made of such explosives with the amount thereof and the name of the person to whom delivery of the same was made who shall be required to receipt therefor Such record shall at all time be open to the inspection of any duly authorized representative of the Commonwealth

Section 11 For the purpose of carrying out the provisions of this act and applying these provisions to specific cases the Department of Labor and Industry shall have the power and its duties shall be to make alter amend or repeal general rules and regulations to provide protection in the manufacture processing transportation storage use or handling of explosives

Section 12 Any person or persons who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for or who shall hinder or interefere with a duly authorized officer of the Commonwealth in the performance of his duties as herein provided shall upon conviction in a summary proceeding be punished by a fine of not less than ten dollars ($10) or more than one hundred dollars ($100) and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than thirty days Any person or persons who shall on second offense violate any of the provisions of this act or the rules and regulations of the department as herein provided for shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1.000) or to suffer imprisonment for not more than one year or both at the discretion of the court Prosecution for violation of this act may be instituted by the Secretary of Labor and Industry or his duly authorized representative

Section 13 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 14 All fees collected under the provisions of this act shall be paid into the State Treasury through the Department of Revenue

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McElroy,	Shugarts,
Alexander,	Flinchbaugh,	McFall,	Siegel,
Allen,	Ganser,	McGee,	Simon,
Allmond,	Gerard,	McKinney,	Skale,
Arnold,	Gillette,	McShane,	Sloan,
Atkins,	Gorski,	Melchiorre,	Smith, James A.,
Aukerman,	Habbyshaw,	Mellott,	Smith, John A.,
Baine	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stank,
Blank,	Harkins,	Muir,	Stewart,
Bohn,	Harmuth,	Munley,	Stockham,
Boles,	Hays,	Murrin,	Strode,
Boltz,	Hering,	Nagel,	Terry,
Boose,	Hess,	O'Brien,	Thomas,
Boyer,	Hetrick,	O'Connor,	Thompson,
Bradley,	Hindman,	O'Keefe,	Toole,
Brancato,	Hirsch,	Ominsky,	Tronzo,
Brigerman,	Holland,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holstrom,	Patterson, C. S.,	Turner,
Brownfield,	Hontz,	Patterson, J. W.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Cohen, R. E.,	Kilroy,	Readinger,	Watkins,
Coleman,	Kline,	Reese,	Webster,
Coolahan,	Kroll,	Reising,	Weidemann,
Corrigan,	LaRue,	Richter,	Weiss, D. H.,
Costanzo,	Leisey,	Robinson,	Weiss, S. A.,
Davies,	Levy,	Rothenberger,	Welliver,
Decker,	Lewis,	Royer,	Welsh,
DeNote,	Long,	Ruffennach,	Westrick,
Dickinson,	Longaker,	Rush,	Whalen,
Donohoe,	Lopresti,	Sarraf,	Whitenight,
Dougherty,	Lovett,	Scanlon,	Wilson,
Downey,	Lyons,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2479, (Senate Bill No. 309), as follows:

An Act to amend sections three and seven as amended and section nine of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by changing the personnel of the governing body fixing the quorum thereof and clarifying the powers of the Department of Property and Supplies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections three and seven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Act Number 178) are hereby amended to read as follows

Section 3 General State Authority The Governor of the State the State Treasurer the Auditor General the Secretary of Internal Affairs the Secretary of Property and Supplies the Speaker of the House of Representatives and the President Pro Tempore of the Senate and their respective successors in office and [two] three citizens of Pennsylvania one to be appointed by the Governor one by the Speaker of the House of Representatives and one by the President Pro Tempore of the Senate are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members Any vacancy happening among the appointed members of the Authority shall be filled by appointment by the Governor Speaker of the House of Representatives or Prsident Pro Tempore of the Senate as the case may be

Section 7 Governing Body The powers of the Authority shall be exercised by a governing body consisting of the members of the Authority acting as a board Within ninety days after this act shall become effective the board shall meet and organize by electing from their number a president and secretary At the first regular meeting in each year thereafter they shall elect from their number a president and secretary

[Five] Six members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action shall only be taken by vote of a majority of the members of the Authority unless in any case the by-laws shall require a larger number

The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exer-

cised and embodied The board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Section 2 That section nine of said act is hereby amended to read as follows

Section 9 Grant of lands by Department to Authority The Depa[illegible]t shall have power and authority with the approval o[illegible]e Governor to grant assign and convey to the Autho[illegible]y with or without consideration any lands easements or rights in lands together with any improvements buildings or structures therein or thereon now owned by the Commonwealth of Pennsylvania or hereafter acquired by it needed or convenient for the corporate purposes of the Authority or to lease to the Authority for a term not exceeding ninety-nine (99) years at a nominal or such other rental as may be determined any or all such lands easements or rights in lands together with any improvements structures or buildings therein or thereon

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from York whether he has any further information as to the probability of our securing funds from the Federal Government for the operation of the State Authority.

Mr. HERBERT B. COHEN. Mr. Speaker, I might say that the last word I had relative to securing the funds was rather definite. The last conference indicated that the State Authority would receive the funds that are necessary to erect the required and necessary buildings to bring the State institutions up to the level whereby they can perform their functions for the citizens of the Commonwealth. I have no further word than that which I gave to the House last week at the request of the gentleman from Delaware.

Mr. TURNER. Mr. Speaker, the reason I asked was because the last information we had was that the state would not receive the twenty million dollars, which is the keystone of the whole arch of the projects of the State Authority; that the grant of twenty million dollars could not be made from W. P. A. funds for the work. I wondered whether the gentleman had anything more definite then we all had through the newspaper stories.

Mr. HERBERT B. COHEN. Mr. Speaker, in further answer to the gentleman from Delaware I will state that the only difficulty was the manner in which the money was to be expended. I think the Federal Authorities felt that the money should be expended on labor to individuals whose names were taken from the National Re-employment Service. As the gentleman from Delaware well knows, and as most of the members of the House know, there is some problem accompanying that practice. It seems that the National Re-employment Service does not have available the skilled mechanics that are required in certain types of the buildings trades, and the only difficulty, as I stated before, was from which rolls the employes whose labor was to be utilized in the erection of the buildings, were to come. I understand that that phase has been straightened out with the Federal Government, and that employment for skilled mechanics has reached such a peak that there are not available on the National Re-employment rolls sufficient skilled mechanics required for the building trades, or some specialty of the building trades, and as a result I understand that the Federal Government had modified their attitude in that respect by allowing certain mechanics to be taken from the general labor market rather than from the Re-employment rolls. However, the restrictions as to the unskilled labor will be still adhered to, and they will be taken from the Re-employment rolls.

Mr. TURNER. Mr. Speaker, the gentleman's understanding is the same as mine, except that I never understood that the Federal Government had waived its requirement that any more than five million dollars should be expended for skilled labor other than from the Re-employment rolls. Does the gentleman not think that before this House is called upon to pass upon appropriations and set up the machinery for a great program, that the House should have some definite assurance, some definite statement from the Federal Government upon which we can rely? As the gentleman well knows, from our experiences in the past, we have had a number of promises which were not fulfilled and a number of vague statements, and therefore I ask if the gentleman does not think in fairness to the House that the Executive should secure for us a definite statement as to what is going to be done?

Mr. HERBERT B. COHEN. Mr. Speaker, I might call to the attention of the gentleman from Delaware the fact that the purpose of this bill is to establish just what the gentleman from Delaware has indicated, whereby the House will have at all times information available relative to this particular branch of the government, and it is to that end that I ask the House and I ask the gentleman from Delaware and his colleagues to join with us in the passage of this measure.

Mr. TURNER. Mr. Speaker, I would say to the gentleman from York I quite agree that the bill is a far better bill than when it first came to the House. I have no quarrel with the bill itself. I am asking, however, if we cannot in these closing days be placed in a position where we know definitely what we are going to have.

Mr. HERBERT B. COHEN. Mr. Speaker, I assure the gentleman from Delaware that I will make that objective No. 1; to secure definite information for the gentleman as to the status of Federal funds under the State Authority Act.

Mr. TURNER. Mr. Speaker, I always accept the statements of the gentleman from York, but as this did not have any time element in it, I would like to call the attention of the gentleman from York that time is of the essence.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McElroy,	Shugarts,
Alexander,	Flinchbaugh,	McFall,	Siegel,
Allen,	Ganser,	McGee,	Simon,
Allmond,	Gerard,	McKinney,	Skale,
Arnold,	Gillette,	McShane,	Sloan,
Atkins,	Gorski,	Melchiorre,	Smith, James A.,
Aukerman,	Habbyshaw,	Mellott,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,

Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stank,
Blank,	Harkins,	Muir,	Stewart,
Bohn,	Harmuth,	Munley,	Stockham,
Boles,	Hays,	Murrin,	Strode,
Boltz,	Hering,	Nagel,	Terry,
Boose,	Hess,	O'Brien,	Thomas,
Boyer,	Hetrick,	O'Connor,	Thompson,
Bradley,	Hindman,	O'Keefe,	Toole,
Brancato,	Hirsch,	Ominsky,	Tronzo,
Brigerman,	Holland,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holstrom,	Patterson, C. S.,	Turner,
Brownfield,	Hontz,	Patterson, J. W.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Cohen, R. E.,	Kilroy,	Readinger,	Watkins,
Coleman,	Kline,	Reese,	Webster,
Coolahan,	Kroll,	Reising,	Weidemann,
Corrigan,	LaRue,	Richter,	Weiss, D. H.,
Costanzo,	Leisey,	Robinson,	Weiss, S. A.,
Davies,	Levy,	Rothenberger,	Welliver,
Decker,	Lewis,	Royer,	Welsh,
DeNote,	Long,	Ruffennach,	Westrick,
Dickinson,	Longaker,	Rush,	Whalen,
Donohoe,	Lopresti,	Sarraf,	Whitenight,
Dougherty,	Lovett,	Scanlon,	Wilson,
Downey,	Lyons,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt	Shoemaker,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2314, Senate Bill No. 885, Printer's No. 450, on page 36 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2314, (Senate Bill No. 885), entitled:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training retraining instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were ash follows, viz:

YEAS—205

Achterman,	Flannery,	McElroy,	Shugarts,
Alexander,	Flinchbaugh,	McFall,	Siegel,
Allen,	Ganser,	McGee,	Simon,
Allmond,	Gerard,	McKinney,	Skale,
Arnold,	Gillette,	McShane,	Sloan,
Atkins,	Gorski,	Melchiorre,	Smith, James A.,
Aukerman,	Habbyshaw,	Mellott,	Smith, John A.,
Baine	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stank,
Blank,	Harkins,	Muir,	Stewart,
Bohn,	Harmuth,	Munley,	Stockham,
Boles,	Hays,	Murrin,	Strode,
Boltz,	Hering,	Nagel,	Terry,
Boose,	Hess,	O'Brien,	Thomas,
Boyer,	Hetrick,	O'Connor,	Thompson,
Bradley,	Hindman,	O'Keefe,	Toole,
Brancato,	Hirsch,	Ominsky,	Tronzo,
Brigerman,	Holland,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holstrom,	Patterson, C. S.,	Turner,
Brownfield,	Hontz,	Patterson, J. W.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Cohen, R. E.,	Kilroy,	Readinger,	Watkins,
Coleman,	Kline,	Reese,	Webster,
Coolahan,	Kroll,	Reising,	Weidemann,
Corrigan,	LaRue,	Richter,	Weiss, D. H.,
Costanzo,	Leisey,	Robinson,	Weiss, S. A.,
Davies,	Levy,	Rothenberger,	Welliver,
Decker,	Lewis,	Royer,	Welsh,
DeNote,	Long,	Ruffennach,	Westrick,
Dickinson,	Longaker,	Rush,	Whalen,
Donohoe,	Lopresti,	Sarraf,	Whitenight,
Dougherty,	Lovett,	Scanlon,	Wilson,
Downey,	Lyons,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

SENATE BILL No. 815 MADE SPECIAL ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I move that House Bill No. 2463, Senate Bill No. 815, Printer's No. 811, on page 32 of today's calendar, bills on third reading be made a special order of business on third reading and final passage immediately upon the adoption of this motion.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2463, (Senate Bill No. 815), as follows:

An Act relating to motor vehicles new and used creating a Motor Vehicle Dealers' Commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties Regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the Commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission or its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission providing for appeals to the Courts from decisions of the Commission imposing penalties and making appropriation

PREAMBLE

Whereas Unsafe unfair unjust destructive demoralizing and uneconomic trade practices have been and are now carried on in the sale and resale of motor vehicles new and used in this Commonwealth whereby the motor vehicle industry in the Commonwealth and the safety of motor vehicles on the highways and the safety of the inhabitants of the Commonwealth using the various highways are imperiled and

Whereas Such conditions constitute a danger to the health industry safety and welfare of the inhabitants of the Commonwealth and

Whereas It is necessary to protect the well being of the inhabitants of the Commonwealth to promote the public welfare and

Whereas The motor vehicle industry is one of the paramount industries upon which the prosperity of the Commonwealth to a large extent depends and is an industry affected by a public interest and

Whereas the present acute economic conditions being in part the consequence of a severe and increased disparity between the prices allowed and paid for used motor vehicles by different dealers has broken down the orderly sale trade-in and market of used motor vehicles has tended to lower wages lengthen working hours and encourages misrepresentation and has seriously impaired the assets supporting the motor vehicle industry and places the inhabitants particularly those in the small income brackets in the Commonwealth in jeopardy both as to safety of the vehicle and as to the value of the vehicle and

Whereas Legislation is necessary to remove unsafe motor vehicles from the highways prevent fraud and prevent padding of finance charges and insurance charges

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the exercise of the police power of the Commonwealth and to protect public safety health and welfare it is hereby declared that the sale and trade-in allowance and appraisals of new and used motor vehicles in the Commonwealth is a business affected with the public interest and affecting the public health and safety and it is hereby declared to be the legislative intent that this act shall be a measure for the purpose of regulating and controlling the sale and re-sale of motor vehicles new and used for the protection of health safety and welfare of the inhabitants thereof

Section 2 Short Title This act shall be known and may be cited as the "Motor Vehicle Dealers' Commission Law"

Section 3 Definitions The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Board or Commission" means the State agency created by this act to be known as the "Motor Vehicle Dealers' Commission"

"Licensee" means a licensed motor vehicle dealer salesman or State approved appraiser

"Motor Vehicle" means any conveyance propelled by kerosene oil or gasoline motor or engine used for highway transportation including passenger automobiles and trucks up to and including one and one-half tons rated capacity excluding busses and motorcycles

"Motor Vehicle Dealer" means an individual corporation or co-partnership purchasing or handling for an individual corporation or co-partnership motor vehicles used or new for sale

"Person" includes any individual corporation partnership limited partnership or any other unincorporated enterprise owned by two or more individuals

"Salesman" means any person who works for or sells or buys motor vehicles for a motor vehicle dealer

"Appraiser" means any person who is authorized by the Commonwealth to appraise used motor vehicles

"Demonstrator" means any motor vehicle which has been in use for a period of not less than sixty (60) days and which has been driven thirty-five hundred (3,500) road miles or more

Section 4 Creation of Motor Vehicle Dealers' Commission Membership Applicability of Administrative Code

(a) And there is hereby created an independent administrative commission to be known as the Motor Vehicle Dealers' Commission The Commission shall consist of five (5) members who shall be nominated and appointed by the Governor by and with the advice and consent of the Senate appointed by the Governor This Commission shall be a part time commission and for which each day they shall serve the members thereof shall receive twenty-five dollars ($25.00) and expenses

(b) Each member of the Commission at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth and shall have been a qualified elector of the Commonwealth for one year next preceding his appointment

One member shall be exclusively a used motor vehicle dealer at present with at least five years' experience in the automobile industry and two shall be new motor vehicle dealers at present with at least five years' ex perience in the automobile industry and one shall be a salesman of new motor vehicles at present with at least five years' experience in the automobile industry and a fifth shall be neither a used motor vehicle or a new motor vehicle dealer or a new or used motor vehicle salesman No member of the Commission during his period of service as such shall hold any other office under the laws of the Commonwealth or of the United States

The Governor shall designate one of the members of the Commission as Chairman The Chairman shall when present preside at all meetings and in his absence a member designated by the Chairman shall preside Three (3) members of the Commission shall constitute a quorum and any action or order of the Commission shall require the approval of at least three (3) members

The Board may appoint a Secretary to hold office at its pleasure The Secretary if appointed shall have such power and perform such duties not contrary to law as the Commission shall prescribe and shall receive such compensation as the Commission with the approval of the Governor shall determine The Secretary shall have power and authority to designate from time to time one of the clerks appointed by the Commission to perform the duties of the Secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the Secretary of the Commission

The Secretary shall call all meetings of the Board designating the time and place upon request in writing addressed to the Secretary of two (2) or more members of the Commission

Except as otherwise specifically provided in this act the Commission and its employes shall be subject to all the provisons of the Administrative Code of one thousand nine hundred and twenty-nine approved the ninth

day of April one thousand nine hundred and twenty-nine (P. L. 177) its amendments and supplements which apply generally to independent boards or commissions

Section 5 General Powers and Duties of the Commission The Commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power

1 To supervise and regulate the entire sales industry of motor vehicles in so far as it includes the licensing of all motor vehicle dealers and salesmen and to examine and issue certificates of appointment to appraisers of used motor vehicles and establish standards to determine the maximum appraisal price for all used motor vehicles that are sold or traded in and the Commission shall notify all appraisers of the basic value of all such vehicles periodically The maximum appraisal prices are to be determined by the Commission as provided for in this act

2 The operation and effect of any provision of this act conferring a general power upon the Commission shall not be impaired or qualified by the granting to the Commission by this act of a specific power or powers

3 The Commission neither itself or through its duly authorized agent shall hold such hearings either at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act

4 The Commission shall meet upon a day determined by the members of the Commission at least once every thirty (30) days

5 The Commission shall prescribe the form of certificates or appraisal and shall have the original printed on white paper the duplicate to be sent to the Commission by the certified appraiser on pink paper and the second duplicate to be kept in the office of the certified appraisers on blue paper and shall sell these to all certified appraisers at the rate of twenty-five cents ($.25) a certificate including the two duplicates

6 The Commission shall prepare and adopt all forms to be used by certied appraisers and all licensees for forwarding to the Commission information required

7 The Commission shall daily from the Department of Revenue secure a list of all motor vehicles licensed and shall check this list with the reports of the sales made by all licensees

Section 6 Power of the Commission to Subpoena Penalties In order to enable the Commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance of or the production of pertinent books or papers by motor vehicle dealers salesmen and appraisers whom the Commission believes to have information of importance to it in carrying out the purposes and intent of this act The Commission may likewise issue commissions letters rogatory or other appropriate processes outside the Commonwealth

(a) The Commission shall likewise have the power to question such witnesses under oath or affirmation and to examine such books and papers

The Commission may delegate to any member thereof or any employe designated by it the power granted to it under this section

(b) Any witness who refuses to obey a subpena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the Commission to the Court of Common Pleas within the territorial jurisdiction in which the offense was committed for which purpose such court is hereby given jurisdiction

(c) Each witness required to attend before the Commission or any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the Courts of Dauphin County

Section 7 Rules Regulations and Orders

(a) The Commission may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act not inconsistent with law Every general rule regulation or order of the Commission shall be posted for public inspection in the main office of the Commission at least seven (7) days before it shall become effective and at least five (5) days before it shall become effective it shall be mailed to all licensees thereby affected It shall be given such further publicity or advertisement in newspapers or otherwise as the Commission shall deem it advisable An order applying only to a particular person or persons named therein shall be served on the person or persons affected

Section 8 Entry and Inspection Pursuant to carrying out the purpose of this act any member of the Commission or any employe designated for the purpose shall have access to and may enter at all reasonable hours all places where motor vehicles new or used are being sold Any members of the Commission or any designated employe thereof shall also have power at all reasonable hours to inspect all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the Commission to administer this act

The information obtained by any such inspection or by reports required by this act shall be for the confidential use of the Commission and the various departments of the State government and shall not be disclosed by any person except as may be required in the enforcement of the law or by order of the Court The Commission however may use such information together with other similar information for compilation and publication of statistics of the industry in this Commonwealth

Section 9 Violations

(a) Except as otherwise specifically provided in this act any person violating any provision of this act or any rule regulation or order of the Commission lawfully made shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00)

(b) The Commission or any person or association composed of persons affected by the Commission's orders rules or regulations may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the Commission made pursuant to the provisions of this act or to obtain judicial interpretation of any of the foregoing and in addition to any other remedy may apply to the Court of Common Pleas of Dauphin County for relief by injunction

Section 10 Licenses

(a) No motor vehicle dealer as defined in this act shall deal in handle sell or trade in motor vehicles without first obtaining a license as herein provided

(b) No salesman shall sell handle or trade any motor vehicle without first being duly licensed

(c) The Commission shall prescribe the necessary forms requiring the desired information and such forms shall be filled out by the applicants for licenses and shall accompany the application for a license with the fee as is provided for in this act

(d) Motor vehicle appraisers shall not appraise motor vehicles for the purpose of sale or trade-in to licensed motor vehicle dealers or salesmen unless first duly obtaining a certificate of authority from the Commission so to do and the Commission shall prescribe the forms setting forth the required information which forms shall be filled out and sent to the Commission by applicants for an appraiser's certificate and the Commission shall further set a time and place when an examination shall be given to such applicants for the purpose of determining their qualifications The examination questions shall be composed by the Commission and the answers shall be graded by the Commission or an employe of the Commission designated for that purpose and only those passing shall be entitled to a certificate authorizing them to act as an approved appraiser

(e) In all the applications for motor vehicle dealer's licenses for salesman's licenses or for appraisers' certificate among other things the forms shall require the ap-

plicant to set forth his experience in the automobile industry length of time nature of work type of business he proposes to conduct and in the case of dealers or salesmen they shall set forth with whom they have a contract for selling motor vehicles The Commission shall be satisfied that these applicants for motor vehicle dealer's license in so far as it applies to new motor vehicles shall have a bona fide contract with some motor vehicle manufacturer distributor or agent and with some motor vehicle dealer in the case of an applicant for a motor vehicle salesman's license

These licensing provisions are applicable to both new and used motor vehicle except as otherwise specified in this act The financial responsibility shall be set forth on the license application forms of motor vehicle dealers

All appraisers and licensees shall be full time appraisers or dealers or salesmen no remuneration of any kind shall be permitted for persons informing any licensees as to where a possible sale can be made

Section 11 Rejection Revocation or Suspension of licenses The Commission before refusing to issue or reissue a license or before revoking or suspending a license already issued shall hold a hearing for the purpose of determining whether an application for a license should be rejected or whether a license issued should be suspended or revoked for any violation on the part of the applicant or a licensee of this law or any rules regulations or orders of the Commission or to determine if for any other reason a license should be denied revoked or suspended and shall give the applicant or licensee five (5) days' notice that there will be such a hearing and set forth in writing the matters complained of the applicant or licensee may appear at the hearing and show cause if any he has why such license should not be refused suspended or revoked after such hearing the Commission shall file at its office a copy of its order and a statement in writing of the findings of fact in support of and the reasons for said order

Section 12 Bonds All applicants for licenses or for certificates of appraisal shall furnish to the Commonwealth a penal bond in the sum of five hundred dollars ($500.00) for the purpose of guaranteeing that the licensee or certified appraiser will comply with this law and all rules regulations and orders promulgated by the Commission pursuant to the law and such bond shall be forfeited if the licensee or appraiser shall be determined guilty of any violation Provided however nothing in this section shall apply to applicants for a salesman's license

Section 13 Appeal If any application for a license or a certificate of appraiser is rejected by the Commission or if any licensee or certificate of appraiser is revoked or suspended by the Commission the applicant or licensee or appraiser as the case may be appeal within twenty (20) days to the Common Pleas Court of the County in which he has his principal place of business and the case shall be heard de novo

Section 14 Fees for Dealers Salesmen and Appraisers

(a) A license fee of two dollars ($2.00) shall be paid by all licensed salesmen annually

(b) A fee of twenty-five dollars ($25.00) annually shall be paid by all approved appraisers Ten dollars ($10.00) shall be paid at the time application is made and the additional fifteen dollars ($15.00) shall be paid in the event the applicant is certified

(c) Licensed dealers shall pay the following fees

If the gross total sales of new and used motor vehicles does not exceed $75,000 annually the annual fee shall be $25.00

If the gross total sales of new and used motor vehicles exceeds $75,000 but does not exceed $250,000 the annual fee shall be $50.00

If the gross total sales of new and used motor vehicles exceeds $250,000 but does not exceed $500,000 the annual fee shall be $75.00

If the gross total sales of new and used motor vehicles exceeds $500,000 but does not exceed $750,000 the annual fee shall be $100.00

If the gross total sales of new and used motor vehicles exceeds $750,000 but does not exceed $1,000,000 the annual fee shall be $125.00

If the gross total sales of new and used motor vehicles exceeds $1,000,000 the fee shall be $150.00

Section 15 Orders Fixing Prices for Used Motor Vehicles and Establishing Standard Charges Which Shall be Deducted for Various Repairs or Replacement on the Used Motor Vehicle

(a) The Commission shall within thirty (30) days from the time it is established determine by a survey what the avergae sale price for used motor vehicles was for each make model body type and year and shall issue orders that for the ensuing thirty (30) days no appraiser shall appraise a used motor vehicle for a greater amount and shall deduct from that amount the list price necessary for repairing the used motor vehicle in order to make it safe to be on the highways and saleable These deduction in so far as possible shall be set forth by a general order of the Commission which may accept the list price flat rate schedule including labor and material published by the various motor vehicle manufacturers These general orders shall be printed in a form determined by the Commission and mailed to all certified approved appraisers at least seven (7) days before they are to be effective

(b) All subsequent orders affecting the prices to be allowed for used motor vehicles and the necessary deductions to make the motor vehicle safe and saleable are to be established in the following manner

1 In the case of the maximum basic price to be allowed for used motor vehicles the Commission shall take the information sent it by the various licensed dealers and salesmen and arrive an average price from this information of the sale of such type model year and make of motor vehicle for the thirty (30) days immediately prior to the determination of the general order and these average prices shall establish the new allowance or prices which shall be the maximum allowed by the various approved appraisers

2 As to the deductible items necessary to make the motor vehicle safe and saleable the Commission shall revise the schedule from time to time as new motor vehicle list price flat rate schedules for this type of work are established and shall within a reasonable time issue a new order

3 These prices shall apply only to motor vehicles manufactured within eight (8) years All motor vehicles that are more than eight (8) years old shall have a maximum value of fifty dollars ($50.00)

(c) The Commission shall in arriving at the average price to be allowed for the purchase of used motor vehicles consider only those that were purchased or traded in by the licensed dealers or salesmen from residents of this Commonwealth

(d) If less than twenty-five (25) motor vehicles of any particular type model year or make are sold within the thirty (30) day period then the Commission shall fix the maximum basic price to be allowed for this type of motor vehicle for the ensuing thirty (30) days without arriving at the average selling price

Section 16 Appraisers

(a) No appraiser shall appraise a used motor vehicle for an amount greater than the basic price established by the general orders of the Commission and shall make a careful inspection of the used motor vehicle and deduct from the basic price allowed the list price established by the Commission for the necessary repairs to make the used motor vehicle safe and saleable and shall also deduct a fair and reasonable amount necessary for replacement or repairs of any items not set forth by the orders of the Commission

(b) The appraiser shall then issue to the owner of the used motor vehicle a certificate setting forth the basic price determined by the appraiser the amount of repairs or replacements necessary and the price thereof itemized and the net price or allowance that may be allowed or paid by a licensed dealer or salesman as a maximum

(c) The approved appraiser shall charge the used motor vehicle owner for appraisal a fee of one dollar

and a half ($1.50) and shall set forth on the certificate of appraisal that the fee had been paid

(d) The appraiser shall keep two (2) duplicate copies of all certificates of appraisal issued and at the end of each day shall mail one duplicate to the Commission and shall retain the other in his office for a period of sixty (60) days

(e) The appraisers shall use only certificates of appraisal prepared by the Commission and shall purchase them from the Commission at the rate of twenty-five cents ($.25) per certificate All certificates are to include the two duplicates

Section 17 Prices to be Paid Allowances

(a) A licensed dealer or salesman shall not allow more for a used motor vehicle than is set forth as the net value of the used motor vehicle on the certificate of appraisal and a licensed dealer or salesman shall require the used motor vehicle to be rechecked by an approved appraised if the certificate of appraisal is more than seven days old The dealer who buys or takes in trade a used motor vehicle may return to the used motor vehicle owner one fee paid by the used motor vehicle owner to an approved appraiser who has issued the certificate of appraisal

(b) Nor shall any licensed dealer or salesman allow as a rebate or an inducement to purchase a new motor vehicle any additional equipment or accessories or any other thing of value Nor shall he sell the new motor vehicle for less than the manufacturer's advertised price plus transportation Except he may sell to members of his immediate family or to a member of his organization when for the personal use of such buyer but he shall immediately notify the Commission that he has done so and setting forth the name address and the relationship between himself and the buyer and describing the car fully including the make model body type motor and serial numbers Except that in the case of a clean up of new motor vehicles that are about to become obsolete or about to become discontinued or replaced by new models in which event the licensee may apply to the Motor Vehicle Dealers' Commission for permission to sell the motor vehicles he has on hand for less than the price heretofore established setting forth in his application all the facts surrounding the motor vehicles he has on hand and the reason why they will become obsolete and set forth fully when the motor vehicles on hand will be replaced or discontinued and shall state at what price he wishes to sell them The Commission shall act within ten (10) days from the receipt of the application either rejecting or granting the permission requested These new models however shall only be considered so if there is a substantial change in the motor vehicle A mere change of appointments or incidental equipment will not be considered a new model The new model to be so considered must be the new and current model and so advertised

(c) Rules and regulations governing the sale price of motor vehicles shall not apply to vehicles purchase by the Federal government or by the State government municipal government or any sub-division thereof

(d) If any licensee shall take in trade anything other than used motor vehicles which shall apply on the purchase of another motor vehicle the licensee shall set forth what was taken in trade the price allowed and what disposition was made or intended to be made of it

(e) If any licensee takes a motor vehicle on consignment and later sells the consigned vehicle and applies the selling price on another motor vehicle which he has either sold previously or subsequently such consigned motor vehicle shall be governed by the law rules regulations or orders applicable to used motor vehicles

(f) If a licensee purchases from out of the Commonwealth used motor vehicles he shall immediately forward to the Commission detailed information concerning these motor vehicles singly setting forth among other things required by the Commission the make model and type the miles indicated by the speedometer the condition and what purpose the motor vehicles had been put to previously and what disposition he proposes to make of such used motor vehicles

Section 18 Duties of Licensed Dealers and Salesmen as to Forms

(a) The licensed dealer or salesman upon buying or taking as trade allowance any used motor vehicle shall upon doing so lift the certificate of appraisal issued to the owner of the motor vehicle and shall keep it so long as he has possession of the used motor vehicle And shall upon the sale of used motor vehicles set forth among other information that may be required by the Commission the basic price allowed by the appraiser the items of repair the maximum net allowance established by the appraiser and what the licensed dealer or salesman actually allowed for the used motor vehicle and the repairs or replacements that were made and the price received for the motor vehicle when sold by such licensed dealer or salesman and shall then forward to the Commission the appraisal certificate

(b) And shall set forth in the case of the sale of a used motor vehicle the itemized list prices of repairs and replacements actually made by dealer at list price basis the cash received and if sold on time basis or credit basis the number of payments and the amounts to be made and if a motor vehicle is taken in trade to set forth the information concerning that motor vehicle the same as is provided by this act where a used motor vehicle is taken in trade for a new motor vehicle sale

(c) In the case of the sale of a new motor vehicle the dealer or salesman shall set forth the manufacturer's advertised selling price the list selling price of the additional accessories or equipment itemized the transportation amount and shall state that all these items have been paid for by the purchaser without rebate or reduction And in the event that any new or used motor vehicle sold is financed the name of the finance company the amount of finance charges and the number and amounts of payments to be made and shall set forth the amount and specific kind of insurance coverage the premium and name of the insurance company and shall state that all these items were charged to the purchaser without discrimination rebate or reduction

(d) All licensed dealers and salesmen must trade in or sell a demonstrator under the same provisions as govern a used motor vehicle

(e) All dealers and salesmen must have the speedometers of all new or used motor vehicles connected at all times when the motor vehicles are in use and shall not turn back or in any way falsify the reading on a speedometer

(f) A dealer or salesman may junk a used motor vehicle but when doing so must forward the certificate of appraised to the Commission together with a statement that a certificate of junk has been forwarded to the Department of Revenue and shall set forth what junk price he received

(g) A licensed motor vehicle dealer shall daily forward to the Commission a list of all the motor vehicles sold and in the case of used motor vehicles forward to the Commission the certificate of appraisal accompanying the used motor vehicle when the dealer took possession o fit and give in detail all the other information required by this act or that may be required by the Commission

Section 19 Payments of Fees into the State Treasury Motor Vehicle Dealers' Fund" Appropriation Expenses of Commission

(a) All moneys collected or received by the Commission arising from license fees penalties or any other source shall be paid by the Commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the Motor Vehicle Dealers' Fund

(b) As much of the money from time to time in the Motor Vehicle Dealers' Fund as may be necessary is hereby specifically appropriated to the Motor Vehicle Dealers' Commission to be used to pay its expenses including the following

1 Salaries of the Commission of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel

as may be assigned by the Department of Justice to the Commission for the handling of any legal work pertaining to its business

2 Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol buildings either in or outside of the Capitol city occupied by the Commission

3 Premiums for workmen's compensation insurance covering the officers and employes of the Commission

4 Premiums for surety bonds for such officers or employes of the Commission as may be required by law to furnish such bonds

5 Purchase and operating costs of motor vehicles required by the Commission for full-time use including premiums for liability insurance covering such motor vehicles and the members of the Commission and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by its for temporary use by the Commission

6 Furniture stationery materials supplies and all other overhead expenses of the Commission

7 All other expenses of every kind and description necessary for the performance by the Commission of its work

All such purchase and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

(c) As much of the money from time to time in the Motor Vehicle Dealers' Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approved claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Motor Vehicle Dealers' Fund to which the Commonwealth is not rightfully entitled

(d) Estimates of the amounts to be expended under this act by the Motor Vehicle Dealers' Commission either itself or through the Department of Property and Supplies as agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Motor Vehicle Dealers' Commission or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Motor Vehicle Dealers' Fund at the time of the making of any such requisition

Section 20 Legislative Intent It is hereby declared to be the lgislative intent that this law shall apply to all persons in the used and new motor vehicle sales industry both but shall not be deemed to apply in the case of an individual who is not engaged in the business of selling and purchasing motor vehicles from selling to another individual not in the motor vehicle business his own personal motor vehicle at any price agreed upon

Section 21 Constitutional Construction It is hereby declared to be the legislative intent that if this act cano take effect in its entirely because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein Provided however that if any part or parts of this act relating to fixing the value for used motor vehicles or the amount to be allowed by motor vehicle dealers for used motor vehicles is held unconstitutional then the remainder of the act shall be given no effect

Section 22 Saving Clause No provisions of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 23 The expenses for administering this act shall be paid entirely from the various fees collected by the Commission

Section 24 This act shall take effect immediately upon its approved by the Governor and shall expire mid-night May thirty one thousand nine hundred thirty-nine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Flannery,	McDevitt,	Shoemaker,
Alexander,	Flinchbaugh,	McElroy,	Shugarts,
Allen,	Ganser,	McFall,	Siegel,
Allmond,	Gerard,	McGee	Simon,
Arnold,	Gillette,	McShane,	Skale,
Aukerman,	Gorski,	Melchiorre,	Sloan,
Baker, J. J.,	Haberlen,	Mellott,	Smith, James A.,
Balthaser	Hagerty,	Mihm,	Smith, John A.,
Bierly,	Hamilton, F. P.,	Mooney,	Spengler,
Blank,	Hamilton, R. S.,	Moran,	Sproul,
Bohn,	Harkins,	Moul,	Stank,
Boles,	Harmuth,	Muir,	Stewart,
Boltz,	Hering,	Munley,	Stockham,
Bradley,	Hess,	Murrin,	Strode,
Brancato,	Hetrick,	Nagel,	Terry,
Brigerman,	Hindman,	O'Brien,	Thomas,
Broad,	Hirsch,	O'Connor,	Thompson,
Brown,	Holland,	O'Keefe,	Toole,
Brownfield,	Holmes,	Ominsky,	Tronzo,
Burrows,	Holstrom,	O'Neill,	Tumelty,
Cadwalader,	Hontz,	Ostroff,	Turner,
Caesar,	Horting,	Patterson, C. S.,	Valibus,
Caputo,	Huntley,	Patterson, J. W.,	VanAllsburg,
Chervenak,	Imbrie,	Peale,	VanSickle,
Coakley,	Jirolanio,	Pearson,	Vogt,
Cohen, H. B.,	Keenan,	Perry,	Wagner,
Cohen, R. E.,	Kelso,	Pershing,	Walsh,
Coleman,	Kilroy,	Piole,	Wampole,
Coolahan,	Kline,	Powers,	Watkins,
Corrigan,	Kroll,	Readinger,	Webster,
Costanzo,	LaRue,	Reese,	Weidemann,
Davies,	Leisey,	Reising,	Weiss, D. H.,
Decker,	Levy,	Richter,	Weiss, S. A.,
DeNote,	Lewis,	Robinson,	Welliver,
Dickinson,	Long,	Ruffennach,	Welsh,
Donohoe,	Longaker,	Rush,	Westrick,
Dougherty,	Lopresti,	Sarraf,	Whalen,
Downey,	Lovett,	Scanlon,	Whitenight,
Dubbs,	Lyons,	Schor,	Winner,
Dyson,	Marino,	Schrope,	Wright,
Elpern,	Matthews, H. T.,	Schumacher,	Yanoshak,
Falkenstein,	Matthews, J. F.,	Serrill,	Yeakel,
Finnerty,	McArdle,	Shaw,	Yourishin,
Fiss,	McCullough,	Shea,	Zappala,
Fitch,	McDermott,	Shepard,	Furman,
Flanagan,			

NAYS—22

Atkins,	Habbyshaw,	Preston,	Trout,
Baine,	Hall,	Rothenberger,	Wall,
Baker, F. T.,	Hays,	Royer,	Wilson,
Boose,	Kane,	Schrock,	Wood,
Boyer,	McKinney,	Snyder,	Woodside,
Eckels,	Moomaw,	Sollenberger,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASON FOR VOTE

Mr. PERRY filed the following reason for his vote:

I vote affirmatively upon this bill because of the almost unanimous requests forwarded me by the representatives of the industry itself, and in the belief, that in legislation of this type, such persons are best qualified to judge the merits or demerits of such a bill as applied to their respective business. While I am doubtful that the bill in its present form will actually effect the benefits anticipated by its sponsors, the bill contains a two year period limitation, thereby permitting a fair opportunity for test and trial. After such a period intelligent legislators will be in a position to act intelligently either as to its continuance, amendment or repeal. The general purpose and intent are worthy, its details of successful operation can be worked out best by practical operation during this probationary period.

HOUSE BILLS MADE SPECIAL ORDERS

Mr. HERBERT B. COHEN. Mr. Speaker, I move that all House Bill on third reading be made a special order of business in their order, immediately upon the adoption of this motion.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2026 as follows:

An Act to further amend the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing bee keeping horticulture and other allied occupations and providing penalties" by defining the jurisdiction of the Pennsylvania Milk Control Commission over such associations and regulating the sale and marketing of milk thereby

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the next to the last paragraph of section four of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing bee keeping horticulture and other allied occupations and providing penalties" is hereby amended to read as follows

Said articles of association accompanied with proof of publication of the notice hereinbefore provided to be given shall then be presented to the Governor of this Commonwealth who shall examine the same and [if he] shall refer it to the Pennsylvania Milk Control Commission If the Governor finds it in proper form and within the purpose mentioned in this act and if the Milk Control Commission shall find and so certify to the Governor that the application is a genuine one and not made for the purpose of avoiding full compliance with the provisions of the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven known as the "Milk Control Law" he shall indorse his approval thereon and direct letters patent to issue in form similar to those issued to business corporations [of the second class] in this Commonwealth which letters patent shall incorporate the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen Said articles of association shall be recorded in the office of the Secretary of the Commonwealth in a book to be by him kept for the purpose

Section 2 Section sixteen of said act as amended by section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 645) is hereby furthe ramended to read as follows

Section 16 Any such association after making provision for the payment of dividends on the preferred stock and before payment of dividends on the common stock or the distribution of any patronage refund or dividend shall set aside ten per centum of the total net earnings annually for a reserve fund until the reserve fund shall equal at least thirty per centum of the paid up capital stock The reserve fund shall be available for such purposes as shall be designated and authorized by the vote of two-thirds of the members of the board of directors at a duly assembled meeting of said board subject to such limitations and conditions as shall be provided for in the by-laws Any such association handling processing or marketing milk or milk products shall file such annual and other periodic reports with the Pennsylvania Milk Control Commission concerning its transactions as the said board may require containing such information as the said board may require Any cooperative agricultural association or corporation organized under the laws of this Commonwealth and any similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing of milk for the producers thereof may any other law of this Commonwealth to the contrary notwithstanding blend the net proceeds of its sales in all its markets or of its sales within any particular market invarious classes and whether in fluid form or as manufactured products both within and without the Commonwealth and pay its producers such blended price with such deductions and differentials as may be authorized under contract between such association or corporation and its producers and may make collective sales of the milk of its members and other producers represented by it at a blend price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Any milk dealer may any other law of this Commonwealth to the contrary notwithstanding contract for his milk with any such cooperative agricultural association or corporation upon such basis Neither the contracts of such cooperative agricultural association or corporation with its producers nor the righis and powers of such an association or any of its operations shall be affected or abridged by any provision of any law of this Commonwealth regulating the production distribution or sale of milk unless such contracts or operations are determined by the Milk Control Commission to discriminate unfairly between or to be otherwise injurious to producers of milk This section shall not however be construed to exempt such association or corporation from the jurisdiction of the Milk Control Commission over the prices at which it may sell milk to milk dealers stores or consumers If the Milk Control Commission determines that the blended or other prices paid by or through any arrangement with such association or corporation are unreasonable or do not conform with the contracts or operations discrimniate unfairly between or are otherwise injurious to producers such association or corporation shall be deemed to have waived all exemptions provided in this section In any such case the board shall have power by official order to fix or blend the prices to be paid for milk by or through any arrangement with such association or corporation to producers and others

And said bill having been read as length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—69

Achterman,	Dubbs,	Lovett,	Rothenberger,
Alexander,	Dyson,	Marino,	Sarraf,
Allmond,	Falkenstein,	McCullough,	Scanlon,
Aukerman,	Fitch,	McDermott,	Schrope,
Baine,	Flinchbaugh,	McFall,	Shepard,
Balthaser	Gorski,	McGee,	Simon,
Blank,	Hagerty,	McShane,	Smith, James A.,
Boltz,	Hamilton, R. S.,	Mellott,	Smith, John A.,
Broad,	Hays,	Moomaw,	Spengler,
Brown,	Hetrick,	Moran,	Thomas,
Chervenak,	Hirsch,	Moul,	Thompson,
Coakley,	Holstrom,	Muir,	Tronzo,
Cohen, H. B.,	Horting,	Munley,	Tumelty,
Costanzo,	Kilroy,	O'Connor,	Wagner,
DeNote,	Levy,	O'Neill,	Weiss, D. H.,
Dickinson,	Long,	Reese,	Weiss, S. A.,
Donohoe,	Lopresti,	Richter,	Welliver,
Dougherty,			

NAYS—75

Arnold,	Hamilton, F. P.,	Mooney,	Stank,
Baker, F. T.,	Harmuth,	Murrin,	Stewart,
Baker, J. J.,	Hindman,	O'Brien,	Stockham,
Boose,	Holland,	Patterson, J. W.,	Terry,
Boyer,	Holmes,	Peale,	Trout,
Bradley,	Huntley,	Pearson,	Turner,
Burrows,	Imbrie,	Perry,	Valibus,
Cadwalader,	Kane,	Piole,	Wall,
Cohen, R. E.,	Kelso,	Preston,	Watkins,
Davies,	Kline,	Robinson,	Webster,
Decker,	Leisey,	Royer,	Weidemann,
Downey,	Lewis,	Schor,	Welsh,
Eckels,	Longaker,	Schrock,	Winner,
Eipern,	Lyons,	Schumacher,	Wood,
Fiss,	Matthews, J. F.,	Serrill,	Woodside,
Ganser,	McArdle,	Shugarts,	Wright,
Gerard,	McDevitt,	Snyder,	Yourishin,
Habbyshaw,	McElroy,	Sollenberger,	Furman,
Hall,	McKinney,	Sproul,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1869, as follows:

An Act to further amend sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses authorizing the State Board of Undertakers to impose penalties and extending its power to make rules an dregulations and giving associations of funeral directors the right of appeal in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Generaly Assembly met and it is hereby enacted by the authority of the same That sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" as amended by section one of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (P. L. 1324) are hereby further amended to read as follows

Section 8 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license of any applicant or licensee for the following reasons

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) The conviction of a crime involving moral turpitude

(d) The use of misleading or unethical advertising by means of posters handbills slides motion pictures radio newspapers magazines or other publications or advertising media which advertises (1) professional superiority (2) the character or quality of his work merchandise or facilities (3) proposal to guarantee any of the foregoing (4) prices (5) free facilities or services (6) by display of caskets or other funeral merchandise Providing however That a licensee may issue a pamphlet showing statistics analysis and costs in manner prescribed by the board

(e) Gross incompetency negligence or misconduct in the carrying on of such business or profession

(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board

(g) Loaning borrowing or using a license of another or of knowingly aiding or abetting in any way the granting of improper licenses

(h) Soliciting patronage other than by legitimate advertisement or paying [a commission] or agreeing to pay a commission or benefit to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or being a party to any arrangement whereby business is obtained through the sale or solicitation of funeral contracts or burial associations or like unprofessional conduct

In lieu of refusing to renew or suspending or revoking any license the board may for any of said violations impose a penalty of not less than ten dollars ($10) nor more than five hundred dollars ($500) to be collected as penalties of like amount are by law collected and to be paid into the State Treasury through the Department of Revenue

Section 10 (a) Any applicant or licensee whose license has been refused suspended or revoked by or any association of funeral directors aggrieved by a decision of the board shall within thirty days after written notice of the decision have the right of appeal to the Court of Common Pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the board The court may in proper cases remit the record to the board for the taking of further testimony

(b) Any association of funeral directors or any party in interest shall be entitled to be heard by the board The said association of funeral directors or any person having an interest in the controversy may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of law or the regulations of the board For such purposes the Common Pleas Court of the county where the violations occur or where the defendant may be served shall have jurisdiction

Section 14 (a) The board shall be charged with the enforcement of this act and subject to the approval by the Secretary of Health [It] shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking [and] including interments shipment of bodies sanitation facilities preparation of bodies dead of contagious diseases grading and inspection of embalming schools and such other matters as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession and the board may require an embalming school training of apprentices in addition to other requirements The board shall mail a copy of all regulations to each licensee and registered apprentice annually

Section 2 If any part of this act shall be declared un-

constitutional it shall not affect the remaining provisions of this act

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. HAGERTY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clork for information.

The Clerk read the amendments as follows:

Amend sec. 1, (sec. 8) page 2, line 25, by striking out the words "or unethical".

Amend sec. 1, (sec. 8) page 2, lines 26 and 27, by striking out all of said lines.

Amend sec. 1, (sec. 8), page 3, lines 1 to 7, by striking out all of said lines.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. REISING. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

RECONSIDERATION OF VOTE

Mr. HAGERTY. Mr. Speaker, I move that the vote by which this bill was ordered to be transcribed for third reading be reconsidered.

Mr. SIMON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Hagerty, vote on the motion?

Mr. HAGERTY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Clinton, Mr. Simon, vote on the motion?

Mr. SIMON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Hagerty.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. HAGERTY. I will, Mr. Speaker.

Mr. CLIFF S. PATTERSON. Mr. Speaker, I would like to ask the gentleman from Philadelphia the reason for reconsidering the vote.

Mr. HAGERTY. Mr. Speaker, the gentleman from Washington, Mr. Patterson and I have agreed on this amendment. Mr. Patterson has stated to me that he knew nothing about the amendments when they were put in. The bill has been on the calendar since last Thursday a week, and it is with his consent that I have presented these amendments.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

Mr. HAGERTY. Mr. Speaker, I move that the vote by which this bill passed second reading be reconsidered.

The motion was agreed to.

Mr. HAGERTY. Mr. Speaker, I move that the vote by which the title was agreed to be reconsidered.

The motion was agreed to.

Mr. HAGERTY. Mr. Speaker, I move that the vote by which the various sections were agreed to be reconsidered.

The motion was agreed to.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" as amended by section one of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (P. L. 1324) are hereby further amended to read as follows

Section 8 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license of any applicant or licensee for the following reasons

(a) The practice of and fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) the conviction of a crime involving moral turpitude

(d) The use of misleading or unethical advertising by means of posters handbills slides motion pictures radio newspapers magazines or other publication or advertising media which advertises (1) professional superiority (2) the character or quality of his work merchandise or facilities (3) proposal to guarantee any of the foregoing (4) prices (5) free facilities or services (6) by display of caskets or other funeral merchandise Providing however That a licensee may issue a pamphlet showing statistics analysis and costs in manner prescribed by the board

(e) Gross incompetency negligence or misconduct in the carrying on of such business or profession

(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board

(g) Loaning borrowing or using a license of another or of knowingly aiding or abetting in any way the granting of improper licenses

(h) Soliciting patronage other than by legitimate advertisement or paying [a commission] or agreeing to pay a commission or benefit to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or being a party to any arrangement whereby business is obtained through the sale or solicitation of funeral contracts or burial associations or like unprofessional conduct

In lieu of refusing to renew or suspending or revoking any license the board may for any of said violation impose a penalty of not less than ten dollars ($10) nor more than five hundred dollars ($500) to be collected as penalties of like amount are by law collected and to be paid into the State Treasury through the Department of Revenue

Section 10 (a) Any applicant or licensee whose license has been refused suspended or revoked by or any association of funeral directors aggrieved by a decision of the board shall within thirty days after written notice of the decision have the right of appeal to the Court of Common Pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the board The court may in proper cases remit the record to the board for the taking of further testimony

(b) Any association of funeral directors or any party in interest shall be entitled to be heard by the board The said association of funeral directors or any person having an interest in the controversy may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of law or the regulations of the board For such purposes the Common Pleas Court of the county where

the violations occur or where the defendant may be served shall have jurisdiction

Section 14 (a) The board shall be charged with the enforcement of this act and subject to the approval by the Secretary of Health [It] shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking [and] including interments shipments of bodies sanitation facilities preparation of bodies dead of contagious diseases grading and inspection of embalming schools and such other matters as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession and the board may require an embalming school training of apprentices in addition to other requirements The board shall mail a copy of all regulations to each licensee and registered apprentice annually

On the question,

Will the House agree to the section?

Mr. HAGERTY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, (sec. 8), page 2, line 25, by striking out the words "or unethical".

Amend sec. 1, (sec. 8), page 2, lines 26 and 27, by striking out all of said lines.

Amend sec. 1, (sec. 8), page 3, lines 1 to 7, by striking out all of said lines.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 If any part of this act shall be declared unconstitutional it shall not affect the remaining provisions of this act

Section 3 This act shall become effective immediately upon its final enactment

An Act to further amend section eight ten and clause (a) of section fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses authorizing the State Board of Undertakers to impose penalties and extending its power to make rules and regulations and giving associations of funeral directors the right of appeal in certain cases

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 76.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 76, Printer's No. 1161, entitled "An Act to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives trains and other self propelled engines or machines with competent employes to provide the least number of men that may be employed on locomotive trains and other self propelled engines or machines to provide the qualifications of certain employes and to provide a penalty for the violation thereof and the enforcement thereof by the Public Utility Commission."

GEORGE H. EARLE.

ANNOUNCEMENT BY THE CHIEF CLERK

The CHIEF CLERK. The dinner to be given this evening by the Speaker of the House will start promptly at seven o'clock. Any member who has not received an invitation will consider himself invited. Invitations were sent to all members and if not received it is through no fault of the Speaker or of the committee. Admission will be only by the card sent you.

ANNOUNCEMENT

The Republican Steering Committee will meet immediately at Mr. Turner's desk.

RECESS

The SPEAKER. If there are no objections, the Chair is about to declare a recess until 10:00 p. m. Are there obejctions? The Chair hears none and declares a recess until 10:00 p. m.

AFTER RECESS

The House reconvened at 10:00 p. m.

The SPEAKER, (Roy E. Furman, in the Chair.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

LAUCK-ANGELL REPORT

A telegram from the Independent Miners and Truckers Association, Shamokin, recommending acceptance of Lauck-Angell report.

Referred to the Committee on Mines and Mining.

PUBLIC UTILITIES

A telegram from the Council of the City of Pittsburgh opposing the exclusion of natural gas companies from provisions of Public Utility Law.

Referred to the Committee on Public Utilities.

STATE POLICE AND HIGHWAY PATROL

A communication from the Pennsylvania Motor Federation opposing consolidation of State Police and Highway Patrol.

Referred to the Committee on State Government.

SALE OF BOTTLED BEER

A telegram from the Union of United Brewery Flour Cereal and Soft Drink Workers of America urging favorable action on Senate Bill 343.

Referred to the Committee on State Boards.

HOURS OF LABOR

A resolution from the Pennsylvania Federation of Business and Professional Women's Clubs urging that legislation passed providing for maximum hours apply equally to men and women.

Referred to the Committee on Labor.

RELIEF

Numerous petitions from citizens of Pennsylvania opposing passage of Senate Bill No. 876.

Referred to the Committee on Welfare.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 141, 142, 392, 393, 564, 956, 957, 1021, 1133, 1144, 1145, 1151, 1499, 1565, 1745, 1769, and 1820.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 141, Printer's No. 739, entitled "An Act making an appropriation to the Supreme Court for a portrait of the former Chief Justice of said court."

House Bill No. 142, Printer's No. 738, entitled "An Act making an appropriation to the Supreme Court for a portrait of the Chief Justice of said court."

House Bill No. 392, Printer's No. 742, entitled "An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property."

House Bill No. 393, Printer's No. 851, entitled "An Act making an appropriation to the Department of Health for the purpose of draining flooded mines and quarries in this Commonwealth to recover human bodies lost therein."

House Bill No. 564, Printer's No. 1003, entitled "An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth."

House Bill No. 956, Printer's No. 768, entitled "An Act making an appropriation out of the Motor License Fund to the Auditor General State Treasurer and Secretary of Highways as the Commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen."

House Bill No. 957, Printer's No. 769, entitled "An Act making an appropriation out of the Motor License Fund to the Delaware River Joint Toll Bridge Commission for the purpose of acquiring the toll bridge at Dingman's Ferry over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey."

House Bill No. 1021, Printer's No. 763, entitled "An Act for the protection of employes by prohibiting those in authority over such employes to threaten or intimidate employes failing or refusing to sign petitions."

House Bill No. 1133, Printer's No. 1004, entitled "An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania."

House Bill No. 1144, Printer's No. 740, entitled "An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways.

House Bill No. 1145, Printer's No. 741, entitled "An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt."

House Bill No. 1151, Printer's No. 785, entitled "An Act providing for the return to the State Insurance Fund of moneys transferred therefrom to the General Fund."

House Bill No. 1499, Printer's No. 841, entitled "An Act prohibiting certain persons from selling taking orders for delivering or being interested in the manufacture or sale of machinery equipment materials feed supplies or other things usd by milk producers and prescribing penalties."

House Bill No. 1565, Printer's No. 599, entitled "An Act to amend the act approved the thirteenth day of May one thousand nine hundred and nine (Pamphlet Laws 520) entitled 'An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof' as amended further regulating the adulteration and misbranding of food providing for injunctions against the sale of food in certain cases and changing penalties."

House Bill No. 1745, Printer's No. 750, entitled "An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania."

House Bill No. 1769, Printer's No. 1127, entitled "An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties."

House Bill No. 1820, Printer's No. 907, entitled "An Act to amend section three of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1195) entitled 'An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof' reducing the number of days during which exhibitions need be held."

GEORGE H. EARLE.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 885.

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training retraining instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 1120.

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under oath and prior acts of Assembly" by providing further procedure for preserving such liens and enforcing payment of such claim and validating certain municipal tax liens heretofore filed

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 1120.

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under oath and prior acts of Assembly" by providing further procedure for preserving such liens and enforcing payment of such claim and validating certain municipal tax liens heretofore filed

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

RECALLING HOUSE BILL No. 1433 FROM THE GOVERNOR

Mr. HERBERT B. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 1, 1937.

Resolved (if the Senate concur), that House Bill No. 1433, Printer's No. 1042, entitled "An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' as amended permitting State institutions and sanatoria to supply water to individuals'" be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2401, entitled:

An Act validating certain sheriff's sales of real estate and the title to such real estate in the hands of purchasers their heirs grantees and assigns

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, John A.,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Snyder,

Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2037, entitled:

An Act to re-enact a part of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" providing for the removal and dismissal of policemen in cities o fthe second class

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOLLAND. Mr. Speaker, this act is designed to repeal Pamphlet Law 20. Pamphlet Law 20 is a law passed to authorize and empower any railroad corporation of this Commonwealth," and has nothing to do with police and firemen. Also on page 2 it states that the reports shall be made to the City Recorder. There is no City Recorder in the City of Pittsburgh, and in view of this fact this bill should be recommitted to the Committee on Cities for amendment.

MOTION TO RECOMMIT

Mr. HOLLAND. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of proper amendment.

On the question,

Will the House agree to the motion?

Mr. HOLLAND. Mr. Speaker, I withdraw my motion.

On the question recurring,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Allegheny, Mr. Sarraf, permit himself to be interrogated?

Mr. SARRAF. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Allegheny, what is the procedure now in second class cities for the removal and dismissal of policemen?

Mr. SARRAF. Mr. Speaker, the removal and dismissal of policemen and firemen is done by the act of 1933, an amendment to the Act of 1931 and it is done,—if the gentleman wishes me to explain,—by placing twenty-five names of men of the same or higher rank, and from this group seven are picked, and from the seven the director and an officer of the same rank as the indivual tried removes four names leaving three. Does that answer the gentleman's question?

Mr. TURNER. They act as a board, Mr. Speaker?

Mr. SARRAF. That is right, Mr. Speaker.

Mr. TURNER. Under the provisions of this bill, Mr. Speaker, how will men be tried in the fire department of second class cities?

Mr. SARRAF. Mr. Speaker, men of the same rank or higher will be picked by the director to try the individual.

Mr. TURNER. Mr. Speaker, is the gentleman certain that under this bill it will be men of equal rank or higher?

Mr. SARRAF. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, why should it be changed from a choice of drawing names at random from twenty-five names selected, to the choice of the director?

Mr. SARRAF. Mr. Speaker, I feel that there is the possibility of picking the individual himself or three of the same rank may be arrived at from this drawing method.

Mr. TURNER. Mr. Speaker, does the gentleman not feel that it is fair to a man who is to be tried, that he be tried by a group selected, which would certainly be an impartial selection, rather than have a group drawn by the director of public safety?

Mr. SARRAF. Mr. Speaker, it may appear fairer that a group drawn may be better to try an individual, but then again I do not believe a fair disposition of the case can be arrived at by people of the same grouping and rank as that individual, and I do not feel that this drawing is correct or justifiable as a course to be followed in trying the individual.

Mr. TURNER. Why the change, Mr. Speaker? Why the necessity for the change?

Mr. SARRAF. Mr. Speaker, this bill applies to Pittsburgh and we feel the utmost confidence in our mayor and our director, and we feel that there would be no abnormal or irregular trial if left to the discretion of the director and he chose men of the same rank or higher.

Mr. TURNER. Mr. Speaker, might not the director himself be the man who is bringing the charges?

Mr. SARRAF. That may be possible, Mr. Speaker.

Mr. TURNER. Therefore, Mr. Speaker, if placed in his hands he would be both the prosecutor and the man who selects the jury.

Mr. SARRAF. Mr. Speaker, that could be, but under this act we are only repealing one section. The trial board can be had otherwise.

Mr. TURNER. Mr. Speaker, that is not my understanding of the act. My only interest in this bill is that some of the men affected have the feeling that this bill would work a hardship upon them. As the Doctor has said, under the present situation the names are drawn and therefore out of twenty-five names is a selection, and there is rather a chance that there will be no pressure brought nor any unfairness in the selection of the names. The change over to the director himself, as indicated in my question, gives opportunity on the part of the director to be both the judge and jury. This again smells to me like a ripper, and will not work to the best interests of the men in the department.

Mr. LOPRESTI. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Sarraf.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SARRAF. I will, Mr. Speaker.

Mr. LOPRESTI. Mr. Speaker, I desire to ask the gentleman from Allegheny whether or not the present amendment calls for a specified number of persons on the trial board?

Mr. SARRAF. It does not, Mr. Speaker.

Mr. LOPRESTI. Mr. Speaker, would it be possible then for the director to have one man tried by a board of five and another by a board of three and still another by a board of seven?

Mr. SARRAF. Mr. Speaker, it may.

Mr. LOPRESTI. Mr. Speaker, I desire to know whether the bill as amended states definitely how many persons of equal rank and how many persons of higher rank are to be placed on the board?

Mr. SARRAF. Mr. Speaker, the bill as amended does not, but then in the old bill and in the amendment of 1933 the same lines and the same conditions are in the act.

Mr. LOPRESTI. Mr. Speaker, how does the bill of 1933 read, having in mind the amendment offered in the present bill?

Mr. SARRAF. Mr. Speaker, the names of men of the same rank and higher are placed into a sort of box and picked. It says "Men of the same rank or higher."

Mr. LOPRESTI. Mr. Speaker, does the act as amended say how many men of the same rank shall be on the board or how many of higher rank?

Mr. SARRAF. Mr. Speaker, I believe I have answered that question, that it does not but then we leave that to the discretion of a director in whom we have the utmost confidence, and a Mayor in whom we have the utmost confidence.

Mr. LOPRESTI. In other words, Mr. Speaker, I understand that the Director of Public Safety is at liberty to try a man with an entire board of men of higher rank than himself, if he so desires?

Mr. SARRAF. Mr. Speaker, in answer to this question, this trial system has been in effect since 1931, and as amended in 1933. It is in effect in Philadelphia and it has been in effect and has been operating very nicely during that entire time in our city.

Mr. LOPRESTI. Will the gentleman answer the question as to whether it would be possible for the director to try patrolmen by a board of lieutenants or captains of higher rank if the Director of Public Safety chose so to do?

Mr. SARRAF. Mr. Speaker, the act and the amendment are identical with the wording of the act of 1931 and the amendment of 1933: "Men of the same rank or higher."

Mr. LOPRESTI. Mr. Speaker, the gentleman has not answered the question. I desire to repeat the question: Is it possible under this act for a patrolman to be tried by men of equal rank or by a board composed of members all of a higher rank?

Mr. SARRAF. Yes, Mr. Speaker, it is possible.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—74

Achterman,	Dubbs,	McShane,	Scanlon,
Alexander,	Falkenstein,	Melchiorre,	Schor,
Baine,	Fitch,	Mihm,	Shepard,
Baker, J. J.,	Flanagan,	Moomaw,	Shoemaker,
Balthaser,	Gerard,	Moran,	Shugarts,
Blank,	Gorski,	Munley,	Skale,
Boltz,	Haberlen,	Murrin,	Smith, James A.,
Brown,	Hamilton, F. P.,	Ominsky,	Spengler,
Caesar,	Harkins,	O'Neill,	Thomas,
Caputo,	Harmuth,	Patterson, C. S.,	Tumelty,
Cohen, H. B.,	Hays,	Patterson, J. W.,	Valibus,
Coolahan,	Hering,	Pearson,	VanSickle,
Corrigan,	Hindman,	Piole,	Wagner,
Costanzo,	Jirolanio,	Powers,	Welliver,
Davies,	Levy,	Preston,	Westrick,
Decker,	Lewis,	Robinson,	Wright,
Dickinson,	McArdle,	Ruffennach,	Yanoshat,
Donohoe,	McCullough,	Sarraf,	Furman,
Dougherty,			

NAYS—61

Allmond,	Fiss,	Lyons,	Sloan,
Baker, F. T.,	Flannery,	Marino,	Sollenberger,
Bierly,	Flinchbaugh,	Matthews, J. F.,	Stewart,
Bohn,	Habbyshaw,	McDermott,	Stockham,
Boles,	Hall,	McElroy,	Thompson,
Boose,	Hamilton, R. S.,	McFall,	Trout,
Bradley,	Hess,	Mellott,	Turner,
Brancato,	Hirsch,	Mooney,	Wall,
Broad,	Imbrie,	O'Brien,	Watkins,
Cadwalader,	Kane,	O'Connor,	Weidemann,
Chervenak,	Keenan,	Peale,	Weiss, D. H.,
Coakley,	Kelso,	Perry,	Welsh,
DeNote,	Kilroy,	Reising,	Wilson,
Eckels,	Kline,	Rothenberger,	Winner,
Elpern,	Leisey,	Schrock,	Wood,
Finnerty,	Lopresti,	Schumacher,	Yeakel,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1255, as follows:

An Act to provide for the issuance and acceptance of certificates from duly licensed optometrists whenever such certificates may now or hereafter be required as to powers of visions by any law of the Commonwealth and repealing all acts or any parts thereof that are or may be inconsistent therewith

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That any optometrist duly licensed by the Board of Optometrical Examiners to practice optometry is hereby authorized to issue certificates evidencing powers of vision as may be required by any law

Section 2 Whenever a certificate evidencing powers of vision is required by any law of the Commonwealth a certificate of an optometrist duly licensed to practice optometry by the Board of Optometrical Examiners of the State of Pennsylvania shall be accepted by all persons having to do with powers of vision provided for by any law of the Commonwealth

Section 3 All acts and parts of acts are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SARRAF. Mr. Speaker, I rise to oppose this bill for one reason. On page 2 of Section 2 the word "shall" is in this bill. "Shall", of course, as the membership of this House knows, is a mandatory word and it means that the certification issued by an optometrist must be accepted by the recipient, and on that basis I wish to oppose this bill.

Mr. SHEA. Mr. Speaker and members of the House, I object to this bill, first of all because we passed a bill recently that met all the shortcomings of the optometrist profession. This bill is asking for the privilege of enabling them to give certificates regarding vision. To do such would first of all require the use of drugs in the eyes. No real vision measurement can be determined without the use of drugs. That was entirely eliminated from the bill that was recently passed. Further, this bill is going to confuse the Compensation Board; it is going to cause a rush of certificates into the Compensation Board regarding injuries to the eyes. In my opinion, Mr. Speaker, it is going to lead to confusion. It is going to be detrimental to the proper treatment of the eyes; it is going to require the use of drugs. Therefore, Mr. Speaker, I ask that this bill be defeated.

Mr. REUBEN E. COHEN. Mr. Speaker, I should like to interrogate the gentleman from Allegheny, Mr. Sarraf.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SARRAF. I will, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to ask the gentleman from Allegheny, Mr. Sarraf, whether or not at his request amendments to this bill were drawn and were offered by him on the floor of this House on second reading?

Mr. SARRAF. Mr. Speaker, amendments which I asked for were prepared and submitted to this House, with the exception of the removal of the word "shall" and the replacement of the same with the word "may".

Mr. REUBEN E. COHEN. Mr. Speaker, will the gentleman say that the sponsor of this bill refused to allow him to amend the bill by changing the word "shall" to "may"?

Mr. SARRAF. Mr. Speaker, I do not know whether the sponsor refused to do so, but so far in the bill he has not done so.

Mr. REUBEN E. COHEN. Mr. Speaker, I do not have to elaborate any further on the interrogation just made, other than to say that the amendments offered by the gentleman from Allegheny were the amendments which he asked for and which were permitted to go in without any objection, because in the estimation of the sponsor of the bill it is exactly what the medical profession wanted in the bill. In answer to that great colleague of mine, Dr. Shea, may I say this, that on the question of the Compensation Board I might point out that I took this question up with the Compensation Board, and the gentlemen who are very much interested in compensation legislation there are quite agreeable to an amendment which will be put in by the Senate. As the membership probably knows, a certificate to say how much vision a man has cannot be offered as legal evidence before any compensation board. The rules of evidence that we have in our law courts absolutely forbid any such certificate, the same as an affidavit of a doctor or a stock broker being offered or accepted by any compensation referee as legal evidence. I believe, Mr. Speaker, that all valid objections have been removed; all useful amendments by the labor group have been accepted in the Senate. I ask the members of the House to vote "aye" on this bill.

Mr. HINDMAN. Mr. Speaker and members of this House, I hesitate to arise to oppose this bill because of the respect which I have for its sponsor, the gentleman from Berks County. I am sure that he is very sincere in offering this bill. He contacted me a few nights ago, and I am satisfied if he understood the implications of this bill he would not be back of it. Under those circumstances I am very sorry to oppose him because I feel that he is sincere and wishes to do that which is right. In the two terms that I have been in this Legislature I cannot think of a bill which is so small and so innocent appearing to the casual observer as this bill and yet so fallacious.

Ladies and gentleman of this House, if you give the optometrists the privilege which they request in this bill, I care not how it is amended, it will be a fallacious thing. I have had a great deal of experience, as have other members of this House, in compensation and court cases and I submit to you that this bill will just muddy the water, and as many of you members know, and I know too well how difficult it is to get fair treatment, and fair play for the men or women who are injured in industry, whose eyes are injured, and many of them blinded.

Certainly I do not intend to go into this thoroughly with the members of this House after what you experienced a few weeks ago, in which you saw the corridors of this House crowded with those who could not see, people blinded for life, and I submit to you ladies and gentleman, under those circumstances with the vast industries that we have in Pennsylvania if you give to people inadequately prepared the privilege of practicing on the human eye, the privilege of going before compensation boards, the privilege of going into court and testifying, you are going to do one of the greatest injustices to the great group of labor that we have in this State that can possibly be imagined.

So I appeal to you ladies and gentlemen, to consider this very, very carefully, because of the very nature of the thousands and thousand of cases that we have in this State who are employed by industry, many of them in coal mines, many of them in steel mills, and not only adults but children, and I submit to you that you cannot

do anything which is too great to protect the eyes of these people.

I have had numerous letters from various opthalmologists, and they have all opposed this bill and speak of it as being fallacious regarding court work and compensation work, and to show you just how important it is that these people should be carefully cared for, within the past few weeks I had an individual apply to me who has had a serious injury to the eye. He was referred to one of the best eye men that I know of and that man, who has had years of experience in opthalmology, one of the highest class men in Pennsylvania, refused to treat him because his condition was so serious, and he referred him to another man, who was, he felt, more proficient in that particular kind of work. Ladies and gentleman, this was a young man; his eye was at stake. Do you think he should have been treated by some one who is inadequately prepared when a man who is admittedly one of the highest class specialists in the western part of the State referred him to another man?

I had another case quite recently in which the testimony of an opthalmologists would determine whether a coal miner would receive compensation or not. Now ladies and gentleman, if you have any regard for the laboring man, if you have any regard for the men who have been or who are engaged in industry, certainly you cannot vote for this bill, and I appeal to you in the interests of those who are so unfortunate as to lose their eyesight, to vote this bill down regardless of the amendments that might be made. In the interests of labor, the great army of labor in industry in this State, I urge you to vote against this fallacious bill.

Mr. HESS. Mr. Speaker, I desire to thank the gentleman for his kind remarks about my sincerity in presenting this bill. I would like to call to the attention of the members that a few days ago when this bill was on second reading, amendments were offered by members of the medical profession. At that time I arose and asked the members to vote in favor of those amendments. I wanted to be entirely fair to the medical profession. Furthermore, there were objections raised as to this bill by members who represented the laboring class in this Legislature, and we proposed, as my colleague Mr. Cohen has stated, to offer an amendment in the Senate which would take care of that objection. We have tried to play fair and square with everybody who asked to amend this bill, and I ask the members to vote in favor of this bill.

Mr. TUMELTY. Mr. Speaker, I have been listening to the debate on this bill from the medical side; I have heard them say that they cannot offer evidence; and from the legal side I heard the lawyers say that it is impossible to offer this before a court or a compensation board, and I am at a loss to know how to vote. I think somebody ought to decide as to whether medical profession is right or whether the legal profession is right as to whether this can be offered as evidence.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—31

Alexander,	Dyson,	Melchiorre,	Skale,
Boles,	Falkenstein,	Mooney,	Smith, James A.,
Brancato	Fitch,	O'Connor,	Spengler,
Caputo,	Flanagan,	Pershing,	Stockham,
Cohen, R. E.,	Hagerty,	Piole,	Tumelty,
Dickinson,	Harkins,	Readinger,	Turner,
Donohoe,	Hess,	Rothenberger,	VanSickle,
Downey,	Jirolanio,	Scanlon,	Yeakel,
Dubbs,	McArdle,	Schor,	

NAYS—113

Allmond,	Fiss,	Matthews, J. F.,	Shoemaker,
Arnold,	Flannery,	McCullough,	Shugarts,
Atkins,	Flinchbaugh,	McDermott,	Simon,
Baine,	Ganser,	McElroy,	Sloan,
Baker, F. T.,	Gerard,	McFall,	Smith, John A.,
Baker, J. J.,	Gillette,	McGee,	Sollenberger,
Bierly,	Habbyshaw,	Mellott,	Stewart,
Blank,	Hall,	Mihm,	Strode,
Bohn,	Hamilton, F. P.,	Moul,	Thomas,
Boltz,	Hamilton, R. S.,	Munley,	Thompson,
Boose,	Harmuth,	Murrin,	Trout,
Boyer,	Hering,	O'Neill,	Valibus,
Broad,	Hetrick,	Patterson, C. S.,	Wagner,
Brown,	Hindman,	Patterson, J. W.,	Wall,
Burrows,	Hirsch,	Peale,	Watkins,
Cadwalader,	Holmes,	Pearson,	Weidemann,
Caesar,	Huntley,	Perry,	Weiss, D. H.,
Chervenak,	Imbrie,	Powers,	Weiss, S. A.,
Coakley,	Kane,	Preston,	Welliver,
Coleman,	Keenan,	Richter,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Corrigan,	Kline,	Ruffennach,	Whalen,
Costanzo,	Kroll,	Sarraf,	Winner,
Davies,	Leisey,	Schrock,	Wood,
Decker,	Levy,	Schrope,	Wright,
DeNote,	Longaker,	Schumacher,	Yanoshat,
Dougherty,	Lopresti,	Shea,	Yourishin,
Eckels,	Lyons,	Shepard,	Furman,
Elpern,	Marino,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 99.

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilition of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Article III, section 306, page 19, line 14, by inserting a light-faced bracket after the word "dollars."

Amend Article IV, section 420, page 63, at the beginning of line 20, by striking out the heavy-faced bracket before the word "physicians"; also at the end of same line by inserting a heavy-faced bracket before the word "shall"; also same page, by striking out in lines 26 to 28 inclusive the following: "taxed shall not be paid by the party directed to repay the same may be collected as costs are now collectible] and."

Amend Article V, section 503, page 81, line 24, by inserting a heavy-faced bracket after the word "alone".

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 1, 1937.

Resolved, (if the House of Representatives concur), That House Bill No. 99, Printer's No. 115, entitled An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilition of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

be recalled from the House of Representatives for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 867, entitled:

An Act providing for the registration with the Secretary of the Commonwealth of names and marks branded on containers of milk cream and other dairy products provided that the names and marks branded identify the dairies and not the product in the containers and regulating the purchase sale possession use and destruction of containers so branded imposing penalties and prescribing what shall be prima facie evidence of a violation of this act

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McFall,	Shugarts,
Alexander,	Flinchbaugh,	McGee,	Siegel,
Allen,	Ganser,	McKinney,	Simon,
Allmond,	Gerard,	McShane,	Skale,
Arnold,	Gillette,	Melchiorre,	Sloan,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Mimm,	Smith, John A.,
Baine,	Haberlen,	Moomaw,	Snyder,
Baker, F. T.,	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,
Balthaser,	Hamilton, F. P.,	Moul,	Sproul,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Matthews, H. T.	Schrope,	Woodside,
Eckels,	Matthews, J. F.	Schumacher,	Wright,
Falkenstein,	McArdle,	Serrill,	Yanoshat,
Finnerty,	McCullough,	Shaw,	Yeakel,
Fiss,	McDermott,	Shea,	Yourishin,
Fitch,	McDevitt,	Shepard,	Zappala,
Flanagan,	McElroy,	Shoemaker,	Furman,

NAYS—4

Caputo,	Elpern,	Marino,	Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1934 as follows:

An Act for the public safety requiring and regulating the installation of gas shut-off valves and accessory appliances in and in connection with certain buildings and conferring powers and duties on the Department of Labor and Industry and cities of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every building hereafter erected and also every existing building (except buildings three stories or less in height in addition to the

basement thereof when occupied exclusively for residential purposes) which may be supplied from some outside source with gas shall be equipped by the builder or owner of such building with a gas shut-off valve attached to the gas supply pipe or pipes on the inside of the building at a point where said pipes enter the building and before they reach the gas meter which valve shall be connected with a conspicuous and conveniently accessible control box at a place on the exterior of the building so arranged as to allow the gas supply to be shut off by any member of any fire department immediately wherever the necessity arises The fire department of any municipality shall have the exclusive use of gas shut-off valves and their operation in the event of fire or other emergency No person firm or corporation supplying gas to any building shall in any way prevent hinder or interfere with the installation or operation of the apparatus hereinbefore required to be installed Such shut-off valve and said control box for the shut-off valve shall be so marked as to indicate their respective purposes The gas shut-off valves shall be so constructed as to automatically shut-off the gas when subjected to sufficient heat

All gas shut-off valves and necessary appliances shall be designed to minimize the danger of explosion and to prevent or retard the escape of gas in case of fire and be of types approved by the Department of Labor and Industry of the Commonwealth

Section 2 All existing buildings and every building hereafter erected subject to the provisions of this act shall be equipped with such device and necessary appliances within six months after the effective date of this act

Section 3 It shall be the duty of the Department of Labor and Industry except as to territory in cities of the first class and the bureau or agency in charge of building inspection in cities of the first class to enforce the provisions of this act and to adopt and promulgate rules and regulations for the installation of gas shut-off valves and necessary appliances Such rules and regulations shall provide for the inspection of the installation of the gas shut-off valve after the same has been completed either by the agent of the department or city as the case may be or by any local board of fire underwriters or its agent Such rules and regulations shall provide for an annual inspection of such gas shut-off valves and appliances by such persons or agencies as may be provided therein

Section 4 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Bois,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer	Hess,	O'Connor,	Thompson,
Bradley	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1974, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by creating a National Shrines Commission in the Department of Military Affairs and prescribing its powers and duties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,

Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Bois,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer	Hess,	O'Connor,	Thompson,
Bradley	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1238, entitled:

An Act to validate certain debts and obligations of school districts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.
Aukerman,	Gorski,	Mellott,	Smith, John A.
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Bois,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer	Hess,	O'Connor,	Thompson,
Bradley	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1735, entitled:

An Act to amend section sixteen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by providing that the taxes hereafter or heretofore imposed by the first section shall be a first lien on all real property of the resident against whom the same are assessed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—187

Achterman,	Fitch,	McCullough,	Shaw,
Alexander,	Flanagan,	McDermott,	Shea,
Allen,	Flannery,	McDevitt,	Shepard,
Allmond,	Flinchbaugh,	McElroy,	Shoemaker,
Arnold,	Ganser,	McFall,	Shugarts,
Atkins,	Gerard,	McGee,	Siegel,
Aukerman,	Gillette,	McKinney,	Simon,
Baine,	Gorski,	McShane,	Skale,
Baker, F. T.,	Habbyshaw,	Melchiorre,	Smith, James A.,

Baker, J. J.,	Haberlen,	Mellott,	Smith, John A.,
Balthaser,	Hagerty,	Mihm,	Snyder,
Bierly,	Hall,	Moomaw,	Spengler,
Blank,	Hamilton, F. P.,	Mooney,	Sproul,
Bohn,	Harkins,	Moran,	Stank,
Bois,	Harmuth,	Moul,	Strode,
Boltz,	Hays,	Muir,	Terry,
Bradley	Hering,	Munley,	Thomas,
Brancato,	Hess,	Murrin,	Thompson,
Brigerman,	Hetrick,	Nagel,	Toole,
Broad,	Hindman,	O'Brien,	Tronzo,
Brown,	Hirsch,	O'Connor,	Trout,
Brownfield,	Holland,	O'Keefe,	Tumelty,
Burrows,	Holmes,	Ominsky,	Valibus,
Caesar,	Holstrom,	O'Neill,	VanAllsburg,
Caputo,	Hontz,	Ostroff,	VanSickle,
Chervenak,	Horting,	Patterson, C. S.,	Vogt,
Coakley,	Huntley,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Imbrie,	Peale,	Wall,
Cohen, R. E.,	Jirolanio,	Pearson,	Walsh,
Coleman,	Keenan,	Perry,	Wampole,
Coolahan,	Kelso,	Pershing,	Webster,
Corrigan,	Kilroy,	Piole,	Weidemann,
Costanzo,	Kline,	Powers,	Weiss, D. H.,
Davies,	Kroll,	Preston,	Weiss, S. A.,
Decker,	LaRue,	Readinger,	Welliver,
DeNote,	Leisey,	Reese,	Welsh,
Dickinson,	Levy,	Reising,	Westrick,
Donohoe,	Lewis,	Richter,	Whalen,
Dougherty,	Long,	Robinson,	Whitenight,
Downey,	Longaker,	Rothenberger,	Woodside,
Dubbs,	Lopresti,	Ruffennach,	Wright,
Dyson,	Lovett,	Rush,	Yanoshat,
Eckels,	Lyons,	Sarraf,	Yeakel,
Elpern,	Marino,	Scanlon,	Yourishin,
Falkenstein,	Matthews, H. T.	Schor,	Zappala,
Finnerty,	Matthews, J. F.	Schrope,	Furman,
Fiss,	McArdle,	Serrill,	

NAYS—17

Boose,	Royer,	Sollenberger,	Watkins,
Boyer	Schrock,	Stewart,	Wilson,
Cadwalader,	Schumacher,	Stockham,	Winner,
Hamilton, R. S.,	Sloan,	Turner,	Wood,
Kane,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1324, entitled:

An Act authorizing cities of the third class to surrender their charter and be constituted a borough or boroughs providing the procedure therefor and terminating the terms of officers if such city when the borough government or governments are organized

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Bois,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer	Hess,	O'Connor,	Thompson,
Bradley	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1840, Printer's No. 1054 was passed over at the request of Mr. TURNER.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. CAPUTO asked and obtained permission for the Committee on Judiciary General to meet at 12:00 o'clock noon during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1785, entitled:

An Act to further amend section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" by providing for special registration of veterans in certain cases

On the question,

Will the House agree to the bill on third reading.

REQUEST TO PASS BILL OVER

Mr. MORAN. Mr. Speaker, I ask that this bill be passed over in its order.

The SPEAKER. Are there objections?

Mr. ZAPPALA. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and the request is not granted.

On the question recurring.

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Bois,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer	Hess,	O'Connor,	Thompson,
Bradley	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weiss, D. H.,
Corrigan,	Kroll,	Richter,	Weiss, S. A.,
Costanzo,	LaRue,	Robinson,	Welliver,
Davies,	Leisey,	Rothenberger,	Welsh,
Decker,	Levy,	Royer,	Westrick,
DeNote,	Lewis,	Ruffennach,	Whalen,
Dickinson,	Long,	Rush,	Whitenight,
Donohoe	Longaker,	Sarraf,	Wilson,
Dougherty,	Lopresti,	Scanlon,	Winner,
Downey,	Lovett,	Schor,	Wood,
Dubbs,	Lyons,	Schrock,	Woodside,
Dyson,	Marino,	Schrope,	Wright,
Eckels,	Matthews, H. T.	Schumacher,	Yanoshat,
Elpern,	Matthews, J. F.	Serrill,	Yeakel,
Falkenstein,	McArdle,	Shaw,	Yourishin,
Finnerty,	McCullough,	Shea,	Zappala,
Fiss,	McDermott,	Shepard,	Furman,
Fitch,	McDevitt,	Shoemaker,	

NAYS—1

Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1034, entitled:

An Act to amend section five hundred and twenty-two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as added requiring contracts for public works and improvements to stipulate minimum wages to be paid to foremen the timekeepers engineers laborers and mechanics and requiring the Commonwealth to pay minimum wages for such work where no contract is let and providing for county wage boards representing labor business and the Commonwealth to determine such minimum wages

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,

Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1952 as follows:

An Act to amend section three of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" providing for the qualification of additional persons as undertakers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 3 An applicant shall not be entitled to an examination if

(a) The applicant is not a citizen of the United States

(b) The applicant is not at least twenty-one years of age

(c) The applicant is not a graduate of an approved high school of this Commonwealth or has an education equivalent thereto under the rules and regulations of the department Provided however That this clause shall not be construed to apply to any person who has been engaged in the business of undertaking at least ten years

(d) The applicant has not had practical experience in the business or profession of undertaking for two years continuously as a student apprentice and shall have completely embalmed at least twenty-five bodies

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. REISING. Mr. Speaker and members of the House, on account of the fact that I have received a number of requests to oppose this bill, I desire that the sponsor or someone understanding the bill explain its provisions in order that I may vote intelligently on the matter.

The SPEAKER The Chair recognizes the gentleman from Philadelphia, Mr. Scanlon, who will explain the provisions of the bill.

Mr. SCANLON. Mr. Speaker, the only thing this bill does, it permits men who have been working at the undertaking business ten years to take an examination. It does not license anyone.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—71

Arnold,	Fitch,	McArdle,	Siegel,
Baine	Flanagan,	McDevitt,	Simon,
Boles,	Flannery,	McElroy,	Smith, James A.,
Bradley,	Gerard,	McFall,	Smith, John A.,
Broad,	Haberlen,	McGee,	Stank,
Caesar,	Hering,	McShane,	Thomas,
Coleman,	Hess,	Mooney,	Toole,
Coolahan,	Hirsch,	Moran,	Tronzo,
Corrigan,	Holland,	Munley,	Tumelty,
Costanzo,	Holstrom,	O'Brien,	Wagner,
Decker,	Kilroy,	O'Connor,	Walsh,
DeNote,	Kroll,	O'Keefe,	Weiss, D. H.,
Donohoe,	Levy,	Powers,	Weiss, S. A.,
Dougherty,	Lewis,	Rothenberger,	Welsh,
Dubbs,	Long,	Ruffennach,	Westrick,
Elpern,	Lopresti,	Rush,	Whalen,
Falkenstein,	Matthews, H. T.,	Schrope,	Whitenight,
Finnerty,			

NAYS—63

Alexander,	Gillette,	Melchiorre,	Skale,
Allen,	Hall,	Mellott,	Sollenberger,
Allmond,	Hamilton, F. P.,	Murrin,	Spengler,
Atkins,	Hamilton, R. S.,	Patterson, C. S.,	Stewart,
Baker, F. T.,	Hays,	Patterson, J. W.,	Stockham,
Baker, J. J.,	Hetrick,	Peale,	Strode,
Bierly,	Hindman,	Pearson,	Thompson,
Boose,	Holmes,	Reising,	Trout,
Boyer,	Imbrie,	Richter,	Valibus,
Brown,	Keenan,	Robinson,	Wall,
Burrows,	Kelso,	Scanlon,	Watkins,
Chervenak,	Kline,	Schrock,	Weidemann,
Dickinson,	Leisey,	Schumacher,	Welliver,
Eckels,	Lyons,	Serrill,	Wood,
Fiss,	Marino,	Shea,	Wright,
Flinchbaugh,	Matthews, J. F.,	Shoemaker,	Furman,
Ganser,	McDermott,	Shugarts,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REASON FOR VOTE

Mr. ALLMOND filed the following reason for his vote:

I am opposed to House Bill No. 1952, Printer's No. 1090, because I feel there is no reason why at this time any exception should be made in the present law.

The requirements set up by the Act of 1931 are reasonable and have helped to uphold the standards of the profession. The work of undertakers is one in which the health of the public is greatly concerned, and the rules and regulations should be kept rigid. No such exceptions are allowed in other professions and I see no reason why the same should not hold true for the undertakers.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1073, as follows:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended providing for the payment by the Commonwealth of a bounty for each rattlesnake killed the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1721) is hereby further amended to read as follows

Section 1001 Bounties on Certain Animals A reward or bounty shall be paid for the killing within the Commonwealth only of the following animals For each Canada or bay lynx commonly called bobcat or wildcat fifteen dollars for each gray fox four dollars for each weasel one dollar [and] for each goshawk killed within the Commonwealth between the first day of November and the first day of May of the next following year and shipped to the office of the Board at Harrisburg within thirty-six hours after killing five dollars and for each rattlesnake killed within the Commonwealth and the rattles thereof and one inch of the tail shipped to the office of the Board at Harrisburg twenty-five cents Bounties shall be paid for only those rattlesnakes which are killed within areas defined by the Department of Forests and Waters and proof of the killing of rattlesnakes within such areas shall be furnished in such manner as the board may require

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flanagan,	McDevitt,	Shugarts,
Alexander,	Flannery,	McElroy,	Siegel,
Allen,	Flinchbaugh,	McFall,	Simon,
Allmond,	Ganser,	McGee,	Skale,
Arnold,	Gerard,	McKinney,	Sloan,
Atkins,	Gillette,	McShane,	Smith, James A.,
Aukerman,	Gorski,	Melchiorre,	Smith, John A.,
Baine	Habbyshaw,	Mellott,	Snyder,
Baker, F. T.,	Haberlen,	Mihm,	Sollenberger,
Baker, J. J.,	Hagerty,	Moomaw,	Spengler,
Balthaser,	Hall,	Mooney,	Sproul,
Bierly,	Hamilton, F. P.,	Moran,	Stank,
Blank,	Hamilton, R. S.,	Moul,	Stewart,
Bohn,	Harkins,	Muir,	Stockham,
Boles,	Harmuth,	Munley,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schropp,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Falkenstein,	Matthews, J. F.,	Shaw,	Yanoshat,
Finnerty,	McArdle,	Shea,	Yeakel,
Fiss,	McCullough,	Shepard,	Yourishin,
Fitch,	McDermott,	Shoemaker,	Zappala,

NAYS—4

Elpern,	Murrin,	Rush,	Furman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 920, entitled:

An Act requiring operators of public swimming pools to which admission fees are charged to have an oxygen inhaler at such pools and a person in attendance competent to use the same making failure to comply a misdemeanor and prescribing penalties

On the question,

Will the House agree to the bill on third readin?

REQUEST TO PASS BILL OVER

Mr. TURNER. Mr. Speaker, I ask that this bill be passed over.

The SPEAKER. Are there objections?

Mr. FLANNERY. Mr. Speaker, I object.

The SPEAKER. The Chair hears objections and the request is not granted.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Ganser,	McFall,	Shugarts,
Allen,	Gerard,	McGee,	Siegel,
Allmond,	Gillette,	McKinney,	Simon,
Arnold,	Gorski,	McShane,	Skale,
Atkins,	Habbyshaw,	Melchiorre,	Sloan,
Aukerman,	Haberlen,	Mellott,	Smith, James A.,
Baine	Hagerty,	Mihm,	Smith, John A.,
Baker, J. J.,	Hall,	Moomaw,	Snyder,
Balthaser,	Hamilton, F. P.,	Mooney,	Sollenberger,
Bierly,	Hamilton, R. S.,	Moran,	Spengler,
Blank,	Harkins,	Moul,	Sproul,
Bohn,	Harmuth,	Muir,	Stank,
Boles,	Hays,	Munley,	Stewart,
Boltz,	Hering,	Murrin,	Stockham,
Boyer,	Hess,	Nagel,	Strode,
Bradley,	Hetrick,	O'Brien,	Terry,
Brancato,	Hindman,	O'Connor,	Thomas,
Brigerman,	Hirsch,	O'Keefe,	Thompson,
Broad,	Holland,	Ominsky,	Toole,
Brown,	Holmes,	O'Neill,	Tronzo,
Brownfield,	Holstrom,	Ostroff,	Trout,
Burrows,	Hontz,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Patterson, J. W.,	Turner,
Caputo,	Huntley,	Peale,	Valibus,
Chervenak,	Imbrie,	Pearson,	VanAllsburg,
Coakley,	Jirolanio,	Perry,	VanSickle,
Cohen, H. B.,	Kane,	Pershing,	Vogt,
Cohen, R. E.,	Keenan,	Piole,	Wagner,
Coleman,	Kelso,	Powers,	Wall,
Coolahan,	Kilroy,	Preston,	Walsh,
Corrigan,	Kline,	Readinger,	Wampole,
Costanzo,	Kroll,	Reese,	Watkins,
Davies,	LaRue,	Reising,	Webster,

Decker,	Leisey,	Richter,	Weiss, D. H.,
DeNote,	Levy,	Robinson,	Weiss, S. A.,
Dickinson,	Lewis,	Rothenberger,	Welliver,
Donohoe,	Long,	Royer,	Welsh,
Dougherty,	Longaker,	Ruffennach,	Westrick,
Downey,	Lopresti,	Rush,	Whalen,
Dubbs,	Lovett,	Sarraf,	Whitenight,
Dyson,	Lyons,	Scanlon,	Wilson,
Elpern,	Marino,	Schor,	Winner,
Falkenstein,	Matthews, H. T.,	Schrope,	Wood,
Finnerty,	Matthews, J. F.,	Schumacher,	Woodside,
Fiss,	McArdle,	Serrill,	Wright,
Fitch,	McCullough,	Shaw,	Yanoshat,
Flanagan,	McDermott,	Shea,	Yeakel,
Flannery,	McDevitt,	Shepard,	Yourishin,
Flinchbaugh,	McElroy,	Shoemaker,	Zappala,

NAYS—8

Alexander,	Boose,	Eckels,	Weidemann,
Baker, F. T.,	Cadwalader,	Schrock,	Furman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1638, entitled:

An Act to amend section five of the act approved the first day of May one thousand nine hundred and nineteen (Pamphlet Laws 103) entitled "An act creating a State Art Commission in the Board of Commissioners of Public Grounds and Buildings requiring the approval of the commission of the design and location of all public monuments memorials buildings or other structures and certain private structures proposed to be erected anywhere in this Commonwealth other than in cities of the first and second class" extending the powers of the State Art Commission to bridges and subjects and over bordering streams

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boles,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	O'Keefe,	Toole,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Brigerman,	Holland,	Ostroff,	Tumelty,
Broad,	Holmes,	Patterson, C. S.,	Turner,
Brown,	Holstrom,	Patterson, J. W.,	Valibus,
Brownfield,	Hontz,	Peale,	VanAllsburg,
Burrows,	Horting,	Pearson,	VanSickle,
Cadwalader,	Huntley,	Perry,	Vogt,
Caesar,	Imbrie,	Pershing,	Wagner,
Caputo,	Jirolanio,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1327, entitled:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements defining the powers and duties of the Department of Highways and the Water and Power Resources Board authorizing political subdivisions persons copartnerships associations corporations and the Board of Fish Commissioners to contribute to the cost of the construction maintenance and repair of any such dam providing for acceptance by agencies of the Commonwealth of gifts and lease of lands and making appropriations from the Motor License Fund the Flood Control Fund and the Fish Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Fitch,	McDevitt,	Shoemaker,
Alexander,	Flanagan,	McElroy,	Shugarts,
Allen,	Flannery,	McFall,	Siegel,
Allmond,	Flinchbaugh,	McGee,	Simon,
Arnold,	Ganser,	McKinney,	Skale,
Atkins,	Gerard,	McShane,	Sloan,
Aukerman,	Gillette,	Melchiorre,	Smith, James A.,
Baine,	Gorski,	Mellott,	Smith, John A.,
Baker, F. T.,	Habbyshaw,	Mihm,	Snyder,
Baker, J. T.,	Haberlen,	Moomaw,	Sollenberger,
Balthaser,	Hagerty,	Mooney,	Spengler,
Bierly,	Hall,	Moran,	Sproul,
Blank,	Hamilton, F. P.,	Moul,	Stank,
Bohn,	Hamilton, R. S.,	Muir,	Stewart,
Boles,	Harkins,	Munley,	Stockham,
Boltz,	Harmuth,	Murrin,	Strode,
Boose,	Hays,	Nagel,	Terry,
Boyer,	Hering,	O'Brien,	Thomas,
Bradley,	Hess,	O'Connor,	Thompson,
Brancato,	Hetrick,	O'Keefe,	Toole,
Brigerman,	Hindman,	Ominsky,	Tronzo,
Broad,	Hirsch,	O'Neill,	Trout,
Brown,	Holland,	Ostroff,	Tumelty,
Brownfield,	Holmes,	Patterson, C. S.,	Turner,
Burrows,	Holstrom,	Patterson, J. W.,	Valibus,
Cadwalader,	Hontz,	Peale,	Van Allsburg,
Caesar,	Horting,	Pearson,	VanSickle,
Caputo,	Huntley,	Perry,	Vogt,

Chervenak,	Imbrie,	Pershing,	Wagner,
Coakley,	Jirolanio,	Piole,	Wall,
Cohen, H. B.,	Kane,	Powers,	Walsh,
Cohen, R. E.,	Keenan,	Preston,	Wampole,
Coleman,	Kelso,	Readinger,	Watkins,
Coolahan,	Kilroy,	Reese,	Webster,
Corrigan,	Kline,	Reising,	Weidemann,
Costanzo,	Kroll,	Richter,	Weiss, D. H.,
Davies,	LaRue,	Robinson,	Weiss, S. A.,
Decker,	Leisey,	Rothenberger,	Welliver,
DeNote,	Levy,	Royer,	Welsh,
Dickinson,	Lewis,	Ruffennach,	Westrick,
Donohoe,	Long,	Rush,	Whalen,
Dougherty,	Longaker,	Sarraf,	Whitenight,
Downey,	Lopresti,	Scanlon,	Wilson,
Dubbs,	Lovett,	Schor,	Winner,
Dyson,	Lyons,	Schrock,	Wood,
Eckels,	Marino,	Schrope,	Woodside,
Elpern,	Matthews, H. T.,	Schumacher,	Wright,
Falkenstein,	Matthews, J. F.,	Serrill,	Yanoshat,
Finnerty,	McArdle,	Shaw,	Yeakel,
Fiss,	McCullough,	Shea,	Yourishin,
	McDermott,	Shepard,	Zappala,

NAYS—1

Furman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2452, entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered withi nthe Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by making a further provision for the payment of the tax.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gilette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. T.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Vallbus,
Burrows,	Hontz,	Peale,	Van Allsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2002, entitled:

An Act to amend section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1083) entitled "An act requiring all persons contracting with the Commonwealth or any department or officer thereof or any municipal corporation division or subdivision of the Commonwealth to accept the provisions of the State Workmen's Compensation Act and to insure the said contractor's liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract" by making the Commonwealth or municipality or division or subdivision thereof liable for payment of compensation to persons injured while employed under a contract executed in violation of the provisions of this act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gilette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. T.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,

Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	Van Allsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2003, entitled:

An Act to amend section eight hundred and five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by making townships liable for payment of compensation to persons injured while employed under a contract executed in violation of provisions of this act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.,
Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine,	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Mihm,	Sollenberger,
Baker, J. T.,	Haberlen,	Moomaw,	Spengler,
Balthaser,	Hagerty,	Mooney,	Sproul,
Bierly,	Hall,	Moran,	Stank,
Blank,	Hamilton, F. P.,	Moul,	Stewart,
Bohn,	Hamilton, R. S.,	Muir,	Stockham,
Boles,	Harkins,	Munley,	Strode,
Boltz,	Harmuth,	Murrin,	Terry,
Boose,	Hays,	Nagel,	Thomas,
Boyer,	Hering,	O'Brien,	Thompson,
Bradley,	Hess,	O'Connor,	Toole,
Brancato,	Hetrick,	O'Keefe,	Tronzo,
Brigerman,	Hindman,	Ominsky,	Trout,
Broad,	Hirsch,	O'Neill,	Tumelty,
Brown,	Holland,	Ostroff,	Turner,
Brownfield,	Holmes,	Patterson, C. S.,	Valibus,
Burrows,	Holstrom,	Patterson, J. W.,	Van Allsburg,
Cadwalader,	Hontz,	Peale,	VanSickle,
Caesar,	Horting,	Pearson,	Vogt,
Caputo,	Huntley,	Pershing,	Wagner,
Chervenak,	Imbrie,	Piole,	Wall,
Coakley,	Jirolanio,	Powers,	Walsh,
Cohen, H. B.,	Kane,	Preston,	Wampole,
Cohen, R. E.,	Keenan,	Readinger,	Watkins,
Coleman,	Kelso,	Reese,	Webster,
Coolahan,	Kilroy,	Reising,	Weidemann,
Corrigan,	Kline,	Richter,	Weiss, D. H.,
Costanzo,	Kroll,	Robinson,	Weiss, S. A.,
Davies,	LaRue,	Rothenberger,	Welliver,
Decker,	Leisey,	Royer,	Welsh,
DeNote,	Levy,	Ruffennach,	Westrick,
Dickinson,	Lewis,	Rush,	Whalen,
Donohoe,	Long,	Sarraf,	Whitenight,
Dougherty,	Longaker,	Scanlon,	Wilson,
Downey,	Lopresti,	Schor,	Winner,
Dubbs,	Lovett,	Schrock,	Wood,
Dyson,	Lyons,	Schrope,	Woodside,
Eckels,	Marino,	Schumacher,	Wright,
Elpern,	Matthews, H. T.,	Serrill,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Shaw,	Yeakel,
Finnerty,	McArdle,	Shea,	Yourishin,
Fiss,	McCullough,	Shepard,	Zappala,
	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SARRAF asked and obtained permission for the Committee on Public Health and Sanitation to meet during the session of the House.

RECONSIDERATION OF VOTE

Mr. HAGERTY. Mr. Speaker, I move that the vote by which House Bill No. 670, Printer's No. 1015, was dropped from the calendar last Thursday, be reconsidered.

Mr. FLANAGAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Hagerty, vote on the motion?

Mr. HAGERTY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Flanagan, vote on the motion?

Mr. FLANAGAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, under what rule can you re-instate a bill on the calendar, once it has been dropped?

The SPEAKER. Under Rule 81 of the House.

Mr. TURNER. Will the Chair please state the rule?

The SPEAKER. The Chair will read the rule for the information of the members. Rule 81: "Reconsideration. A motion for reconsideration shall be permitted when

made and seconded by members who were in the majority on the original question and within five days in which the House is in session after the decision, excepting when a bill or resolution shall have been recalled from the Governor in which case a motion to reconsider shall be entertained though more than five days shall have elapsed. It shall be decided by a majority of those voting. No motion for the reconsideration of any vote shall be in order after a bill, resolution, report, amendment or motion upon which the vote was taken shall have gone out of the possession of the House. When a motion to reconsider is lost, it shall not be again renewed on the same question, nor shall such a motion be entertained until other business has transpired."

Mr. TURNER. Mr. Speaker, may I state the procedure as I understood it the other evening? The gentleman from York, Mr. Cohen, read a list of bills which he asked to have dropped from the calendar. The Chair stated to the House that unless there was objection the following bills as stated by the gentleman from York would be dropped from the calendar. There was no objection, and as I recall it, there was no vote taken on the question. Therefore, there is no vote here to be reconsidered. The action was by unanimous consent of the House to drop the bill from the calendar, and it seems to me that the bill would then be in the same position as if the sponsor of the bill had himself personally arisen and said that he wanted to drop the bill.

The SPEAKER. The Chair believes that the gentleman is in error. The Chair is of the opinion that a vote was taken on the motion of the gentleman from York. If it had not been taken and unanimous consent had been given, unanimous consent would have meant the same as a unanimous vote in favor of the motion.

Mr. TURNER. But, Mr. Speaker, does not the rule referring to reconsideration mean the reconsideration of a vote?

The SPEAKER. The bills were dropped either by motion which was voted upon by the members of the House or by unanimous consent, which, in other words, is a unanimous vote in favor of the motion. The Chair feels that in either case a motion to reconsider would be in order on the action taken by the House to drop bills from the calendar.

Mr. TURNER. Mr. Speaker, there are three committees out at the present time, and I know that some of the members, at least of one of those committees, are interested in this measure. It seems to me it would be unfair to lay before the House now the question of reinstating a bill on the calendar, with three committees out.

The SPEAKER. Does the gentleman wish to ask the gentleman from Philadelphia to withdraw his motion at this time?

Mr. TURNER. I do, Mr. Speaker.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Hagerty, withdraw his motion at this time?

Mr. HAGERTY. At this time, Mr. Speaker, if I may renew it later in the evening.

BILL ON SECOND READING

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to call up House Bill No. 2372, Senate Bill No. 770, Printer's No. 246, on page 7 of today's calendar, bill on second reading which was passed over.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2372, (Senate Bill No. 770), entitled:

An Act to re-enact and amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Funds" as amended by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as amended are hereby re-enacted amended or further amended as the case may be as follows

An Act appropriating the moneys in the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all moneys now in the Motor License Fund in the State Treasury and all moneys which may hereafter be paid into the Motor License Fund be and the same are hereby appropriated as hereinafter provided

Section 2 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the following purposes

(a) For sinking fund requirements and interest on outstanding bonds of this Commonwealth issued for the purpose of improving and rebuilding the highways of the Commonwealth the acquisition of toll bridges and for the payment of the compensation to the Commonwealth's loan and transfer agent for services rendered in connection with the registration transfer and payment of interest on said bonds and for other services required to be performed by such loan and transfer agent Payments to the Board of Finance and Revenue under this clause shall be made at such times and in such amounts as shall from time to time be provided by law but should the General Assembly at any time fail to enact legislation supplemental to this act payments shall from time to time be made hereunder upon the requisition of the Board of Finance and Revenue approved by the State Treasurer

(b) For the payment of approved claims for refund made to the board for moneys paid into the Motor License Fund to which the Commonwealth is not rightfully entitled

Section 3 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Department of Revenue for administering and enforcing the laws rules or regulations relating to the operation of aircraft landing fields or intermediate landing fields and for the proper conduct of its work in titling and registering motor vehicles trailers and tractors licensing the operators of vehicles [and enforcing the laws regulating the registration titling and operation of vehicles upon the highways] and for the collection of liquid fuels taxes as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the Commissioner of Motor Vehicles or such other officer or officers of the department appointed by the secretary thereof to have charge of the foregoing activities of the

department and such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts engineers draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required in the performance of the duties above mentioned and such deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department or for handling any legal business pertaining to its work

[(b) For the payment of the salaries wages or other compensation board lodging uniforms arms and equipment and their maintenance and traveling and other necessary expenses of State Highway Patrolmen Provided That the provisions of this clause shall not authorize any appropriation for such purposes to the Department of Revenue if the State Highway Patrol is by law placed under the administration of the State Police but said appropriation shall be available for like purposes to the State Police but not in excess of the amount limited by any other law] limited by any other law]

[(c)] (b) For the purchase maintenance storage and repair of furniture furnishings stationery supplies materials equipment fuel motor vehicles aircraft and printing and binding and for the payment of premiums on policies of insurance covering motor vehicles or aircraft operated by employes of the department and surety bonds for officers or employes of the department required to furnish such bonds but all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

[(d)] (c) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines

[(e) For the construction through the Department of Property and Supplies or the purchase and repair or maintenance of buildings for the use of the State Highway Patrol]

[(f) Through the Department of Property and Supplies to purchase or lease lands and to construct thereon highways and buildings suitable for the examination of applicants for operators' licenses or to purchase or lease lands for the use of the State Highway Patrol]

[(g)] (d) For the payment of rentals for branch buildings and repairs thereto

[(h)] (e) For the payment of transportation medical attendance and hospital charges of employes injured or killed in line of duty and the payment of workmen's compensation to injured employes or dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department Provided That such insurance shall be carried only with the approval of the Governor

(f) For the payment of traveling expenses and witness fees in the amount of two dollars ($2) per capita per diem to witnesses testifying for the Commonwealth at hearings [and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess of five dollars ($5) shall be paid to any physician for such an examination]

[(i)] (g) For the payment of expenses in connection with traffic safety educational work exhibits photography models and other exhibition or education accessories and for all other expense of every kind and description necessary effectively to carry on this work.

[(k)] (h) For the purchase of registration plates and any other expenses incidental thereto

[(l)] (i) For the payment of rewards for detection of fraud

[(m)] (j) For the purpose of purchasing and acquiring in the name of the Commonwealth of Pennsylvania air navigation facilities and intermediate landing field equipment through the Department of Property and Supplies as agent

[(n)] (k) For the purpose of installing conditioning improving equipping maintaining and operating any air navigation facilities intermediate landing field equipment beacon sites landing fields and intermediate landing fields leased or acquired by the Commonwealth and lands acquired within the Commonwealth suitable for landing fields beacon sites and air navigation facilities

[(o)] (l) For all other expenses of every kind and description necessary for the performance by the department of the aforesaid work

[(n)] (m) For the payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specially the aforesaid affairs of the Department of Revenue at such amounts as the Department of the Auditor General with the approval of the Executive Board shall determine

[(o)] (n) For the payment to the Treasury Department of the cost of making disbursements out of the Motor License Fund on behalf of the Department of Revenue in the performance of the duties above mentioned at such amounts as the Treasury Department with the approval of the Executive Board shall determine

[(p)] (o) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Revenue in the performance of the above mentioned duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

Section 4 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Pennsylvania Motor Police for the proper conduct of its work as provided by law as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the Commissioner of Pennsylvania Motor Police Deputy Commissioner of Pennsylvania Motor Police and such chiefs statisticians clerks experts and other assistants as may be required for the proper conduct of the work of the Pennsylvania Motor Police

(b) For the payment of the salaries wages or other compensation for the purchase of uniforms arms and equipment and for the maintenance and traveling and other necessary expenses of the Pennsylvania Motor Police Force and for medical attendance and hospital charges not covered by insurance for members of the Pennsylvania Motor Police Force injured in the line of duty

(c) For the purchase maintenance and repair of furniture furnishings stationery supplies material equipment fuel motor vehicles and printing and binding for the payment of premiums on policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the Pennsylvania Motor Police and for the payment of premiums on policies of insurance covering motor vehicles operated by employes of the Pennsylvania Motor Police and surety bonds for employes of the Pennsylvania Motor Police required to furnish such bonds but all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent

(d) For the payment of postage telegrams telephone rentals and toll charges and rents or royalties upon leased office equipment or other devices or machines

(e) For the acquisition of land or buildings by purchase or lease through the Department of Property and Supplies the construction through such department of buildings and of the maintenance or repair of buildings and land for the use of the Pennsylvania Motor Police including land with highways and buildings thereon suitable for the examination of applicants for operators' licenses

(f) For the operation and maintenance of the Pennsylyvania Motor Police Training School including any branches thereof

(g) For the payment of traveling expenses and witness fees in the amount of two dollars ($2) per capita per diem to witnesses testifying for the Commonwealth at hearings in connection with the work of the Pennsylvania Motor Police and for the payment of fees charged

by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess of five dollars (5) shall be paid to any physician for any such examination

(h) For the maintenance and operation of a radio broadcasting station or stations and for the purpose of installing operating and maintaining a teletype or other intercommunication system linking the central office of the Pensylvaia Motor Police and the offices of the various organized police forces of the cities boroughs and townships of the Commonwealth maintaining night offices and linking such central office with other states using similar systems which cooperate with Pennsylvania in broadcasting police information

(i) For the payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specially the affairs of the Pennsylvania Motor Police in such amounts as the Pennsylvania Motor Police with the approval of the Executive Board shall determine

(j) For payment to the Treasury Department for the cost of making disbursements out of the Motor License Fund on behalf of the Pennsylvania Motor Police in the performance of its work in such amounts as the Treasury Department with the approval of the Executive Board shall determine

(k) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Pennsylvania Motor Police in the performance of its work in such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

(l) For all other expenses of every kind and description necessary for the performance by the Pennsylvania Motor Police of its work

Section [4] 5 The remainder of the money from time to time in the Motor License Fund is hereby appropriated to the Department of Highways for the following purposes

(a) For the payment of the salaries wages or other compensation and the traveling and other necessary expenses of the Secretary of Highways such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required for the proper conduct of the work of the department and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department or for handling any legal business pertaining to its work

(b) For the purchase maintenance and repair of furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding and for the payment of premiums on policies of insurance covering motor vehicles operated by employes of the department and surety bonds for officers and employes of the department required to furnish such bonds but all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent except that the Department of Highways may purchase directly equipment materials and supplies necessary for the construction and repair of highways if such equipment materials or supplies are not on the schedule of the Department of Property and Supplies

(c) For the payment of rentals for branch buildings and repairs thereto

(d) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines

(e) For maintaining reconstructing replacing and repairing or assisting in maintaining reconstruction replacing and repairing State highways State-aid highways and any other highways which the department may be authorized to maintain reconstruct replace and repair or assist in maintaining reconstructing replacing and repairing and of such bridges as the department may be authorized by law to maintain reconstruct replace and repair or to assist in maintaining reconstructing replacing and repairing

(f) For constructing and improving or assisting in constructing and improving State highways State-aid highways and any other highways or streets and any bridges which the department may be authorized by law to construct or improve or assist in constructing or improving but the moneys expended by the department under this clause for construction and improvement of highways without expense to the political subdivisions of the State shall be allocated among the several counties in such manner and to such an extent as shall from time to time be provided by law and in the absence of or beyond any such statutory direction shall be expended as the department shall determine and the moneys expended for State aid and upon city streets shall be expended to the extent to which such expenditures shall from time to time be authorized by law

(g) For the maintenance and repair of all interstate bridges over the Delaware River between the Commonwealth and the State of New Jersey now owned or to be acquired or constructed from Morrisville Bucks County to Milford Pike County and of interstate bridges between this Commonwealth and the State of New York now owned or which may hereafter be acquired or constructed

(h) For the payment of transportation medical attendance and hospital charges for employes injured or killed in line of duty and the payment of workmen's compensation to injure demployes or the dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department Provided That such insurance shall be carried only with the approval of the Governor

(i) For purchasing acquiring and leasing lands in the name of the Commonwealth containing stone suitable for use in the construction improvement reconstruction replacement or maintenance of highways and to quarry and prepare the stone therein for use in the construction improvement reconstruction replacement and maintenance of highways to maufacture any other material used in the construction improvement reconstruction replacement or maintenance thereof whether for use by the department in the construction improvement reconstruction replacement or maintenance of highways or for selling the same to contractors engaged in such work or to political subdivisions of the State for the construction improvement reconstruction replacement and maintenance of roads as may now or hereafter be provided by law

(j) For the erection of such buildings and the purchase of such machinery as may be necessary or essential for the proper prosecution of the work of quarrying or manufacturing stone or materials for the construction improvement reconstruction replacement or maintenance of highways

(k) Subject to the approval of the Governor and of the Department of Property and Supplies for the purchase or acquisition of land in the name of the Commonwealth for the purpose of erecting thereon garages storage sheds laboratories or other buildings necessary in connection with the construction improvement reconstruction replacement or maintenance of highways and for the erection on land thus acquired of such garages storage sheds laboratories or other buildings

(l) To propagate or purchase trees shrubs vines or grasses for planting on or along the State highways and to maintain the same

(m) For the purchase installation and maintenance of signs and traffic signals on State highways

(n) For the payment of traveling expenses and witness fees in amount of two dollars ($2) per capita per diem to witnesses testifying for the Commonwealth

(o) For the payment of damages to property heretofore hereafter caused or occasioned in connection with the work of the department in the construction improvement maintenance and repair or in the preparation of materials for such purpose of roads highways or bridges under the jurisdiction of the department and for which the Common-

wealth is responsible for maintenance and attributed to negligence or carelessness on the part of the employes of the department not exceeding however the sum of twenty-five thousand dollars ($25,000) during any fiscal biennium All claims for damages to property payable hereunder shall be submitted to the Secretary of Highways in writing verified by affidavit and the secretary shall investigate the same and determine the amount to be paid if any subject to the approval of the Attorney General

(p) For all other expenses of every kind and description necessary effectively to carry on the work of the department as authorized by law

(q) For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specially the aforesaid affairs of the Department of Highways at such amounts as the Department of the Auditor General with the approval of the Executive Board shall determine

(r) For payment to the Treasury Department of the cost of making disbursements out of the Motor License Fund on behalf of the Department of Highways in the performance of the duties above mentioned at such amounts as the Treasury Department with the approval of the Executive Board shall determine

(s) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Highways in the performance of the above mentioned duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

(t) For payment to the Department of Property and Supplies of the cost incurred by that department in making purchases of supplies equipment and materials for the Department of Highways as purchasing agent including salaries wages or other compensation of employes traveling expenses telephone toll charges telegrams newspaper advertising and notices and all other expenses necessary for the performance by the Department of Property and Supplies of the aforesaid duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

Section [5] 6 Stores of any nature whatsoever including quarried or manufactured products and in addition equipment rental charges for the use of equipment either owned or leased by the Department of Highways shall be considered charges against any special appropriations made to the Department of Highways for any purposes Transfer requisitions shall be submitted by the Department of Highways from time to time to adjust the balances of the appropriations in accordance with the actual cost of work performed excluding however overhead advertising engineering and inspection expenses Such transfer requisitions shall be audited by the Auditor General and State Treasurer and if found correct shall become adjusting entries on the books of the fiscal officers and of the Department of Highways

Section [6] 7 Estimates of the amounts to be expended from the Motor License Fund under this act or any other act from time to time by the Department of Revenue the Pennsylvania Motor Police and the Department of Highways respectively and by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys whatsoever out of the Motor License Fund by the Board of Finance and Revenue for refunds or by the Department of Revenue or by the Pennsylvania Motor Police or by the Department of Highways for any purpose whatsoever in excess of the estimates approved by the Governor any other act or acts heretofore enacted to the contrary notwithstanding

Subject to the foregoing provision the moneys in the Motor License Fund shall be paid out of the fund upon warrant of the Auditor General drawn after requisition by the Board of Finance and Revenue the Department of Revenue the Pennsylvania Motor Police or the Department of Highways as the case may be

Section [7] 8 The provisions of this act as far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

[Section 8 The provisions of this act shall become effective on June first one thousand nine hundred twenty-nine]

On the question,

Will the Houes agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 4, by striking out line 15.

Amend section 1, page 7 by striking out lines 17 to 28 inclusive.

Amend section 1, page 8 by striking out lines 1 to 29 inclusive.

Amend section 1, page 9 by striking out lines 1 to 28 inclusive.

Amend section 1, page 10 by striking out lines 1 to 21 inclusive, and inserting in lieu thereof the following new section:

"Section 4. As much of the money from time to time in the Motor License Fund is hereby appropriated to the Pennsylvania Motor Police as shall be deemed by the Governor to be apportionable to the work of the Pennsylvania Motor Police in enforcing the laws regulating the use of the highways of this Commonwealth, and in assisting the Department of Revenue in the collection of motor license fees, fees for titling vehicles and tractors, operators' license fees and the tax on liquid fuels, and the issuance of certificates of title and motor and operators' licenses. Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund, shall be credited to the current appropriation out of the General Fund to the Pennsylvania Motor Police and shall be available for the purposes for which such appropriation is appropriated by law."

On the question,

Will the House agree to the amendments?

Mr. TROUT. Mr. Speaker, I should like to ask the gentleman from York, Mr. Cohen, whether he would kindly explain the provisions of the amendments which have just been offered.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Hr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TROUT. Mr. Speaker, will the gentleman kindly explain the purpose of the amendments?

Mr. HERBERT B. COHEN. Mr. Speaker, the amendments that have just been presented to Senate Bill No. 770 are presented in an effort to obviate any criticism being laid against this appropriation bill or any State police merger bill on the grounds that it is a diversion of motor funds and therefore a violation of the Hayden-Cartwright Act. This amendment will follow through in the other Highway Police Bills, so that there will be no diversion of motor funds as a result of the consolidation of the State Highway Patrol and the State Police.

Mr. TROUT. Mr. Speaker, I should like to ask the gentleman from York just what the set-up will be after this amendment passes so far as the number of State Police and the State Motor Patrolmen are concerned.

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the interrogation of the gentleman from Lancaster, I wish to state that the personnel of the Motor Patrol who are assigned to highway duty would still be within the pur-

view of the Executive branch of the Commonwealth. At the present time it is within the control of the Executive officers of the Commonwealth either to increase or decrease the personnel of the State Highway Patrol as the executive in his wisdom sees fit.

Mr. TROUT. Mr. Speaker, I would like to ask the gentleman from York, Mr. Cohen, whether I am correct in my thought that only a portion of the expenses for what might be termed the State Police is to be taken out of the general fund?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker, only the portion of the consolidated patrol which are not engaged in highway work will be paid from the general fund. The consolidated police, that portion of the consolidated police that will do highway work will be paid from the highway fund.

Mr. TROUT. Mr. Speaker, may I ask where the money that it is to be used in the payment of the police will be taken from, or from what source rather, will it be derived?

Mr. HERBERT B. COHEN. Mr. Speaker, as I tried to explain, the money that will be utilized to maintain the consolidated Motor Patrol of the Commonwealth will be contributed from two funds, one the General Fund will contribute the expenses and the cost of maintenance of the Motor Police for non-highway activities. For highway activities of the police the funds will come from the Highway Fund, the Motor License Fund and other funds that are earmarked for highway purposes.

Mr. TROUT. Can the gentleman tell me, Mr. Speaker, how many men approximately will continue to do criminal work?

Mr. HERBERT B. COHEN. Mr. Speaker, I might state that the criminal work of the combined Motor Police, the number will be determined by the amount of work that is to be done, the same as the highway work of the combined Motor Police, the number of the personnel will also be determined by the amount of work which is required to be done.

Mr. TROUT. Mr. Speaker, then the number of men will be determined by the amount of money available, rather than the amount of work to be done?

Mr. HERBEBRT B. COHEN. Of course, Mr. Speaker, in answer to the interrogation of the gentleman I would state that there is that financial limitation, that irrespective of the amount of work to be done, if the moneys are not available with which to do it, the work will not be done.

Mr. TROUT. Mr. Speaker, am I correct in this, that the money to pay the police is to be derived from fines and penalties and forfeited bail?

Mr. HERBERT B. COHEN. Mr. Speaker, the moneys that will pay for the non-highway activities of the combined motor patrol will come from funds that are not earmarked under the Hayden-Cartwright Act. They will come from funds that are not considered to be road funds from which no diversion could be made without a loss of Federal contributions in the building of our roads.

Mr. TROUT. In that case, Mr. Speaker, would it not be necessary for the Legislature to make an appropriation for that purpose?

Mr. HERBERT B. CCOHEN. Mr. Speaker, I think the power to utilize those moneys has already been vested in the Governor without the necessity of any additional legislative authority.

Mr. TROUT. Mr. Speaker, am I not right in this, that the only power vested in the Governor is to increase the State Motor Patrol, but that the appropriation for the State Police is purely a matter for the Legislature?

Mr. HERBERT B. COHEN. Mr. Speaker, I might state that the gentleman is in error, that our legislative enactments give the Governor full power and control over the funds that are utilized in making the appropriations without the necessity of any additional legislative enactment.

Mr. TROUT. Am I wrong in this, Mr. Speaker? May I ask the gentleman from York if in the appropriation there is an item of $2,500,000 for State Police?

Mr. HERBERT B. COHEN. Mr. Speaker, before answering that question I am forced to question the gentleman myself. Does the gentleman refer to the appropriation bill?

Mr. TROUT. Mr. Speaker, I do not have that bill in my possession here, but as I recall, there is an item of about that amount in there.

Mr. HERBERT B. COHEN. I might say, Mr. Speaker, in answer to that interrogation, that there was an item carrying an appropriation of some two and a half million dollars for the State Police, which was allowed to remain in the appropriation bill as it passed the House, pending final determination as to what action the House would take on the consolidation of the State Police and the State Highway Patrol.

Mr. TROUT. Mr. Speaker, I do not know that this is the time to discuss this matter, being an amendment to the bill which, however, contains the nucleus of the entire proposition of the consolidation of the State Police and the State Motor Patrol. Mr. Speaker and members of the House, I believe that any legislation at all which will interfere with or lessen the efficiency of the State Police is wrong. I believe that every member of the House will agree with the statement, that Pennsylvania has a fine organization of State Police, as fine as any that can be found in this country or in Canada. Their record bear out that statement. You may recall that Mr. Hoover, the G-man, came here, investigated the State Police of Pennsylvania, and followed largely what they learned here. They are thoroughly acquainted with the criminals that harbor themselves in the various cities and various sections of Pennsylvania. There are four hundred of these men; they have but one duty to perform, and that is the criminal side in Pennsylvania. On the other hand, we have the State Motor Patrol, trained for the specific purpose of controlling the highways, and they too are as fine an organization of men working along their particular line, as any state can produce.

Now, we are about to merge these two organizations. It is the purpose to reduce the State Police from four hundred to one hundred and to have the remainder divided between criminal work and the patroling of the highways. I do not believe that the people of Pennsylvania are willing that this shall be done, and I do not believe that the motorists of Pennsylvania are willing to have their money, which has been definitely allocated for specific purposes, be used partly for policing and partly for patroling the highways.

I should like to call your attention, if I may, Mr. Speaker, to a few of the provisions of the bill, and what it provides, and what the money is to be used for. First it provides for the payment of salaries, wages or other compensation and traveling or other necessary expenses of the Commissioner of Pennsylvania Motor Police, Deputy

Commissioner of Pennsylvania Motor Police and such chiefs, statisticians, clerks, experts and other assistants as may be required for the proper conduct of the work of the Pennsylvania Motor Police. Then it provides for the payment of salaries, wages or other compensation, for the purchase of uniforms, arms and equipment and for the maintenance and traveling and other necessary expenses of the Pennsylvania Motor Police force, and for medical attendance and hospital charges not covered by insurance for members of the Pennsylvania Motor Police force injured in the line of duty.

Then it provides for the purchase, maintenance and repair of furniture, furnishings, stationery, supplies, material, equipment, fuel for motor vehicles, printing and binding, and for the payment of the premiums on policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the Pennsylvania Motor Police and for the payment of premiums on policies of insurance covering motor vehicles operated by employes of the Pennsylvania Motor Police, and surety bonds for the employes of the Pennsylvania Motor Police.

Then it provides for the payment of postage, telegrams, telephone rentals and toll charges, and rents or royalties upon leased office equipment or other devices or machines. Then it provides for the acquisition of land, the construction and maintenance of buildings for the use of the motor police, and for the operation and maintenance of a training school, including any branches thereof.

It provides for the maintenance and operation of a radio broadcasting station or stations, and for the purpose of installing, operating and maintaining a teletype or other inter communication system linking the central office of the Pennsylvania Motor Police with the offices of the various organized police forces of the cities, boroughs and townships of the Commonwealth. Then in paragraph one is provides for the payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually, periodically or specially the affairs of the Pennsylvania Motor Police in such amounts as the Pennsylvania Motor Police with the approval of the Executive Board shall determine. It provides for payment to the Treasury Department for the cost of making disbursements out of the Motor License Fund on behalf of the Pennsylvania Motor Police in the performance of its work in such amounts as the Treasury Department with the approval of the Executive Board shall determine. It provides in Section (k) for payment to the Department of Property and Supplies for space occupied in the capitol building, and for water, light, heat, power and so forth in such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine.

Paragraph (1) provides for all other expenses of every kind and description necessary for the performance by the Pennsylvania Motor Police of its work.

The above expenses of the Highway Patrol are paid from the Motor License Fund.

Mr. Speaker, it seems to me that we are going far afield from the purposes as originally laid down for the State Police and for the Motor Patrol, and under the conditions it seems to me, Mr. Speaker and members of the House, that this bill, before it passes on for final passage should be more carefully studied to see whether or not the use of these various items which were not a part of the original text of the Motor Fund should actually be enacted.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I wish to call to the attention of the members of the House just four pertinent facts. The bill as drawn does not present a diversion of Highway Funds. The bill as it is drawn has the approval of the Executive heads of both the State Police and the State Highway Patrol in an effort to give the citizens of our Commonwealth increased and additional police protection, both on the highway and in criminal investigation work. With the passage of the merger of the State Police, Pennsylvania will have a police system that is not duplicating itself and exposing the taxpayers of the Commonwealth to additional tax payments. Under our present system the Commonwealth is maintaining the State Police and the State Highway Patrol as two separate and distinct organizations. The personnel of the officers is different, and the expense of maintaining the two separate organizations is such that under the merger contemplated the taxpayers of the Commonwealth will save approximately a million to a million and a half dollars a year in tax payments, without any loss of service, without any loss of highway funds, and without any diversion of those funds. In addition thereto the people will receive a higher type of service, a lessening of highway accidents due to increased personnel, an opportunity to have some of our highways and byways afforded the proper police protection rather than only the proper highway protection. It will relieve the Commonwealth of maintaining barracks for State policemen. As they are now presently situated they are at ease more or less awaiting the call to some duty as ordered by their head. Rather than have them at ease in those barracks, these men will be on the highway, affording protection to motorists, affording protection in decreasing accidents, giving the proper type of traffic control necessary at the present time in order to decrease the great loss of life and physical injuries attending our traffic on the highways.

I ask that the House vote in favor of the insertion of these amendments, which amendments are presented with the sole thought of obviating the diversion of highway funds, and of placing Pennsylvania in the position, with this State police merger, to continue to receive the benefits of the Hayden-Cartwright Act.

Mr. TROUT. Mr. Speaker, I would like to interrogate the gentleman from York on one point, please.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TROUT. Mr. Speaker, in speaking of diversions, according to Section 12 of the Hayden-Cartwright Act, I understood the gentleman to say that under this arrangement you were assured there would be no diversion or no penalty for diversion. How are you going to, may I ask, take care of the expenses of the State police or those men who are serving in the capacity of State police, that is, separate the cost of those from the cost of those who are serving as patrolmen and who are paid out of the Motor Fund?

Mr. HERBERT B. COHEN. Mr. Speaker, I will say that it will be necessary for the Motor Highway Patrol, when it becomes a combined unit, to make out payrolls and time sheets and cost records that will indicate just how much time the individuals are spending on highway work

and how much time they are spending on non-highway duties. The amount of money that is expended on highway work, the payroll and the cost will be kept separate and distinct from the cost that is incurred by the combined unit in criminal and other non-highway investigations.

Mr. TROUT. Mr. Speaker, then am I to understand that if a State policemen leaves his work at Harrisburg to go to Pittsburgh to investigate a crime, and on the way he serves as a State Motor Patrolman, and when he gets into Pittsburgh, he serves as a State Police, then after he has finished his duties there he comes back to Harrisburg, and while he is going back he serves as a State Patrolman, and then he keeps his time sheet, while he was in Pittsburgh, he spent five hours investigating crime, he spent six or seven hours going out and six or seven hours coming back, then we are going to set up a system of bookkeeping that will indicate to the Department at Washington that we are not using any of the Motor Funds for police work, but that we are segregating them so that there will be no penalty or possibility of penalty—am I right in that thought?

Mr. HERBERT B. COHEN. Mr. Speaker, I might say to the gentleman from Lancaster that under the present system, if the State Police have a problem to solve in the City of Pittsburgh and they go right out from Harrisburg to Pittsburgh, that that time they are spending on the road from Harrisburg to Pittsburgh is a loss to the citizens of the Commonwealth. If on their journey from Harrisburg to Pittsburgh they are performing highway duty, I would say that their wages could properly and justifiably be charged against the motor section of the act. When they get to Pittsburgh, if they discontinue their motor vehicle activities and engage solely in criminal investigation work, then I would say that they would be paid out of the General Fund or out of funds that do not constitute a diversion of the Motor Fund.

Mr. TROUT. Mr. Speaker, if such a system is possible, and if such a system of timekeeping could be set up it might be possible to avoid a penalty under the Hayden-Cartwright Act, but it looks to me as though this is very far-fetched and very difficult to accomplish.

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the gentleman I might state that the gentleman well knows, as the membership of this House well knows, that decidedly more complicated costs systems are now in vogue, and that certain manufacturing concerns are able with greater complexity of set-up to determine just how much is spent in the production of any particular job or in the doing of any particular work in their factory or concern, and the bookkeeping that will be necessary in order to differentiate between highways activities and criminal investigation activities would be a very simple accounting problem in comparison.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

The title was read as follows:

An Act to re-enact and amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as amended by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 1, line 7 of the title by striking out after the word "defray" and before the word "expenses" the word "[all]" and inserting in lieu thereof the word "the"

Amend page 1, line 8 of the title by inserting after the word "of" and before the word "its" the following: "part of"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. HARKINS. Mr. Speaker, I desire to call up at this time House Bill No. 1840, Printer's No. 1054, on page 18 of today's calendar, bills on third reading, which was passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1840, entitled:

An Act to amend section one thousand one hundred two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing that county district assistant and associate superintendents shall not be otherwise employed for remuneration

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I dislike at this time of the night to make any comment upon this bill, but I ask you to note that it was not my fault that the bill was called up. If the gentleman from Allegheny had been an hour earlier in the evening we would have had this out of the way. This bill provides that county, district, assistant and associate superintendents shall not be otherwise employed for remuneration. Under the provisions of this bill, as I understand it, if a county superintendent or assistant during the summer months would go and teach

in a summer school, or if he would give a lecture in a summer school, or if during the winter he were asked to make an address before some body and was paid a fee of twenty-five dollars or fifty dollars for making that address, he would not be allowed to take any remuneration. I cannot conceive of the purpose of the author of this bill in so restricting the county superintendent or the assistant superintendent. I think that they receive fair pay, but I do not see why we should prevent any man who has the opportunity to earn some money because of his particular knowledge of a subject from going somewhere and teaching or making a speech and receiving some remuneration. Therefore, I believe that this bill is unfair to our county superintendents and the assistant superintendents and it should be defeated.

Mr. HARKINS. Mr. Speaker, I want to apologize to the members of the House, because it seems that every time I call a bill up the floor leader on the other side of the House does not fail to say that it is being called up. Mr. Speaker and members of the House, this bill is not intended to work a hardship upon those superintendents of schools who have to depend upon their speeches for a livelihood. It is the thought of this bill that good superintendent of schools is amply paid by the district which he serves, that his job is a full-time, year around job, and that if he has any leisure time he ought to devote that time to improving himslf. This bill is designed to prevent county superintendents or district superintendents from spending their spare time and part of the time that should be spent on their jobs or duties for which they are hired, in the diversion of selling insurance or in selling school text books or other types of endeavor. This bill also will prevent superintendents, district superintendents and county superintendents from being in the employ of corporations which may control these various industrial towns. This bill is a good bill, and the only objection that I can see can very easily be overcome, because any school superintendent who makes a speech certainly knows that he will be entitled to recive an honorarium in the nature of expense, and I imagine he will be able to take care of any proper amount in that way without any difficulty at all. So, Mr. Speaker, I ask the membership of the House to vote favorably upon this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—71.

Allen,	Dubbs,	McFall,	Ruffennach,
Allmond,	Falkenstein,	McGee,	Rush,
Baine,	Finnerty,	McShane,	Scanlon,
Blank,	Fitch,	Melchiorre,	Schor,
Boles,	Flanagan,	Mihm,	Shaw,
Boyer,	Hagerty,	Mooney,	Shepard,
Broad,	Harkins,	Moran,	Skale,
Brown,	Hering,	Moul,	Smith, James A.,
Caputo,	Holmes,	Nagel,	Smith, John A.,
Chervenak,	Jirolanio,	O'Brien,	Tronzo,
Coakley,	Levy,	O'Connor,	Tumelty,
Coolahan,	Lewis,	Ominsky,	VanSickle,
Corrigan,	Long,	Ostroff,	Vogt,
Costanzo,	Lopresti,	Patterson, J. W.,	Walsh,
DeNore,	Lovett,	Piole,	Weiss, D. H.,
Dickinson,	McArdle,	Preston,	Westrick,
Donchez,	McDermott,	Reese,	Yanoshat,
Dougherty	McElroy,	Reising,	Zappala,
Downey,			

NAYS—25.

Alexander,	Hamilton, F. P.,	Pearson,	Stewart,
Arnold,	Hamilton, R. S.,	Perry,	Stockham,
Atkins,	Harmuth,	Powers,	Terry,
Baker, F. T.,	Hess,	Readinger,	Thomas,
Baker, J. T.,	Hetrick,	Richter,	Trout,
Balthaser,	Hirsch,	Robinson,	Turner,
Bierly,	Holland,	Rothenberger,	Vallbus,
Bohn,	Holstrom,	Sarraf,	Van Allsburg,
Boose,	Hontz,	Schrock,	Wagner,
Brownfield,	Imbrie,	Schumacher,	Wall,
Burrows,	Kane,	Shea,	Watkins,
Cadwalader,	Keenan,	Shoemaker,	Weidemann,
Davies,	Kelso,	Shugarts,	Weiss, S. A.,
Decker,	Kline,	Siegel,	Welliver,
Dyson,	LaRue,	Simon,	Wilson,
Eckels,	Longaker,	Sloan,	Wood,
Elpern,	Marino,	Snyder,	Woodside,
Ganser,	Matthews, J. F.,	Sollenberger,	Wright,
Gillette,	Mellott,	Spengler,	Yeakel,
Habbyshaw,	Muir,	Sproul,	Yourishin,
Haberlen,	Murrin,	Stank,	Furman,
Hall,	Peale,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House.

This Session is going to end within a few days and it is now patent that there will be no legislation, nor action to assist the stricken coal indusry in Pennsylvania, unless the Democratic majority in this House are willing to abandon its obstructive tactics and permit the consideration and passage of the only measure introduced at this Session looking toward the permanent solution of the difficulties facing both anthracite and bituminous coal.

On January 13, I introduced a measure providing for a well financed commission of action to deal on a broad scale with all the related problems of the coal industry in Pennsylvania and to formulate a long-range program of recovery. For it must be clear to any sensible person that the ills of the coal industry cannot be cured in a day nor perhaps in a generation. But we must start at some time and the longer we delay, the sicker the patient will be.

On two different occasions during the last five months, I have urged the Committee on Mines and Mining to report my bill to the Floor of the House. As a last resort, a week ago, I moved to discharge the Committee on Mines and Mining from further consideration of the bill. At the direction of the Democratic majority of this House, my motion to discharge the committee was tabled to prevent further consideration of the question.

On May the 18th, Governor Earle, submitted what was termed "An Ad-Interim Report", from the Anthracite Coal Industry Commission named by himself on February 16, 1937, "to make a careful and thorough investigation of the economic and social condition in the anthracite coal region, the causes underlying the present dislocation of the anthracite coal mining industry, the extent of illegal mining and he causes therefor, the methods and means by which the existing economic and social conditions in said district may be alleviated or remedied".

After spending $33,000.00, the Commission reported that it was in irreconcilable disagreement on fundamental problems and therefore three separate reports were submitted.

Three of the Commissioners wanted the State to go into the coal mining business to absorb about 7000 workers engaged in illegal mining. One of them even going

so far as to hold that the only future for the coal industry lay in Federal and State ownership and operation. The two remaining Commissioners were opposed to this extreme course and suggested a number of practical proposals.

If you will re-read the statement I made when I introduced my bill in January, you will find that at that time I suggested every one of the recommendations of the Commission, with the exception of government ownership and operation.

A careful reading of the report of the Governor's Commission and the recommendations of the different members will bring you to the conclusion that what the coal industry needs is a well-financed commission backed by the full authority of the State to go out and attack the manifold evils that have beset the coal industry and to be the driving force as well as the coordinator of all agencies that can be brought into play, whether governmental or private, for the rehabilitation of coal.

Aside from the undesirable proposition to put the State into the coal mining business at this time, there is practically no legislation necessary to enable any commission to begin work on a program.

As an illustration, vocational schools, CCC Camps, reforestation and other public works in the area can be procured without further State legislation.

One of the Commissioners dwells at great length, and all of them touch upon, the necessity for the reduction in the price of coal to the consumer. Here again action and not legislation is necessary. Also they emphasize the necessity to advertise the improvment in the methods of handling coal, and the mechanical equipment for burning it efficiently. Here again, legislation will not accomplish the objective. The industry itself must do the greater part. However, a commission of action could correlate the disorganized agencies now dealing in the distribution of coal and in the manufacture of appliances necessary to promote its consumption on a larger scale.

We have now lost five months that could have been devoted to this. If we end this Session with nothing but the report of the Governor's Commission, it may be another year or two before anything is done. On the other hand, the prompt passage of my bill will afford the only early and effective manner of beginning the campaign for rehabilitation. No greater problem confronts the people of Pennsylvania. Will you lightly toss it aside?

SENATE BILLS MADE SPECIAL ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I move that all Senate Bills on third reading requiring amendments be called up in their order.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2499, (Senate Bill No. 1358), entitled:

An Act to amend section six of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (Pamphlet Laws 13) entitled "An act to carry into effect section five of Article fourteenth of the Constitution relative to the salaries of county officers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" by providing that in counties of the first class salaries of respective county officers shall not exceed the amount fixed by the tax levying body of such county for such offices

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 1, line 10 of the title by striking out the word "officers" and insert in lieu thereof "offices."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2363, (Senate Bill No. 1251), entitled:

An Act to amend section one of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Act Number 108) entitled "An act providing for the appointment and filling of vacancies in the office of members of the board of revision of taxes in counties of the first class" by making further provisions relative to the appointment of members of the said board

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 2, section 1, lines 22 and 23 by striking out all of said lines.

Amend page 2, section 1, by inserting after the word "controller" in line 29 the following:

"All vacancies shall be filled by the officer or officers who appointed the member whose place is to be filled"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2491, (Senate Bill No. 1266), entitled:

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto

On the question

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 17, page 14, line 2 by inserting after the word "effect" the following: "on October first, one thousand nine hundred thirty-seven"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2501, (Senate Bill No. 856), entitled:

An Act to amend the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (P L 549) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for re-division of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by adding a new section thereto 11-A providing that in counties of the first class all appointments shall be equally divided between majority and minority commissioners

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 1 to 19 of title, both inclusive, by striking out all of said lines.

Amend title, page 2, lines 1 to 6 of title, both inclusive, by striking out all of said lines, and inserting in lieu thereof: "Providing that all appointments made by the county commissioners in counties of the first class shall be equally divided between the majority and minority commissioners"

Amend sec. 1, page 2, lines 4 to 23, both inclusive, by striking out all of said lines.

Amend sec. 1, page 3, lines 1, 2 and 3, by striking out all of lines 1 and 2, and the words "Section 11-A All" in line 3, and inserting in lieu thereof: "all."

Amend sec. 1, page 3, lines 3 and 4, by striking out the words: "under the provisions of this act."

Amend sec. 1, page 3, lines 9 to 13, by striking out the words: "The provisions of this act" in line 9, and all of lines 10, 11, 12 and 13, and inserting in lieu thereof: "The term of employment of each person now employed under the county commissioners' office and having been originally appointed by the county commissioners shall cease as of the effective date of this act.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2470, (Senate Bill No. 1210), entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons firms or corporations to erect an office building and to lease such office building for the use of the Commonwealth the same to become the property of the Commonwealth upon termination of said lease

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 3 of title, by striking out the word "an"

Amend title, page 1, line 4 of title, by striking out the word "building" where it first appears in said line, and inserting in lieu thereof: "buildings"

Amend title, page 1, line 4 of title, by striking out the word "building" where it appears the second time in said line, and inserting in lieu thereof: "buildings"

Amend sec. 1, page 1, line 8, by inserting after the word "Allegheny" the following: "or within the county of Philadelphia"

Amend sec. 1, page 1, line 10, by inserting after the part-word "ing" the following: "in each of the respective counties above mentioned"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2457, (Senate Bill No. 1072), as follows:

An Act to fix the number of Senators in the General Assembly of the State to apportion the State into sena-

torial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That until the next United States decennial census is taken and an apportionment made thereon the Senate shall consist of fifty members and the State is hereby apporticned into fifty senatorial districts each of which shall be known by the number herein attached thereto and shall each be entitled to elect one Senator as follows to wit

First District The first second twenty-sixth thirty-ninth and forty-eighth wards of the city of Philadelphia

Second District The twenty-first twenty-eighth thirty-seven thirty-eighth and forty-third wardss of the city of Philadelphia

Third District The third fourth fifth sixth seventh eighth ninth tenth eleventh twelfth thirteenth fourteenth fifteenth thirtieh and thirty-sixth wards of the city of Philadelphia

Fourth District The twenty-seventh fortieth forty-sixth and fifty-first wards of the city of Philadelphia

Fifth District The sixteenth seventeenth eighteenth nineteenth twentieth twenty-fifth thirty-first and thirty-second wards of the city of Philadelphia

Sixth District The twenty-second forty-second forty-ninth and fiftieth wards of the city of Philadelphia

Seventh District The twenty-fourth twenty-ninth thirty-fourth forty-fourth and forty-seventh wards of the city of Philadelphia

Eighth District The twenty-third thirty-third thirty-fifth forty-first and forty-fifth wards of the city of Philadelphia

Ninth District The county of Delaware

Tenth District The city of Scranton and the borough of Dunmore in the county of Lackawanna

Eleventh District The county of Berks

Twelfth District The county of Montgomery

Thirteenth District The county of Lancaster

Fourteenth District The counties of Carbon Monroe Pike and Wayne

Fifteenth District The counties of Dauphin and Lebanon

Sixteenth District The counties of Lehigh and Bucks

Seventeenth District The cities of McKeesport Duquesne and Clairton the boroughs of Braddock East Pittsburgh Elizabeth Glassport Liberty Munhall North Braddock Port Vue Rankin Versailles Dravosburg and Whitaker and the townships of Elizabeth Forward Lincoln North Versailles South Versailles and Versailles in the county of Allegheny

Eighteenth District The county of Northampton

Nineteenth District The county of Chester

Twentieth District The residue of the county of Luzerne not included in the twenty-first district

Twenty-first District The cities of Pittston and Wilkes-Barre the boroughs of Ashley Avoca Dupont Duryea Exeter Hughestown Laflin Luzerne Pringle Sugar Notch Swoyersville Warrior Run West Pittston West Wyoming Yatesville and the Townships of Hanover Jenkins Pittston Plains and Wilkes-Barre in the County of Luzerne

Twenty-second District The residue of the county of Lackawanna not included in the tenth district

Twenty-third District The counties of Bradford Susquehanna and Wyoming

Twenty-fourth District The counties of Columbia Lycoming Montour and Sullivan

Twenty-fifth District The counties of McKean Potter and Tioga

Twenty-sixth District The counties of Cameron Clarion Clinton Elk and Forest

Twenty-seventh District The counties of Northumberland Snyder and Union

Twenty-eighth District The county of York

Twenty-ninth District The county of Schuylkill

Thirtieth District The counties of Blair and Huntingdon

Thirty-first District The counties of Cumberland Juniata Mifflin and Perry

Thirty-second District The county of Fayette

Thirty-third District The counties of Adams Franklin and Fulton

Thirty-fourth District The counties of Centre and Clearfield

Thirty-fifth District The county of Cambria

Thirty-sixth District The counties of Bedford and Somerset

Thirty-seventh District The counties of Indiana and Jefferson

Thirty-eighth District The sixteenth seventeenth eighteenth nineteenth twentieth twenty-ninth thirtieth thirty-first and thirty-second wards of the city of Pittsburgh and the boroughs of Greentree Ingram Mount Oliver Brentwood and Castle Shannon in the county of Allegheny

Thirty-ninth District The county of Westmoreland

Fortieth District The boroughs of Aspinwall Avalon Bellevue Ben Avon Ben Avon Heights Blaw Knox Brackenridge Bradford Woods Cheswick Edgeworth Emsworth Etna Fox Chapel Glenfield Haysville Leetsdale Millvale Oakmont Osborne Sewickley Sharpsburg Springdale Tarentum Verona and West View and the townships of Aleppo East Deer Fawn Franklin Frazer Hampton Harmar Harrison Indiana Kilbuck Leet Marshall McCandless O'Hara Ohio Penn Pine Plum Reserve Richland Ross Sewickley Sewickley Heights Shaler Springdale and West Deer in the county of Allegheny

Forty-first District The counties of Armstrong and Butler

Forty-second District The first second sixth ninth twenty-first twenty-second twenty-third twenty-fourth twenty-fifth twenty-sixth and twenty-seventh wards of the city of Pittsburgh in the county of Allegheny

Forty-third District The third fourth fifth seventh eighth tenth eleventh and twelfth wards of the city of Pittsburgh in the county of Allegheny

Forty-fourth District The thirteenth fourteenth and fifteenth wards of the city of Pittsburgh the boroughs of Chalfont Churchill East McKeesport Edgewood Forest Hills Pitcairn Swissvale Trafford Turtle Creek Wall Wilkinsburg and Wilmerding and the townships of Braddock Patton and Wilkins in the county of Allegheny

Forty-fifth District The twenty-eighth ward of the city of Pittsburgh the boroughs of Bridgeville Carnegie Coraopolis Crafton Dormont Heidelberg Homestead McDonald McKees Rocks Oakdale Rosslyn Farms Thornburg West Elizabeth and West Homestead and the townships of Baldwin Bethel Collier Crescent Finley Jefferson Kennedy Mifflin Moon Mount Lebanon Neville North Fayette Robinson Scott Snowden South Fayette Stowe and Upper Saint Clair in the County of Allegheny

Forty-sixth District The counties of Greene and Washington

Forty-seventh District The counties of Beaver and Lawrence

Forty-eighth District The counties of Venango and Warren

Forty-ninth District The county of Erie

Fiftieth District The counties of Crawford and Mercer

SENATORIAL APPORTIONMENT

Section 2 The districts as above enumerated shall be based on the decennial census of the United States for the year one thousand nine hundred and thirty and shall take the lines and boundaries and include all the territory within the same as said lines and districts respectively exist at the effective date of this act

Section 3 The nomination and election of a State Senator shall be made held and conducted and the return of votes cast at primary and general elections for the nomination and election of such members shall be made computed canvassed and certified as now or hereafter may be provided by law

Section 4 At the general election in the year one thousand nine hundred and thirty-eight and quadriennially thereafter Senators shall be chosen to serve for four years in the even-numbered districts At the general election in the year one thousand nine hundred and forty and quadriennially thereafter Senators shall be chosen to serve for four years in the odd-numbered districts

The Senators now in office shall continue in such office

and shall respectively represent the districts as herein apportioned in which they reside until the expiration of the terms for which they were elected

Section 5 The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 449) entitled "An act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators" and its amendments are hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 10, section 9, lines 18 and 19 by striking out the words "and shall respectively represent the districts as herein apportioned in which they reside."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2368, (Senate Bill No. 485), as follows:

An Act to re-enact and amend the act approved the seventh day of June one thousand eight hundred and eighty-seven (Pamphlet Laws 365) entitled "An act to encourage and authorize the formation of co-operative associations productive and distributive by farmers mechanics laborers or other persons" by extending and changing the provisions thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the entire act approved the seventh day of June one thousand eight hundred and eighty-seven (Pamphlet Laws 365) entitled "An act to encourage and authorize the formation of co-operative associations productive and distributive by farmers mechanics laborers or other persons" section eight of which was amended by section one of the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 511) are hereby re-enacted and amended to read as follows

An Act to encourage and authorize the formation of co-operative associations productive consumptive and distributive [by farmers mechanics laborers or other persons]

Section 1 Be it enacted at cetera That A The following terms whenever used or referred to in this act shall have the following meanings unless a different meaning clearly appears from the context

(a) "Corporation" shall mean any corporation not formed under this act but organized or admitted to do business under the laws of the Commonwealth of Pennsylvania

(b) "Person" shall mean and include natural persons firms associations corporations business trusts partnerships and bodies politic

(c) "Member" shall mean and include each person as defined in this act who is the holder of one share or more of the common stock in such association

(d) "Cooperative" shall mean a qualification as applied to organizations or efforts including but not exclusively democracy of control the limitation of the value of the wage or earnings of capital as such to be a fixed maximum annual amount not exceeding six per centum and the conduct of affairs in connection therewith on the basis of cost and not for profit as in this act defined through the return of any and all excess by means of reserves and patronage refunds

(e) "Net proceeds" shall mean the total current income of an association minus the cost of goods sold and the amount paid as dividends on prefered stock and the sum of its expense of operation

(f) "Dividend" shall mean that current expenses of doing business which is paid to the holders of common stock for the use of capital represented by such stock but not exceeding the limit thereon as provided in this act as and when declared by the board of directors

(g) "Patronage refunds" shall mean the several sums belonging to the patrons whether members or not in proportion to their patronage when all the items of cost and expenses and deductions have lawfully been made and approved by the board of directors

(h) "Subscription" shall mean any agreement or undertaking accepted by the association for membership in the association

B Co-operative associations productive consumptive and distributive may be incorporated under this act upon compliance with its requirements by any five or more [farmers machanics laborers or other] persons who shall have associated themselves together by written articles of association such as are hereinafter described [for the purpose of carrying on any agricultural horticultural mining quarrying building mechanical manufacturing or commercial or for the purpose of manufacturing cultivating raising trading or dealing in all kinds of goods wares merchandise chattels grain vegetables roots fruits and other produce or animals for sale food or other purposes or for the purpose of buying selling holding leasing or improving lands tenements or buildings and that such] to operate on a co-operative basis as defined in this act and in such case have any lawful purpose or purposes with respect to the needs or desires of members and others for providing or furnishing any necessities conveniences and services or any or all of them desired by them and which natural persons are permitted by law to obtain Such persons so associating may adopt any corporate name indicating their cooperative character and which has not been previously adopted by any other corporation formed under [this act] the laws of this Commonwealth Provided That the two last words of such name shall be "cooperative association" and that it shall not be lawful to use in such name either the words "society" or "company" [and that any violation of this proviso by any corporation formed under this act shall render each member personally liable for all its debts]

Section 2 That before any association formed under this act shall commence its business its articles of association shall be filed and recorded in the office of the Secretary of [State of this State and two copies of said articles shall be made which the said Secretary of State shall certify by his official signature and the seal of this State as being correct copies of said articles so filed and recorded one of said certified copies shall be filed and recorded in the office of the recorder of deeds of the county in which the principal office of the association shall be located and the said recorder of deeds shall certify by his official signature and the seal of his office that the said certified copy of said articles has been filed and recorded in his office and the other certified copy of said articles] the Commonwealth and a duly certified copy thereof shall be delivered to and held by the association named therein and the said articles or [copies] a copy thereof duly certified by [either of the aforesaid officers] the Secretary of the Commonwealth may be used as evi-

dence in all courts and places of the incorporation of as well as for or against such association and the said Secretary of [State and the said recorder of deeds shall each] the Commonwealth shall be paid for said filing recording and certifying at the rate of ten cents for each one hundred words contained in said articles and after such articles of association shall have been made and filed [and recorded] as herein required the persons signing the legally authorized to assess property for taxes may inspect its books and accounts during the official business who shall from time to time own and possess any share or shares [in the stock capital] of the common stock of such association and their several successors and assigns shall be deemed and taken to be a body cooperate and politic by the name and for the purposes mentioned in such articles of association

Section 3 That the articles of association shall be signed by the persons originally associating themselves together and shall be acknowledged by at least five of them before a notary public and shall state distinctly

First The name by which such association shall be known

Second The name in this State where its principal office is to be located

Third The purpose or [object] purposes for which it is formed

Fourth Whether the amount of its capital stock [capital] is fixed and if so what amount or whether such capital stock is to be of an amount varying from time to time as the business may require

Fifth The [amount] par value of each share of [permanent] common stock and [ordinary] preferred stock of such capital and how such shares may be paid for

Sixth The amount of capital that will be actually paid in before commencing business

Seventh The terms on which persons may become members

Eighth [On what days in January April July and October regular or quarterly meetings of the members are to be held

Ninth] Such other matters not repugnant to this act as may be deemed proper and necessary

[Tenth] Ninth The term of its existence [not to exceed thirty years and] if such period is to be limited

[Eleventh] Tenth The name of the first associates their respective residences and the number and class of shares held by each of them

Section 4 That the [stock] capital stock of any such association shall consist of the amounts standing to the credit of members or other persons on account of the shares allotted to them certificates for which shall be issued from time to time as such shares may become fully paid up and there may be two classes of shares one of which classes shall be styled and known as [permanent] "common stock" which shall [not] be withdrawable [but] and may be transferred only subject to the by-laws of such association and each member thereof shall take and hold at least one share of said [permanent] common stock and the other class of shares [may] shall be styled and known ["ordinary] "preferred stock" which may be repaid transferred or withdrawn in accordance with the by-laws of such association and the shares of either class may be of amounts not less than five nor more than twenty-five dollars each and may be paid for in one sum or by [periodical installments or by occasional subscriptions or by the interest thereon or by profit dividends] installments or by patronage refunds as the by-laws may provide

Section 5 That [it shall be the duty of any such association to exhibit in some conspicuous place in its principal office not later than three o'clock post meridian on the first business day of every month and to continue the same in such place until the next exhibit shall be thus made a statement showing correctly and distinctly the amount of such invested stock capital and what proportion such stock capital bears to such loans or deposits such statement to be made up to the close of the next preceding month and to be signed by the president and treasurer or by any two of the directors and to be attested by the secretary and auditors of such association and if any of such officers as aforesaid wilfully make or knowingly consent to any false statement in such exhibit he shall by so doing be deemed to have committed a misdemeanor and shall upon conviction thereof be punished as provided in section thirteen of this act Provided Any member or other person having an interest in the funds of such association or any person legally authorized to assess property for taxes may inspect its books and accounts during the official business hours but no such member person or assessor unless he be an officer of such association or be specially authorized by a resolution thereof shall have the right to inspect the share or other account of any member or person without his written consent] it shall be unlawful for any association organized under this act to pay any commission for the sale of its stock or securities No dealer shall be authorized to sell such stock or securities or solicit sales therefor No person other than the officers and duly authorized employes or members shall receive payments in the name of the association on stock subscriptions and then only as an incident to their activities and not a principal activity

Section 6 That the amount of common stock [capital] of such association to be taken held or claimed at any one time by any person [or persons jointly or by partnerships or by corporations] shall not exceed [one thousand dollars except consent therefor be voted by the members at any regular quarterly meeting thereof] such amount as may be established by the by-laws nor shall any member upon any subject at any meeting be entitled to more than one vote which shall be given in person and not by proxy and any common stock [capital] held by persons jointly [or by partnerships or by corporations] shall be voted upon as if held by one person only [respectively] and subject to the by-laws of such association

Section 7 That it shall be lawful if the by-laws so provide for any minor to take and hold shares in or to make [loans or] deposits of money to or with any such association and for such association to pay to any minor any moneys that may be due to him in respect of any such shares [loans] or deposits standing in his name and his receipt therefor shall be in all respects valid in law but such minor shall not be eligible to hold any office in such association though he may subject to its by-laws vote at any meeting of its members

Section 8 That any such association may buy from sell to render services to and trade or deal with any of its members or other persons [partnerships or corporations] Any association may upon resolution adopted by its board of directors enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations agreements and contracts and arrangements with any other cooperative corporation or association formed in this or in any other state for the cooperative and more economical carrying on of its business or any part or parts thereof Any two or more associations may by agreement between them unite in employing and using or may separately employ and use the same personnel methods means and agencies for carrying on and conducting their respective business

Section 9 That [the members shall be severally and jointly liable for all debts for labor or other services of any kind performed for such association and for any other debts lawfully incurred under the provisions of this act each of the members shall be liable to the amount of his unpaid stock capital and no more but no suit shall be brought or any execution issued against any member individually until a judgment be first obtained for such labor services or any other lawful debts against such association and execution thereon be returned unsatisfied in whole or in part and in case any member shall be compelled to pay any such judgment or any part thereof beyond his pro rata liability therefor he shall have the right to call upon all the members to pay their pro rata share of the same or up to their pro rata liability therefor and may sue them jointly or severally or any number of them and recover in such action the ratable amount due from the member or members so sued And it is hereby provided That stock capital to the extent of twenty-five dollars belonging to any member in such association who is a householder and has a family shall not be subject to

attachment or execution or liable in garnishment for his individual debts] no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his subscription to the capital stock Nothing herein shall be construed to relieve any member from paying any debt due by him to the association

Any association organized under this act shall have the prior lien upon the common stock of any member regardles of whether the certificates therefor are in the possession of the association or the member to whom issued to the amount of any just claim against such member Before cancelling any stock on account of past due indebtednes of any member to the association thirty days time shall be given after the association has mailed a notice in writing to such member at his last known address of the intention of the association to enforce such lien against such common stock

An association may provide by by-laws that no holder of common stock may transfer the same without the prior consent and approval of the association and may stipulate in said by-law how and under what circumstances such transfers may be made

If the location or address of any member of an association shall be unknown to the association for a period of seven consecutive years the association may thereafter mail a notice to his or her last known address that at the end of thirty days such stock will be cancelled and the value thereof set over to the educational fund and post a copy thereof at its principal office In such event if such member shall not within the period of such notice furnish the association his address and resume patronage his stock shall automatically be cancelled and the value thereof added by such association to its educational fund

An association may provide by by-laws for the trial of any member for the viclation of any provision of its by-laws after full hearing before the board of directors as in such by-law provided In the event that the board of directors shall determine that a violation has been proved such board may forthwith cancel all rights of such member and fix the value of such member's stock at its par or book value whichever is lower such payment to be made at the convenience of the association not exceeding one year from the date of such finding Upon the making of such payment such holder of stock shall cease to have any right therein and such certificate shall be wholly void and of no effect

Section 10 That [any such association may carry on its business or any part thereof at any one or more places within this State and may take hold lease and convey such personal and mixed estate as may be necessary for the purpose of its organization and may sue and be sued in its corporate name and may submit any matter in dispute to arbitration and shall have a common seal which shall not be altered or imitated and shall bear the corporation name of together with such device or motto as may be adopted by such association and such seal shall be impressed upon the articles of association and any such association may for all and every and any of the purposes of its organization and for every and any other purpose incidental thereto or in this act mentioned or referred to lay out and use its capital or other moneys and property for the time being or any part thereof with power to do authorize and exercise all acts and powers whatsoever in the opinion of the directors of such association requisite or expedient to be done or exercised in relation thereto] each association shall have the capacity to act possessed by natural persons but shall have authority to perform only such acts as are necessary convenient or expedient to accomplish the purposes for which it is formed Subject to any limitations or restrictions imposed by this act or the articles of incorporation or any amendment thereto each association shall have the following general rights privileges and powers

(a) To continue as an association under its corporate name for the period limited in its articles of incorporation or if the period is not so limited then perpetually

(b) To sue and be sued in its corporate name

(c) To have a corporate seal and to alter the same at pleasure

(d) To acquire own hold use lease mortgage pledge sell convey or otherwise dispose of property real or personal tangible or intangible

(e) To borrow money and to issue sell or pledge its obligations and evidences of indebtedness and to mortgage its property to secure the payment thereof Provided however That the indebtedness of the corporation other than in the usual course of business shall not be increased until the board of directors of the corporation shall adopt a resolution setting forth the desired increase and directing that the question of the proposed increase be submitted for the consent of the members at a meeting to be held after sixty days' notice which notice may be waived in writing and upon such consent the board of directors may proceed to increase the indebtedness

(f) To carry out its purposes in this State and elsewhere to have one or more offices out of this State and to acquire own hold and use and to lease mortgage, pledge sell convey or otherwise dispose of property real or personal tangible or intangible out of this State

(g) To acquire own and vote and to sell assign transfer mortgage pledge or otherwise dispose of the capital stock bonds securities or evidences of indebtedness of any other association or corporation domestic or foreign in so far as the same shall be consistent with the purposes of the association

(h) To appoint such officers and agents as the affairs of the association may require and to define their duties and fix their compensations

(i) To make by-laws for the government and regulation of its affairs

(j) To cease its activities and to dissolve and surrender its corporate franchise and

(k) To do all acts and things necessary convenient or expedient to carry out the purposes for which it is formed

Section 11 That any such association may by a majority vote of its [members at any meeting specially convened therefor authorize the directors thereof to] board of directors invest in the name of such association such an amount of its [stock] capital [or] and reserve fund and on such terms as [such meetings] the board of directors shall determine in the capital stock [capital if] of any other [duly] incorporated cooperative associations or other corporations any of whose purposes or activities are of mutual interest to such associations in this State or in any other state or county and any such association may by a like vote permit an investment in its [stock] capital stock by any other cooperative association [duly] incorporated in this State or in any other state or county Provided That the [original laws] articles of association or by-laws of such [associations] association permit or authorize such investments

Section 12 That the first meeting of any such association [may] shall be called within thirty days after the receipt of the certified copy of the articles of association from the Secretary of the Commonwealth by a notice signed by any two of the associates who signed its articles of association setting forth the time place and objects of such meeting such notice to be mailed to the address of each [associate] subscriber to stock in the association at least [four clear] six days prior to such meeting and a majority of [such associates] the members present at such meeting shall be competent to make all such by-laws as they may deem necessary for the proper management of the business property and affairs of such association so that such by-laws are not repugnant to or inconsistent with the provisions of this act or of any law of this State and of the United States to elect [the first president and secretary both of whom shall be directors ex officio treasurer and either six eight or ten directors and two auditors] a board of not less than five directors all of whom shall be members of such association [and] or duly accredited representatives of members of such association in the event that such members be other than natural persons One-half or as nearly as may be of the number of the directors so elected shall be elected for the term of one year the remainder for a term of two years They shall hold their offices until their successors shall have

been elected [in accordance with section fifteen of this act and to transact any other business necessary for the organization of such association and appropriate to such meeting and the secretary of such meeting shall make full and correct minutes of its proceedings upon the books of such association and the same being signed by its chairman shall be deemed and taken to be prima facie evidence of the action of such meeting] and qualified At the expiration of the terms of any of the directors their successors shall be elected by the members at the next annual meeting for a term of two years

Section 13 That every such association shall hold regular [quarterly] annual meetings of its members [in the months of January April July and October] at such place and time as the directors shall determine and publish for the purpose of considering and determining upon any matter [not requiring special notice] relating to the business of such association and at each [quarterly] annual meeting the directors shall present a full and complete report signed by the president of such association's transactions during the last preceeding [quarter] year accompanied by such information and suggestions in relation to the affairs of such association and to the future management thereof as may be for the best interests of the association and they shall also present at each [quarterly] annual meeting an account of all cash receipts and payments and of the losses and gains of such association for the last preceding [quarter] year and also a general statement or balance sheet of such association's funds and effects liabilities and assets as at the close of the last business day of said [quarter] year and such account and general statement shall be signed by the president and treasurer and be attested by [the secretaries and auditors of such association and a copy of such report account and general statement shall be kept posted up for three months at least in a conspicuous place in the principal office and other places of business of such association and any director president treasurer secretary auditor or other officer who shall include or knowingly consent to any false statement in such report account or general statement or in any other statement required to be made by this act or by any vote of the members at any meeting thereof shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment in the State Prison for not more than one year or both such fine and imprisonment in the discretion of the court] a competent auditor appointed by the board

Section 14 That [after the first election of the directors officers and auditors as provided in section twelve of this act the president secretary treasurer and one-half of the directors and auditors shall be elected at the quarterly meeting in January and the other half of the directors and auditors shall be elected at the quarterly meeting in July and shall hold the several offices for one year or until their successors are elected and the directors shall decide by lot or otherwise as they may deem best who shall constitute the first half of the directors and auditors to retire at the first election that may be made at a quarterly meeting aforesaid The] the by-laws of such association shall provide how nominations shall be made and votes be taken for [president secretary treasurer] directors [and auditors and] also their eligibility [and] qualifications [for their several duties] responsibilities and remuneration and for their removal from office for good and sufficient cause Provided That [each of the official] no acts of the board of directors shall be [by a majority vote of all the directors elect and shall be recorded with the yeas and nays thereon in the minute book of such association] official except majority action at a meeting where a majority of the directors elect are present

The officers of every association shall include a president vice-president secretary and treasurer who shall be appointed annually by the board of directors The president and vice-president shall be appointed from among the directors The secretary and treasurer may be non-members The office of secretary and treasurer may be combined and one individual appointed thereto Vacancies in said offices shall be filled for the unexpired term by the board of directors in the manner provided for the original appointment of officers Such officers shall hold their offices until their successors are appointed and qualified and shall have entered upon the discharge of their duties The board of directors shall require the treasurer and may require such other officers agents and employes charged by the association with responsibility for the custody of funds or property to give bond with sufficient surety for the faithful performance of their duties as such the premium on such bond to be paid by the association

Section 15 That [the profits shall be ascertained and declared on all business carried on in each department or branch or by or for or on account of any such association for each quarter year ending with the months of March June September and December and the profits realized shall be applied as follows

First In reduction of the value of the fixed stock and plant of such association at the annual rate of ten per centum or more on fixtures machinery tools et cetera and of two and one-half per centum or more on warehouses stores or other buildings as the directors shall determine and order

Second In the reduction of the preliminary expenses if any incurred in the formation of such association and remaining unwritten off in its books at such rate being not less than five per centum per annum as the directors shall determine and order

Third In the providing for or payment of interest at the annual rate of six per centum on permanent stock and five per centum on ordinary stock and the reserve fund Provided however That such interest shall be created to each member but shall not be paid until his stock is fully paid up

Fourth In forming by applying such sum or percentage of the net or remaining profits after providing for the preceding charges as the directors shall determine and order a reserve fund to which also all fines and forfeitures shall be carried applicable as folows First to the equalization of dividend second to meet any other contingency affecting the business of such association and third to any other purpose as may be voted by the members on the recommendation of the directors

Fifth In forming and maintaining a propaganda and social fund to which shall be credited such sum being not less than two and one-half per centum of the net profits as the directors shall determine and order

Sixth And the remainder of the net profits shall be divided as follows On the wages and salaries of employe the same rate and on the purchases by non-members one-half of the rate that may be allotted on the purchases by members such wages or salaries to be the amount earned and such purchases to be the amount actually paid for in cash during the period to which such division relates Provided That no profit dividends shall be allowed on the purchases of such articles as the directors may have given previous notice of their intention to exclude from participation in profits And provided further That all such profit dividends shall be created to such members non-members and employes respectively to accumulate and be applied in or toward the payment of shares of permanent stock or ordinary stock as the directors may from time to time determine and order the issue of paid-up certificates therefor until the amount of stock capital held by such members individually reaches the limit allowed by this act after which the profit dividends may be paid to such members as shall be provided for in the by-laws of such association] the directors of any such association shall after making provision for the payment of dividends on preferred stock apportion the net proceeds of the business at least once annually by first setting aside not less than ten per centum of the net proceeds for a reserve fund until the reserve fund shall equal at least thirty per centum of the paid up capital stock Provided That any reserve for depreciation if reasonable in amount or for any other purpose which may properly constitute an expense is to be figured before computation of net proceeds The directors may then declare a dividend upon the paid-up common stock at a rate per annum not to exceed six per centum The directors may then set aside not to exceed five per centum of the remaining net proceeds as an educational fund for such purposes as provided

in the by-laws but a larger sum may be ordered by a two-thirds majority of a duly called members' meeting The directors may then grant a bonus to employes who are in the employ of the association at the time of the apportionment of proceeds which bonus shall be based in amount upon the amount of compensation received by said employes during the year at a rate not to exceed the rate of patronage distribution hereinafter described The directors shall distribute all remaining net proceeds uniformly to patrons of the association in cash or stock of the association or both in proportion to the volume of business conducted by such patrons with the association Provided That any such distribution to a non-member may be entirely in the form of common or preferred stock or credits for the purchase thereof until the amount of such credit equals the par value of one share of the association's common or preferred stock as the case may be distribution thereafter to such patron if he has received a common stock distribution being made in the same manner as distribution to members generally Provided further That such a distribution to a non-member if it is less in amount than the par value of one share shall be credited to the non-member's stock account during the first five years but may revert to the educational fund if after five years an amount less than the par value of one share has accumulated

Any bonus to employes mentioned in this section may in the discretion of the directors be wholly or partly in the form of stock of the association

Section 16 That every such association shall have a regular business office to which all communications and notices shall be addressed and service of any legal process on any such association shall be made by leaving at such office a true copy of such process with any director officer clerk or agent of such association and in case such office shall be kept closed against such service then service of such process may be made on such association by giving a true copy thereof to any of its directors or officers if found in the county wherein such office is located and if on a return of such a process it appears that such office is kept closed or that such directors or officers could not be found within the said county then such process may be served on such association by serving a true copy thereof on any of its directors or officers wherever found in this State and failing in that and on a return made to such effect the court may order such publication as it may deem requisite to be made in the premises for at least one month in at least one newspaper published at or as near as may be to the place where the principal office of such association is located and proof of such publication shall be held to be due service on such association

Section 17 That [every person appointed to any position in any association requiring the receipt payment management or use of money belonging to such association shall before entering upon the discharge of his duties become bound with two or more good and sufficient sureties in such sum and form as the directors shall require and approve and the directors may also require from any other employes of such association bonds with good and sufficient sureties for the faithful discharge of their duties] it is a fundamental principle of every such association that regardless of what price or charge may be originally collected from any patron for any commodity or service the actual charge to such patron is the net cost of such commodity or service and any excess above such net cost is the property of the parton By accepting membership in an association organized or re-organized under this act each member and his successors have conferred upon the board of directors the right to return such excess fully in stock and cash or either or to return to each patron his pro rata balance of such excess after first deducting the reserves educational funds and other deductions made by the board of directors under authority conferred upon such boards by this act It is hereby declared that no profit accrues or shall accrue to the benefit of the association as such but that all surplus and unexpended reserves are at all times the property of the patrons in proportion to their patronage subject nevertheless to right of the board of directors to set aside such reserves and make such deductions as are by this act authorized

Section 18 That [any such association may charge any of its members employes or other persons doing business with it by way of fine for any breach or non-observance of its by-laws or any of its business rules and regulations such reasonable sum not more than five dollars for each offense as the directors may determine and order and all such fines shall be due and payable forthwith and if not paid the same may be deducted from any moneys due credited or accruing to the parties so offending] Any person or persons or any corporation whose officers or employes malicously and knowingly spread false reports about the finances or management of any association organized under the terms of this act shall be guilty of a misdemeanor and be subject to a fine of not less than one hundred dollars and not more than one thousand dollars for each such offense and shall be liable to the association aggrieved in a civil suit in the penal sum of five hundred dollars for each such offense

Section 19 That if any director officer clerk agent or other person in the employment of any such association shall embezzle or fraudulently dispose of or convert to his own use or shall take or secrete with intent to embezzle and convert to his own use any money or other property of such association or of any of its dealers or customers which shall have come into his possession or shall be under his charge by virtue of such office or employment or otherwise he shall be deemed by so doing to have committed the crime of embezzlement and shall upon conviction thereof be punished as the law directs

Section 20 That any such association may alter or amend its articles of association and may alter or rescind any by-laws or make any additional by-laws not contrary to law with the consent of a majority of its members present at a regular meeting or at a special meeting convened for such purpose but the notice calling such meeting shall set forth fully and clearly the subject matter to be affected by the proposed alteration amendment rescission or addition and any alteration or amendment of the articles of association shall be filed recorded and certified in the same manner as the original articles of association

Section 21 That the articles of association and by-laws and any amendments thereto or alterations therein respectively of any such association shall be recorded in a book to be kept for that purpose and such book shall be open during business hours at the principal office of such association for the inspection of its members and other persons having an interest in its funds or dealing with such association and such articles of association by-laws and amendments thereto and alterations therein respectively so recorded shall be binding on such association its directors officers members and employes on all other persons having an interest in the funds of or dealing with such association and all persons claiming on account of any or either of them or under such articles of association by-laws or amendments thereto or alterations therein respectively to the same extent as if each and every such person had subscribed his name and affixed his seal thereto and there were in such articles of association by-laws or amendments thereto or alterations therein respectively contained a covenant on the part of himself his heirs executors administrators and assigns to conform to such articles of association by-laws and amendments thereto or alterations therein respectively subject to the provisions of this act all of whom shall be deemed and taken to have full notice thereof by such record as aforesaid and the entry of such articles of association by-laws and amendments thereto or alterations therein respectively in the books of such association or a true copy of the same examined with the original and proved to be a true copy shall be received as evidenced thereof in all courts and places

Section 22 That any cooperative association now in existence in this State whether incorporated or unincorporated shall be entitled to all the benefits of this act by complying with its provisions and may by a vote of the majority of the members of such cooperative association to be taken according to its existing articles of associa-

tion or by-laws determine to avail itself of the provisions of this act and to take and assume corporate name and powers thereunder and may by a like vote transfer to such association so formed under this act all its property real personal and mixed and thereupon such association to which said property is so transferred shall take the same in the same manner to the same extent and with the like effect as the same was previously owned and held by the association so transferring the same and may in its corporate name sue for and collect all dues and demands subscriptions and other benefits belonging to such original incorporated or unincorporated association Provided however That such association so taking such property as aforesaid shall take the same subject to all liens and trusts both legal and equitable to which the same was subject before such transfer and shall also be liable for all debts and obligations of such previous association and shall pay the same to the full extent of the value of such property at the same time of so taking the same

Any association incorporated and existing under the provisions of the act to which this act is an amendment shall be entitled to all the benefits of such amendments by amending its articles of association in conformity therewith and filing and recording such amendments as provided by law

Section 23 That any such association desiring for any reason to be dissolved prior to the expiration of the term of years specified in its articles of association may by a resolution passed at a special meeting therefor by a majority vote of all the members of such association authorize its directors or a special committee of members to prepare or have prepared a full and true exhibit of the affairs property and condition of such association including an itemized statement of all its assets and liabilities and also to report whether in the opinion of such directors or committee it would be best to continue or close up any or all of the business of such association and in the latter case to recommend such methods and means as in their judgment would be best adapted for closing up such business such exhibit report and recommendation to be printed and a copy thereof to be mailed postage prepaid to the last recorded address of every member of such association together with a notice from the president of such directors or chairman of such committee as the case may be convening a special meeting of the members to be held at such time being not less than ten or more than fifteen days from the date of mailing such notice as such directors or committee shall determine and order for the purpose of considering and acting on such exhibit report and recommendation as to such special meeting shall deem best Provided That all votes taken on such recommendation at such special meeting shall be by ballot and that it shall require three-fourths of all the ballots cast to carry any motion for the winding up and dissolution of such association Provided also That such president or chairman as aforesaid shall mail to every member of such association along with the notice for the last-mentioned special meeting a printed form of ballot for the use of such members as may be unable to attend at such special meeting on which shall be printed two questions as near as may be in the following words Are you in favor of the winding up and dissolution of the association? Answer yes or no Are you in favor of the plan as recommended for those purposes? Answer yes or no And such answers shall be signed by the members so answering and such ballots may be addressed and mailed postage prepaid or be personally delivered to such president or chairman as aforesaid at the principal office of such association and all such ballots so receiver prior to or at the time appointed for such special meeting shall be opened and counted by the scrutineers or tellers appointed by such special meeting along with the ballots cast on the same or like questions by the members present at such special meeting And provided further That in the event of a resolution being passed as aforesaid by such special meeting for the winding up and dissolution of such association a copy of such resolution duly certified by the official signatures of the president and secretary and sealed with the common seal of such association shall be given to and shall contain full instructions and authority for the parties to be named therein to assume and discharge the duties entrusted to them by such resolution and upon the completion of such duties by said parties they shall make a certificate signed and sworn to by them before a notary public upon such certified copy of the aforesaid resolution that they have truly and faithfully discharged all the duties entrusted to them thereby and that they have realized all the assets and settled all the liabilities of such association in accordance with the instructions and authority given to them by such resolution and such certificate and certified copy of such resolution shall be filed by such parties in the offices of the Secretary of State of this State and of the recorder of deeds of the county wherein the principal office of such association was located and such certificate and certified copy of resolutions shall be recorded by the said secretary and the recorder of deeds in like manner as the articles of association of such association were recorded dissolution proceedings voluntary and involuntary of or for any such association shall be in accordance with the provisions of the laws governing business corporations in this Commonwealth Provided however That all voting therein required shall be on the basis of one vote for each member regardless of the amount of common stock held by any member and a majority vote of the members shall have the same force and effect as if it were a majority vote of the common stock

Section 24 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 25 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decisions shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 2 The provisions of this act shall become effective thirty days after its final enactment

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ARNOLD, Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2482, (Senate Bill No. 556), entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania

On the question,

Will the House agree to the bill on third reading?

Mr. LONG. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 1 by striking out all of line 10 beginning with the word "Provided".

Amend section 1, page 1 by strinking out line 11.

Amend section 1, page 2 by striking out lines 1 to 14 inclusive.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered. That the bill as amended lies over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2271, (Senate Bill No. 189), as follows:

An Act to amend section twenty of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing additional seasons for the taking of pickerel in the inland waters

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by the act approved the twenty-second day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 621) is hereby further amended to read as follows

One dollar for each fish killed in excess of ten shall be added to such fine and in the discretion of the court such person or the member of any partnership or association or the officer of the corporation responsible for such violation may be imprisoned for a term not exceeding six months Provided That if it be shown to the satisfaction of the Board of Fish Commissioners that the escape of the substances deleterious destructive or poisonous to fish was due to circumstances unavoidable or beyond control and without negligence then the Board of Fish Commissioners shall be authorized to accept settlement of the value of the fish destroyed in a sum equal to the cost of restocking the waters to the extent deemed necessary by the Board of Fish Commissioners and upon payment of said sum there shall be no prosecution hereunder

Section 20 Closed Seasons The following seasons are hereby established for

(a) Charr commonly called brook trout or any species of trout except lake or salmon trout from the first day of August to the fourteenth day of April next following both dates inclusive

(b) Lake trout or salmon trout from the thirtieth day of September to the thirtieth day of June next following both dates inclusive

(c) Small mouth and large mouth bass rock-bass white bass crappie strawberry or calico bass pike perch otherwise called wall-eyed pike or Susquehanna salmon pickerel muscallonge western and northern pike from the first day of December to the thirtieth day of June next following both dates inclusive Provided however That pickerel may be caught and taken not exceeding the daily creel limits fixed by this act during the months of December and January but only when tip-ups are employed whole fishing through holes in the ice

On the question,

Will the House agree to the bill on third reading?

Mr. VOGT. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 2 (sec. 202), page 3, line 5, by inserting a heavy-faced bracket at the beginning of said line, thus: "[".

Amend sec. 2, (sec. 202), page 3, line 20, by inserting a heavy-faced bracket at the end of said line, thus: "]".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1351, (Senate Bill No. 308), entitled:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania State Police and the Pennsylvania State Highway Patrol.

On the question,

Will the House agree to the bill on third reading?

Mr. WAGNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 2 and 3 of title, by striking out the words "State Police and the Pennsylvania State Highway Patrol" and inserting in lieu thereof: "Motor Police and Patrolmen and Guards in State Parks."

Amend sec. 1, page 1, lines 4 and 5, by striking out the words "State Police and each member of the Pennsylvania State Highway Patrol" and inserting in lieu thereof: "Motor Police and each person employed as a Highway Patrolman or Park Guard in policing the State park areas and the highways therein."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RECONSIDERATION OF VOTE

Mr. HAGERTY. Mr. Speaker, I move that the vote by which House Bill No. 670, Printer's No. 1015, was dropped from the calendar on Thursday, May 27, 1937, be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Hagerty, vote on the motion?

Mr. HAGERTY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominisky, vote on the motion?

Mr. OMINSKY, Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TUMELTY. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TUMELTY. Mr. Speaker, is it proper procedure to call the bill up at this time? I believe the bill is on the calendar improperly and, I believe, cannot be called from the calendar. The motion, I believe, is to reconsider the vote by which the bill was dropped from the calendar.

The SPEAKER. That is the motion; to reconsider the vote by which the bill was dropped from the calendar.

On the question,

Will the House agree to the motion?

It was agreed to.

RECONSIDERATION OF VOTE

Mr. McARDLE. Mr. Speaker, I move that the vote by which House Bill No. 588, Printer's No. 855, was dropped from the calendar on Thursday, May 27, 1937, be reconsidered.

Mr. PIOLE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. McArdle, vote on the motion?

Mr. McARDLE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Piole, vote on the motion?

Mr. PIOLE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER declared the noes appeared to have it,

Whereupon, a division was called for, fifty members having voted in the affirmative and sixty in the negative the question was determined in the negative and the motion was not agreed to.

BILL ON THIRD READING

Mr. HAGERTY. Mr. Speaker, I desire to call up at this time House Bill No. 670, Printer's No. 1015, on page 11 of today's calendar, bills on third reading which was just placed on the calendar.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 670, entitled:

An Act to promote the safety of travelers upon street railways and buses and others in cities of the first class by requiring a crew of two on each street railway car and certain buses.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. YOURISHIN. Mr. Speaker, speaking officially for the Pennsylvania State Federation of Labor and the Trolleymen's Union of Philadelphia, I ask all members of the House, friends of labor to vote for this bill.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Luzerne, Mr. Yourishin.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. YOURISHIN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Luzerne whether this is lobbying on the floor of the House?

Mr. YOURISHIN. No sir, Mr. Speaker, it is not.

Mr. TURNER. I would like to ask the gentleman from Luzerne, Mr. Speaker, whether he heard the Governor's address to the House the other night?

Mr. YOURISHIN. I did not, Mr. Speaker.

Mr. TURNER. I would then ask, Mr. Speaker, that a copy of the address be supplied to the gentleman from Luzerne.

Mr. YOURISHIN. I would be glad to have it, Mr. Speaker.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the constitution the yeas and nays were taken.

POLL OF HOUSE.

The SPEAKER. Less than a quorum having voted on the last roll call, the Sergeant-at-arms will close the doors of the House; no one will be permitted to enter but members, and no members will be permitted to leave. The Sergeant-at-arms will take their stations at the doors.

The Clerk called the roll which was as follows:

PRESENT—140.

Alexander,	Habbyshaw,	Moomaw,	Snyder,
Allmond,	Hagerty,	Mooney,	Sollenberger,
Arnold,	Hall,	Moran,	Spengler,
Baine,	Hamilton, F. P.,	Moul,	Sproul,
Baker, J. T.,	Hamilton, R. S.,	Muir,	Stank,
Balthaser,	Harkins,	Munley,	Stewart,
Bierly,	Harmuth,	Murrin,	Thomas,
Blank,	Hays,	Nagel,	Thompson,
Bohn,	Hering,	O'Brien,	Toole,
Boles,	Hess,	O'Connor,	Tronzo,
Boltz,	Holland,	Ominsky,	Tumelty,
Boose,	Hontz,	Ostroff,	Turner,
Boyer,	Horting,	Patterson, C. S.,	Valibus,
Broad,	Huntley,	Patterson, J. W.,	Van Allsburg,
Brownfield,	Imbrie,	Peale,	VanSickle,
Burrows,	Jirolanio,	Pearson,	Vogt,
Cadwalader,	Kelso,	Pershing,	Wagner,
Caesar,	Kline,	Piole,	Wall,
Chervenak,	Kroll,	Powers,	Watkins,
Coakley,	LaRue,	Reese,	Weidemann,
Cohen, H. B.,	Levy,	Richter,	Weiss, D. H.,
Corrigan,	Longaker,	Robinson,	Weiss, S. A.,
Costanzo,	Lopresti,	Rothenberger,	Welliver,
Davies,	Lovett,	Ruffennach,	Welsh,
Decker,	Lyons,	Rush,	Westrick,
DeNote,	Marino,	Sarraf,	Whitenight,
Dickinson,	Matthews, J. F.,	Scanlon,	Wilson,
Donohoe,	McArdle,	Schor,	Winner,
Dougherty,	McCullough,	Schrock,	Wood,
Dubbs,	McDermott,	Shepard,	Woodside,
Dyson,	McDevitt,	Shoemaker,	Wright,
Elpern,	McFall,	Shugarts,	Yanoshat,
Finnerty,	McGee,	Siegel,	Yeakel,
Fiss,	McKinney,	Simon,	Yourishin,
Fitch,	McShane,	Smith, James A.,	Zappala,
Flannery,	Mellott,	Smith, John A.,	Furman,
Ganser,			

The SPEAKER. One hundred and forty members having answered their names, a quorum is present. The Sergeant-at-arms will open the doors of the House.

The yeas and nays were again taken and were as follows, viz:

YEAS—113.

Alexander,	Finnerty,	McFall,	Shugarts,
Allmond,	Fitch,	McGee,	Siegel,
Arnold,	Flannery,	McShane,	Simon,
Baine,	Gerard,	Melchiorre,	Smith, James A.,
Baker, J. T.,	Gorski,	Mooney,	Smith, John A.,
Balthaser,	Hagerty,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Murrin,	Stank,
Blank,	Harkins,	Nagel,	Thomas,
Bohn,	Harmuth,	O'Brien,	Thompson,
Boles,	Hays,	O'Connor,	Toole,

Bradley,	Hering,	O'Keefe,	Tronzo,
Brancato,	Hess,	Ominsky,	Tumelty,
Broad,	Hindman,	Ostroff,	Valibus,
Brown,	Holland,	Patterson, C. S.,	VanSickle,
Brownfield,	Hontz,	Patterson, J. W.,	Wagner,
Burrows,	Jirolanio,	Pearson,	Watkins,
Caesar,	Keenan,	Piole,	Weiss, D. H.,
Coakley,	Kelso,	Powers,	Weiss, S. A.,
Corrigan,	Kilroy,	Reese,	Welliver,
Costanzo,	Kline,	Richter,	Welsh,
Davies,	Levy,	Robinson,	Westrick,
Decker,	Lewis,	Rush,	Whalen,
DeNote,	Long,	Sarraf,	Whitenight,
Dickinson,	Lopresti,	Scanlon,	Wright,
Donohoe,	Lovett,	Schrock,	Yanoshat,
Dougherty,	Marino,	Shaw,	Yourishin,
Dubbs,	McArdle,	Shepard,	Zappala,
Dyson,	McDermott,	Shoemaker,	Furman,
Elpern,	McElroy,		

NAYS—29.

Boose,	LaRue,	Muir,	Van Allsburg,
Boyer,	Leisey,	Peale,	Weidemann,
Cadwalader,	Lyons,	Rothenberger,	Wilson,
Eckels,	McKinney,	Snyder,	Winner,
Fiss,	Mellott,	Sollenberger,	Wood,
Habbyshaw,	Moomaw,	Sproul,	Woodside,
Hall,	Moul,	Turner,	Yeakel,
Imbrie,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. TOOLE, from the Committee on Welfare, re-reported as amended, House Bill No. 2375, (Senate Bill No. 877), entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven) entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State Board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

Mr. BLANK, from the Committee on Judiciary General, reported as committed, House Bill No. 2332, (Senate Bill No. 69), entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by prohibiting for certain periods the foreclosure sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property.

Mr. HARKINS, from the Committee on Judiciary General, reported as committed, House Bill No. 2522, (Senate Bill No. 1416), entitled:

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens.

Mr. CORRIGAN, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 2521, (Senate Bill No. 1403), entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by adding thereto section 18.1 providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War and making an appropriation.

Mr. SIEGEL, from the Committee on Welfare, re-reported as committed, House Bill No. 2454, (Senate Bill No. 878), entitled:

An Act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure.

Mr. NAGEL, from the Committee on Welfare, re-reported as committed, House Bill No. 2453, (Senate Bill No. 876), entitled:

An Act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating

the law relating to the care of the poor and repealing existing laws.

Mr. OSTROFF, from the Committee on Welfare, reported as amended, House Bill No. 2378, (Senate Bill No. 883), entitled:

An Act relating to public assistance; providing for, and regulating, assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age benefits, and the State Emergency Relief Board.

Mr. OSTROFF, from the Committee on Welfare, reported as committed, House Bill No. 2517, Senate Bill No. 882), entitled:

An Act to amend section seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-six (Pamphlet Laws, twenty-eight) entitled, "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by making further provision for the cost of administering the act.

Mr. HOLLAND, from the Committee on Federal Relations, reported as committed, House Resolution No. 72.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2332, (Senate Bill No. 69), entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by prohibiting for certain periods the foreclosure sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2522, (Senate Bill No. 1416), entitled:

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2521, (Senate Bill No. 1403), entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by adding thereto section 18.1 providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2517, (Senate Bill No. 882), entitled:

An Act to amend section seventeen of the act, approved the twenty-fifth day of June one thousand nine hundred thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" by making further provision for the cost of administering the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. DECKER asked and obtained permission for the Committee on Federal Relations to meet during the session of the House.

REPORT OF LEGISLATIVE COMMITTEE APPOINTED PURSUANT TO RESOLUTION No. 27

Mr. HARKINS. Mr. Speaker, I desire to offer the report of the Legislative Committee appointed pursuant to resolution No. 27.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 159. (HOUSE BILL No. 2518).

An Act to amend section seven of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet Laws 28) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administation of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" providing that all eligible applicants shall be entitled to assistance and preventing discrimination.

Referred to the Committee on Welfare.

SENATE BILL No. 422. (HOUSE BILL No. 2519).

An Act to amend section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws 112) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" extending the provisions of said act to certain other contracts and increasing the amount of such exemption.

Referred to the Committee on Insurance.

SENATE BILL No. 1135. (HOUSE BILL No. 2520).

An Act to amend sections two three and four section five as amended and sections six seven eight nine thirteen fourteen and sixteen and to repeal sections ten eleven and twelve of the act approved the seventeenth day of June one thousand nine hundrd and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certai nclasses of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by providing for the collection of the taxes therein imposed by the county commissioners boards of revision of taxes and boards for the assessment and revision of taxes further regulating returns the inspection of books and records and the attendance of witnesses providing that such taxes shall be recoverable in assumpsit and providing penalties.

Referred to the Committee on Counties.

SENATE BILL No. 1403. (HOUSE BILL No. 2521).

An Act to amend the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by adding thereto section 18.1 providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War and making an appropriation.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 1416. (HOUSE BILL No. 2522).

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens.

Referred to the Committee on Judiciary General.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 1, 1937.

Resolved (if the Senate concur), that House Bill No. 1433, Printer's No. 1042, entitled "An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' as amended permitting State institutions and sanatoria to supply water to individuals", be recalled from the Governor for further consideration.

ANNOUNCEMENTS

The Committee on Agriculture will meet tomorrow at 1:30 p. m. in Room 521.

The Committee on State Boards will meet tomorrow at 11:30 a. m. in Room 101.

The Committee on State Government will meet on Wednesday, 12:00 Noon in Room 521.

The Committee on Rules will meet at 1:00 p. m. tomorrow at the Speaker's office.

ADJOURNMENT

Mr. BOIES. Mr. Speaker, I move that this House do now adjourn until tomorrow at 2:00 p. m.

The motion was agreed to, and (at 2:32 a. m.) the House adjourned until Wednesday, June 2, 1937, at 2:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

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SENATE

WEDNESDAY, June 2, 1937

The Senate met at 2 o'clock p. m.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L.L.D. offered the following prayer:

Our Father, we draw near unto Thee in deep humility, with sincere thanks. Some sorrows have come, yet the sickle of the grim reaper has not entered here. With a measure of health and vigor, a half a hundred of men have ascended this hill from day to day, seeking honest service. Soon the finished fabric of their collaborations will go forth, and their transactions here become history.

Imperfect mortals, we have made mistakes. We commend to Thy gracious favor our motives, our impulses, our efforts. Bless that which we have tried to do. We have sought to remember the forgotten man; to lighten the burdens of the weak; to repay the sweat of honest toil; to banish want in a world of plenty; to cure the sores on Lazarus, and to save the rich man from hell.

God hasten the day when our faith shall merge with vision—our hopes lost in glad fruition. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RANKIN, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, in view of the fact that the committee appointed to investigate governmental functions in the City of Philadelphia will be unable to make a final report at this session, and since the functions of the committee have been continued, by Senate Resolution No. 102-A, during the interim, I feel it incumbent to make a financial report on behalf of the committee at this time, so that the members of the Senate and the public may know just what is being done with the money appropriated to this committee; and I should like to read into the record a statement of the expenses thus far incurred.

The committee spent in railroad and traveling expenses for two of its members, to Detroit and Cleveland, a total of	$126.23
A. Pomerantz & Company, for stationery and supplies,	36.30
Victor E. Carlin, an expert witness from Chicago,	74.50
Weintraub, for photographs,	3.50
Kenneth McCarron, expert witness from Detroit, (Chief Appraiser of the City of Detroit)	125.00
Whiting-Patterson Paper Company, for supplies,	137.20
Bond Brothers, carbon paper,	20.00
U. S. Typewriter Ribbon Company,	12.00
Maurice Memerow, an attorney, in preparation of reports by the committee to this Senate,	150.00
Railroad and traveling expenses to Cincinnati, for three members of the committee,	151.78
Thomas Devine, an accountant, for services,	160.00
Stenographic Service,	6342.00
A total expenditure to date of	$7338.51

In addition to this the committee expects that the stenographic services will entail a further expense of approximately $5,000, which includes the furnishing to each member of the committee of a complete copy of all the testimony taken at the hearings, as well as a complete copy each to the Senate and House of Representatives, and a copy to be incorporated with the final report. This stenographic transcript of the testimony taken at the hearings runs into thousands of pages, and the agreement was made with the stenographer, at the beginning of the committee's work, that the transcript would be furnished at twenty cents a page.

The committee hopes to be able to return to the treasury a considerable sum after its work is completed. Its expenses will probably be not more than an additional $2,000; and therefore the expectation is that approximately $10,000 will be returned to the treasury, so that the total expenditures by the committee will be in the sum of about $15,000.

Mr. REED. Mr. resident, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, in 1934 the people of my district elected me to a seat in this Senate, and for whatever honor this office has brought me, my sincere appreciation and gratitude go back to those good folks at home who made it possible.

Mindful of this glory, be it what it may, I wish to say that I have never enthused myself with a desire for publi

office, because study and observation have convinced me that the innumerable incidental and collateral activities that have grown up around it back through the years have rendered independent and pure public service almost impossible of performance.

A public office is a public trust, but when it becomes burdened with political affiliations, like a sick man, it cannot freely function, and woe is the people when politics alone control the field. Time has taught the story that the longer one remains in public office the more submissive must he become to the political will, and the independence he once cherished and enjoyed is lost forever from public service.

My life has been moulded in the open, disciplined to respect and consider the opinions of others, but trained to never surrender the inherent right to think and act in accordance with the guiding impulses of mind and conscience. I desire, at the end of my term, to go back to my people free and discharged of any restraints or mental reservations imposed by this political office. I shall go back fully determined not to seek re-election, leaving it to another to fill the office vacated by me. Due to this decision, and feeling that we may not again meet together as Senators in this Chamber, I desire to avail myself of this opportunity to make a few observations concerning our relations in this body, and then to present a matter which should lie close to the heart of every true and loyal citizen of this great Republic.

Upon my advent into this Senate, I was at once impressed with the courtesy, honor and helpfulness that existed among the members, and time has ripened these relations into inseparable and imperishable friendships, which shall grow sweeter and dearer in memory of each succeeding year. True, many sincere and well-defined differences of opinion have arisen in this hall, but such must be the case under our free form of government, and may it be our hope and desire that such freedom of thought and independence of action shall never be suppressed or enslaved by any system of political or social despotism. Our future depends on men of independent thought and action, and as I leave this Senate I admonish those who follow to give serious consideration to their own individual mental impressions and permit them not to be overcome or destroyed except when fully proven to be in error.

I leave this Senate fully conscious of my many errors and short-comings, but relieved by the thought that in my efforts to serve the people I have sincerely tried to represent my district and my State in a manner consistent with my ability and strength, and in this respect I desire no other judge than the just and pure judge of public opinion.

I shall carry away with me many fond and lasting impressions arising out of the activities on the floor of this Senate: such as Senator Woodward's subtle discourse on the subject of "Forget-me-nots", and Senator Cavalcante's powerful argument on the "Change of Venue", but no hatred, malice or ill-will shall be permitted to tarnish or efface in the slightest degree the beautiful memories that shall arise from our relations here; and as we separate at the close of this Session may a wise and just Providence guide and direct the course of us all.

Before closing, Mr. President, I want to call to the attention of the Senate, that one hundred and fifty years ago there was established upon this continent a small and weak Republic. Its formation had been effected through the courage and determination of an independent and energetic people scattered along the Atlantic Seaboard, from the Province of Canada to the Domain of Florida.

From a long and devasting war with the Mother Country the Thirteen American Colonies had emerged victorious and free, charged with a indomitable spirit and a just desire to eliminate forever from the rising Republic every root and vestige of tyranny and oppression, so that the colonists and their descendants to the last generation would be forever relieved from the suffering and destruction incident to despotic rule.

From noble minds and pure hearts had come a Constitution, preserving and protecting the rights and liberties of all. Under this Constitution a weak American Republic grew in strength and grandeur, until its domain extended from the Atlantic to the Pacific and from Canada to the Gulf, and peoples from all nations found within its borders freedom, opportunity and peace. Under the Constitution, with territorial expansion, also came the growth and spread of agriculture, the gradual development of manufacturing, the rise and extension of commerce, whereby a weak and struggling Republic of 1787 was transformed into a strong and powerful nation, respected at home and revered abroad.

No people ever enjoyed under any Constitution the broad rights and beneficient powers granted and guaranteed to the people of the United States under this Magna Charta, which provided for the establishment of justice, the promotion of the general welfare and the securing of the blessings of liberty to all.

Under this Charter of liberty and opportunity, the weak became strong, the poor became prosperous and the unknown became great.

We honor and respect today the Constitutional Fathers; we cherish and revere the Constitution they have given us, and as we contemplate and consider the millions that have found peace and tranquility under its protection, we are led to inquire how long will it continue to guard its people against the tyrant and the despot. The answer comes back through a million vibrant, patriotic throats, so long as justice, honor, uprightness and equity continue to permeate and direct the people.

One hundred and fifty years have elapsed and the Republic still lives. A great British thinker once said that the American Commonwealth would not live more than one hundred and fifty years under its republican form of government. Are his opinion and prophecy to come true? This is a matter of grave concern. Many evidences appear today on the horizon to support his view, calling for the most penetrating and extensive investigation and consideration.

The guiding principle of our Republic is freedom and equality for all. In support of this principle many of the patriotic fathers sacrificed their lives upon the altar of their Country. No time brings this though more forcefully before us than this Memorial Season when we go forth to respect and commemorate our honored dead.

Great and powerful forces in the past have collided for the division and destruction of our Republic, but a wise and courageous people have on all such occasions stood by the Constitution and saved the Union, and brought the

Ship of State back to the middle of the stream. Great was their sacrifice and great must be the sacrifice of any sincere citizen who wills to stand for his Country against the tyrant and the despot. Today when so many cross-winds of opinion, fostering discord, hate and tyranny, beat against the Republic, alarm and disturbance seize us, but faith reassures us that the course advocated and effected by our fathers will continue to be the course demanded by our people.

We know that there are at work today strong political and social forces that would drive our country into tyranny on the left; we know that there are also strong political and social forces at work to pull our country into despotism on the right. The surging tide of social unrest is rolling this vexing problem immediately before you, and as a result you must choose this day whom you will serve. As for me, I shall stand by the fathers and pursue the middle course: justice for all, tyranny for none.

Let us not be deceived; let us apply ourselves to this complicated problem; let us call back for use the common sense of Franklin; the wisdom of Jefferson; the charity of Lincoln; the courage of Cleveland; and, ignoring all other considerations, do equity and justice alike to all.

Keep also in mind the three departments of government—executive, legislative and judicial; and remember that when any one of them is subjected to the control of any of the others, then our democratic system of government is thrown out of balance and heads toward a dictatorship.

Let us set out at once, ere it is too late, on this sacred and patriotic mission, pledged and determined to cast aside all bias and prejudice; all hatred and ill-will; and, standing on the Constitution, guided by right alone, direct the Republic away from the tyrannical forces that at present infest it, and lead it back into the temperate or middle zone, where justice and equality prevail, where peace and security abide; and by so doing we shall reawaken and engender the true and unselfish spirit of the Constitutional fathers, and thereby preserve the Union for future greatness and glory.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I am encouraged to rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, our distinguished floor leader, the Senator from Bucks, Mr. Buckman, would make this speech if he were here. He has, however gone to Missouri to celebrate a wedding anniversary. It is one of the few occasions in the life of the Senator from Bucks when he was not either willing or able to postpone the action indefinitely. Perhaps the elder statesman, who sits before me, the Senator from Lancaster, Mr. Homsher, ought to be on the floor making this reply to triumphant Democracy; but he is naturally so modest he will not do it. I dare not call upon the Senator from Blair for fear he will devote the entire afternoon to a description of Altoona. I had planned my summer to go to Oxford, England, or Edinburgh, Scotland, but I am changing my reservations to Altoona.

I represent the minority; I am not, however, making a valedictory, my valedictory will only be made in case the mutilation of my district forces me to be absent this fall.

We have in the minority a man who has said very little about leaving the Senate, but who will leave the Senate at the end of this term; and he is a man who can ill be spared. He never exploits himself; he reads the bill, and he has reasons for what he says. He generally votes "Yes"—I always vote "Yes,"—and I am sure I speak for not only the Republicans but for the Democrats in expressing much sincere regret at the future absence from the Senate Chamber of the Senator from Somerset, Mr. Charles H. Ealy.

Now, as to the deeds and the misdeeds of triumphant Democracy in the past five months, I visualize our Governor as a busy bacteriologist, with a very able assistant, the Secretary of Labor, and, it might be said, a laboratory; and we are, more less, his guinea pigs—we are lined up and have to extend our arms, and we receive the following hypodermics: Serum number one, the Workmen's Compensation Act. As this has left the laboratory, it has increased the cost of doing business in this State 360%. Some Democrats somehow sterlized part of this bill, and they brought the cost of doing business, of ordinary industry, down 60% and the cost of doing business for the mining industry 106%.

There is a companion bill which does not seem to receive very much attention, but you have all heard of occupational diseases, and when I read in Secretary Bashore's new pamphlet that there were four hundred diseases listed, and that no man may be driven back to his work before he was well, and that he would receive aid and compensation before he was well,—and I thought of the four hundred diseases—I confess I felt somewhat appalled.

Serum number two is the Chain Store Tax. I received seven thousand letters of protest against this tax. There were nine thousand unchained grocers who did not want the tax. The parties in interest did not want the tax—except the Governor, and he refused to practice birth control.

This tax is weighted with the sin of punishment. You may have heard there are one hundred and thirty, I believe, chain stores that have already shut their doors. Many people have been thrown out of employment by the chain stores. This tax illustrates the dictum of John Marshall that "The power to tax is the power to destroy."

Serum number three is the Full Crew Bill. The crew is to be so full that there will be forty-five thousand additional hands with the equipment of a train. In Senator Homsher's district there is a railroad with only one locomotive, but this is a security measure—their cars must be fully manned, to prevent this one locomotive from doing something—I do not know what. There, is another railroad where there are two locomotives, and, therefore, danger of collision; but when the crews are fully manned the man power will be so great that as one locomotive approaches the other the crews can dismount and, by man power, restrain the trains from any collision.

Serum number four is the Governor's "ability to pay" tax on intangible personal property. This is a capital tax. It is, if anything, a tax on "inability to pay." When all the intangibles of Pennsylvania have been driven out of

the State, to our other, sister States, this tax will cease and determine.

I have not time to take up all the commissions. I regret very much that the Senator from Berks, Mr. Ruth, is spending twenty-five thousand dollars on Chet Keyes. I hate to see twenty-five thousand dollars of Pennsylvania money banked in Kansas City.

The only commission I will refer to is the Anthracite Bootleg Coal Commission, which began in the Racquet Club in Philadelphia, and which seems to have sterilized itself by so many diverse reports. This commission illustrates the fallacy of hiring experts. An expert, you may have heard, is a man who knows exactly what we know already, but who comes from a distance at great expense.

As I wish to be perfectly fair to triumphant Democracy, I have to admit that there are at least two constructive measures—there may be more—and one is the Goodrich plan of centralizing relief. I could not vote for the one hundred thirty-seven million dollar appropriation because it was in a lump sum, but I heartily approve of the Goodrich plan. The other constructive measure, in my opinion, is the consolidation of the Highway Patrol with the State Police.

I have, perhaps, forgotten the alcohol bill. There are three alcohol bills. I sat in the committee—was a member of the committee—and never before had I had the honor of being in conference with Mr. David Lawrence. It appears that the Chairman of this Committee, the Senator from Armstrong, Mr. Sipe, discovered that Mr. Lawrence was of Swedish ancestry, and this was the opening step, perhaps, of the tri-centenary celebration of the Swede's landing on the Delaware River. Mr. Lawrence was present with that committee, and I fell under his influence; in fact, I became a near Democrat, he was so pleasant, and I voted "Aye" on all three liquor bills; so that, I think I am in line for an appointment— I may yet be in the new White House with the third Earle of Haverford, second labor President of the United States; I may get an appointment, and I may be chief or second butler or only doorkeeper in the proletarian menage of our next Labor President.

I have composed a brief prayer, which I have not committed to memory, and it is truly a Democratic prayer of benediction. It is called:

NUNC DIMITTIS

Lord now lettest thou thy servants depart in peace, according to thy word and the word of all our masters in the Executive departments. For our eyes have seen our salvation in doing as we are bid. For he the Chief Executive hath regarded the lowliness of his hand workers. For he that is mighty will magnify us (some of us) and we shall have patronage. He hath showed strength with his arm, he hath scattered the proud in the imagination of their hearts. He hath put down the mighty from their seat and hath exalted the humble and meek. He hath risen from the rich and filled the hungry with good things. He hath holpen his servants Israel. He hath holpen himself which is the main point and will come (perhaps) into the promised land of milk and honey, the happy land of Canaan.

QUESTION OF PERSONAL PRIVILEGE

Mr. GELDER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Susquehanna, Mr. Gelder, will state his question of personal privilege.

Mr. GELDER. Mr. President, I am very sure whether we will publicly admit it of not, we all of us agree one hundred per cent, with the utterances of the distinguished Senator from Washington, Mr. Reed, when he tells us that there should be three Departments of Government; and I am also equally sure that we hope he will determine not to retire at the end of this esssion, but to come back to this body two years hence with the thought of carrying out some of the convictions that he has now been giving to us as to what this body should do.

I have a belief that every member of this Senate would, if allowed to work his own will, have attempted to enact legislation in this body with a thought single to the welfare of the people of Pennsylvania. Unfortunately, that has not been a position that some of the members felt that they could take. On Monday of last week, we were called over to the House to listen to a message of the Governor. During the course of that message, the Governor, knowing that he was broadcasting to the people of the State, as well as talking to the members of the House and the Senate, took occasion to say that on all sides were lobbyists, and calling our attention to the fact that lobbyists had invaded the rooms of the Senate. I had a vantage point where I could see the entire room, because I was sitting just under the Governor, and I want to say that in looking around the House I saw the faces of many lobbyists, they were very largely heads of the Departments of this Administration, and they were turning around to see just whom the Governor meant, apparently not conscious of the fact that the members of the legislature were very conscious of the fact that they were the chief lobbyists that were recognized in this session. On the other hand, I saw very few people that I knew as lobbyists, who were representing great businesses of Pennsylvania. There were social welfare workers, and there were heads of the Departments. I presume those who were representing business were listening to the talk of the Governor over the radio, down in the hotels, because he called attention to the fact that they had always been fearful to show their faces.

Mr. President, I have always had the idea that people had the right to come to the legislature if they represented the business industries of Pennsylvania, and tell us just what our legislature is going to do to them. Personally, I would like to have them come and place their cards on the table, and in the long time I have served in this legislature, I have never been conscious of any great amount of pressure that they have ever been able to put upon me. I have often been conscious of a pressure placed upon us by Administration heads, and in that connection I want to read briefly from one of the morning papers:

"EARLE CRUSHED HOUSE UPRISING ON RELIEF PLAN

"Action Insures Passage of $137,150,000 Program in Consolidated Aid and Assistance

"The Administration today crushed a House rebellion

and forced an accord among the Democratic majority to assure passage of Governor Earle's $137,150,000 consolidated relief and assistance program.

"Agreements to enact the plan, which previously met Senate approval, was reached following a two-hour conference between the Governor, Democratic State Chairman, David L. Lawrence and Democratic members of the House Welfare Committee.

"The extent to which the Administration went in forcing the balky House Democrats in line was evident by the appearance of Democratic county leaders to the capital to threaten the rebellious members with the end of their legislative careers unless they backed the Governor's plan.

"Another "pressure" factor employed by the Administration in forcing an agreement on its program was to threaten dismissal of State jobholders sponsored by the rebellious legislators.

"In announcing the agreement, Lawrence, acting spokesman for the Governor, said the Legislature "will adjourn by Thursday unless there is some slip.'"

There, Mr. President, is the lobby by which this body is most conscious, and it is high time that we here in the Senate recognize that if this Republic to which Senator Reed has referred, shall survive, that we have got to maintain the three branches of Government, each respecting the other, but not fearing the other. We do not all agree with the thought of our beloved and distinguished colleague from Philadelphia that the one good thing the Earle Administration, or one of the good things the Earle Administration is doing in this session is to change entirely the present system of looking after relief, ripping out the time-honored institutions that we have back home, the Poor Boards. I have always thought that the reason for legislation should be a demand on the part of the people back home. We had no demand from the people back home for much of this legislation, certainly not any for the ripper of the Poor Boards of Pennsylvania. I happen to represent in my district the one county which has that ancient system of the Poor Boards in every borough and township in the county. Personally, I thought it ought to be the county unit. We had an election by the people on the question as to whether to become unified into a county unit and it was voted down by more than five to one. The pressure has been almost entirely from Harrisburg, and from the social welfare group for this legislation, and I contend that we should first listen to the people who elected us to represent them here.

Now Mr. President, I feel that while we are talking this morning about the three branches of Government, that we should write into the record the comments of one who for several sessions sat in the lower House some of the time as an official observer, representing a Democratic newspaper of which he is now the major editor, the Honorable Hiram D. Andrews, Editor of the "Johnstown Democrat", and part of the time as a member in House of Representatives here. He has some comments. here in the Harrisburg paper, under date of Monday morning, May 31, 1937, which I feel we all should read. One editorial is headed "Action, joint action", the other is headed "And Free Government be Re-established", an open letter to the Pennsylvania members of the General Assembly, and so that we may be able to read this letter when we get through with our work in this session, Mr. President, I offer it to be placed in the record:

The PRESIDENT. The matter will be placed in the record of the Senate.

"CAN PARLIAMENTARY GOVERNMENT BE RE-ESTABLISHED?

An Open Letter to the Members of the Pennsylvania General Assembly

To the Honorable, The Members of the House and Senate:

The fate of Democracy depends wholly upon the efficiency of parliamentary government. As to whether Pennsylvania has ceased to be a Democarcy and has become a Bureaucracy is a matter upon which the members of the Legislature are peculiarly in a position to pass judgment. They know what part they have played and what part the Executive, the bureaus and departments have played in conceiving legislation and in determining legislative decisions and procedure.

That the Executive and the Legislative branches of the government can best serve the public interest by working together in all good faith is a fact that cannot be successfully questioned. The Executive is, indeed, directly charged with the responsibility of advising the Legislature concerning the needs of the State. In a Democracy, however, persuasion by the Executive must stop short of coercion.

Popular faith in parliamentary government has undoubtedly been impaired. It has become the practice upon the part of both the press and the public to speak of parliamentary bodies as groups of more or less malicious nitwits, constantly bent upon mischief, who are only restrained from committing unpardonable assaults upon political propriety by a forceful Executive. A cynical press has let the public to believe that the bad little boys in the Legislature seldom act as good little boys unless the Executive raps their naughty little fingers and compels them to be good.

As a result, whenever there is a disagreement concerning policy between the Legislature and the Excutive, unabashed comment runs to the effect the Executive is "putting on the heat," that party leaders are "clubbing" the "rebels" into line and that legislative rebellions are about to be crushed. Great newspapers, which are the advocates of particular policies and which profess their devotion to Democratic principles, are frequently the first to voice the opinion that only the Executive's will should be supreme in legislative halls.

In a Democracy, the Executive is no more justified in attempting to coerce the Legislature than the Legislature would be in attempting to coerce the Executive, when, in the performance of his duties, he is required to disapprove or approve legislative enactments. As to whether the level of patriotism, of intelligence, of disinterested devotion to the public interest is as high in Legislative Halls as it is in the Executive Chamber is, perhaps, an open question. That candidates for the Legislature, unqualified for public service, have been, upon occasion, swept into office by clinging to the coattails of other men is undoubtedly true. Political organizations frequently pay small regard to legislative personnel, since party leaders sometimes operate on the theory that the less a legislator knows of cares the easier it is to vote him.

There is a disposition in "regular" party circles to regard any disagreement between the Executive and legislative leaders as evidence of party disintegration, as a sign of disloyalty. On the contrary, however, such disagreements are healthy and natural developments. Disagreement vitalizes an organziation—particularly if there is a disposition to struggle through disagreements to a natural, inevitable compromise. Nothing is quite as deadly in an organization as complete harmony—which can only mean the absence, the dearth, the very death of constructive thought. When 300 men are forever agreed only one of the 300 is doing any thinking.

During the progress of the Legislature now in session the Executive, upon more than one occasion, has personally steered disagreement in the direction of compromise. Were the Executive and the Legislature the only factors involved many disagreements could be speedily resolved by a matching of ideas and minds. But there are other disturbing factors which enter the legislative arena, confidently sheltered beneath the Executive's official mantle. They are the various departments, bureaus and commissions of the State Government. Whereas the Executive is mainly interested in establishing certain principles with a view of creating "instruments of power," which can be used in the public interest, the bureaus, departments and commissions have more intimate ends to serve. They are interested in extending and solidifying their position, in increasing their power, in extending their domains by increasing personnel activities—desirable and undesirable. While the Executive and—presumably the Legislature—speak for the public the bureaus, departments and commission speak for themselves While the Executive and—presumably—the Legislature represents the public, the bureaus, departments and commissions represent the intrenched payroll.

There was a time when Capitol Hill executives were the agents and servants of the Legislature. Now, apparently, the Legislature is regarded as the servant of the executives. Instead of the Legislature telling the bureaus, departments and commissions what they should do, the bureaus, departments and commissions tell the Legislature what it should do. Of all lobbyists, the executive payrollers are the most active and pernicious. So active are they that they have convinced many a legislator that a department bill is necessarily a "must" measure.

Members of the House and Senate know that upon more than one occasion representatives of the bureaus, departments and commissions have entered legislative committee rooms—unbidden—to instruct and demand. Department executives have told members of committees they "would not stand for this," or "would not stand for that." There have been repeated evidences of a broad assumption that members of the Legislature were quite incapable of understanding departmental needs and that the business of a Legislature was to swallow the departmental "must" program as presented.

Upon more than one occasion members of the Legislature, as a result of pressure, have voted for measures which outraged their convictions and intelligence. There have been times when members of the Legislature, standing on the floor of House and Senate, have parroted phrases placed in their mouths by departmental lobbyists and have defended proposals with which they were actually not in agreement. Parliamentary government cannot continue to endure under such auspices.

If members of the Legislature are not acquainted with the structure of their government, if they have never given thought to problems of taxation and education, if their social philosophy is handed to them and accepted without question then, indeed, the Legislature must necessarily be subject to control. But, on the other hand, if the Legislature has actually ceased to be a body having original jurisdiction, if it is outmoded, why continue it? If we have ceased to be a functioning Democracy and have actually become a Bureaucracy let's be practical and create a Legislature composed exclusively of the bureaucrats.

One thing is certain, real parliamentary government cannot continue to function as an institution which is actually Democratic unless Legislatures decree for themselves a "new birth of freedom." Both the members of the Legislature and the people must make a choice between Democracy and Bureaucracy, between the public interest and the interests of the payroll.

The mounting costs of government are primarily the result of too much bureaucracy. Under existing conditions the Legislature is getting the blame and the bureaucrats are getting the appropriations.

The question. "Can parliamentary government be reestablished?" is not an idle inquiry. It, instead strikes at the very heart of many pending problems. This much is certain. The bureaus, departments and commissions have entirely too much to say about legislation. From the standpoint of a sound legislative program the power of the bureaucratic lobby should be broken once for all—and democratic parliamentary government reestablished."

"CAUTION, GENTLEMEN, CAUTION!

The army which fights on too wide a front is sometimes defeated because its lines are extended until they become so thin the enemy is able to break through and "roll up the line." There is just a possibility Democratic Party strategists have been—and are, perhaps, attempting to achieve objectives at one fell swoop which could be gained to better advantage by winning one particular fight at a time.

The Democratic organization has officially declared war on every local officeholder elected by the people. Many of the party's proposals are sound but the number of proposals pending may mark the campaign as unsound. Although the general public has, as yet, failed to realize the fact, the Democratic strategists are committed to a comprehensive ripper program.

A pending constitution amendment would, if eventually adopted, make it possible for counties to frame their own charters and rip every elective jobholder out of office, with the exception of the county commissioners and the controller. This proposal is sound—but it serves notice on elective county job holders that they are on their way out.

The enactment of the Ruth-Brownfeld Bill—which is admittedly a step in the right direction—is notice to the members of hundreds of school boards that they, too—are on their way out. The registry assessors have been ripped out of office. Legislation, which is now pending and which has had the indorsement of party leaders, makes marked inroads upon the powers of township supervisors. The Moomaw-Moran Bill would rip the local tax collectors out of office. Other pending bills would, if enacted, make a drastic reduction in the number of local magistrates and constables.

All of these measures may be sound but, taken together they certainly make a big bite. Oh yes, in addition to the county officers, township supervisors, registry assessors, tax collectors, local magistrates and constables there should be added members of poor boards. They are to be ripped. And so every local elective officer is under fire. Perhaps they all deserve to be, but whether it is good strategy to take them all on for a finish fight at the same time remains to be seen.

The particularly unfortunate feature of the situation is this. There seems to be a disposition in official circles at Harrisburg to centralize the appointive power in the State whenever elective jobholders are ripped out of office.

Party leaders seem to be rather confident they are in touch with public sentiment throughout the State. How some of them, who actually never get around very much, keep in such close contact with sentiment is a matter that has never been explained. However, judging by what we hear the people say, the impression seems to be that the leaders are biting off more than they can comfortably chew. Reform in Pennsylvania has always been a process of evolution rather than the result of revolution."

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question or personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON. Mr. President, it is difficult for me to allow the remarks of the last two speakers to go upon the record of this Journal without calling upon them to

search the recesses of their memory somewhat and look back several years among the many years that at least one of them have spent in this Senatorial Hall. When we hear these tirades and Senatorial remarks as to the character of the present State Administration, when we hear the innuendo of chicanery and undue influence flowing out of the Executive Office and its collateral branches, my mind cannot help but go back over the history of this State four or five years, and I think of the disorganized ineffective makeshift Government that we had here in Harrisburg. I think that the legislature, meeting twice in one year to make special appropriations in special sessions for relief; I saw them appropriate ten and twenty million dollars when they knew at the time they were doing it that it was only a make-shift; they were kidding themselves, they were being blind to the actual situation that existed in our State and in our Nation. I saw the school districts all over the State of Pennsylvania with their appropriations unpaid, their teachers unpaid, their light bills unpaid, their coal bills unpaid. I saw our hospitals closing down, or materially crippled in their work, because of the financial policies of the Administration and the bickerings that existed right here in the Halls of this Senate, that were crippling at that time practically every function of our State Government, and I look back to the record of the preceding Administration, and no matter with what good intent and purpose that Administration may have been actuated, and no matter with what ideals the Party who opposed that Administration on the floor of this Senate may have been actuated, you saw in this State, on the 1st of January, 1935, a disorganized Government which had fallen down in practically all of its fiscal obligations to the people of this Commonwealth.

We have seen a great change come about in the past two and half years. We have seen the finances of this State being put on a business-like and a sound basis. We may be appropriating for this biennium $137,000,000 for relief and assistance, but, Mr. President, we are doing it in a business-like way, we are doing it in a way which we calculate will meet the needs of our people for the next two years. We are not gambling with prosperity being just around the corner, we are trying to underwrite the administration of our State Government for two years and not for six weeks. We want to do this work for the next two years. We have increased the appropriation to state aided institutions of practically all kinds in the budget that will be passed in the general appropriation bill. Our hospitals will not be closed and our institutions will not need to be crippled in their work the next two years, because we have increased the benefit to practically all the people of this Commonwealth. We have started out on a program which was hamstrung two years ago, and we are starting out in this administration now on a program which will organize to a large extent, our tubercular institutions, which will restore educational standards and educational levels in this State; we are trying to do something with the mechanics of our State Government for the people of the State of Pennsylvania, who are not satisfied with the interminable bickerings that went on on the floor of this Legislature for four years under the preceding Administration.

Mr. President, it is small matter to the people of Pennsylvania by what means these accomplishments are effected, the people of Pennsylvania have confidence in their Governor and his Administration. There is no more striking example of that than the endorsement the people of Pennsylvania gave his administration at the polls last Fall, and I am quite sure that the people of Pennsylvania do not resent any advice that the Executive of this State may furnish to the members of either branch of this legislature, because people of the State of Pennsylvania in every hamlet and town in the State of Pennsylvania know that the policies of this administration, Mr. President, have worked. The people of this State know the contrast that exists in this State Government today to what they had four years ago. The people of this State know today that they have a Government, they know that it is functioning, they know it is run on a business-like basis, they know that al the make-shifts and haphazard policies of the preceding administration have been thrown over-board, and I say to you, Mr. President, in spite of the remarks of the two preceding Senators, that the people of Pennsylvania will show by their action in the future that they approve the policies and the actions of this administration, and that the idle talk and the criticisms and unfair innuendos that have been flung at this administration and its Executive Branch will be forgotten on the base of the performance of the service that this State Government will render.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

ASKING RECONSIDERATION OF SENATE BILL No. 534.

Telegram from John W. Adelman, Regional Director of CIO, and Maurice Tarr, President, Greater Philadelphia Pharmacists Association Guild, asking for reconsideration of Senate Bill No. 534 which was defeated.

Which was referred o the Committee on Public Health.

URGING ANY LEGISLATION PASSED PROVIDE FOR MAXIMUM HOURS SHOULD APPLY EQUALLY TO MEN AND WOMEN

Resolution presented by Helen Kidd Thompson, State President of the Pennsylvania Federation of Business and Professional Women's Clubs adopted by 3200 members urging that any legislation passed to provide for maximum hours should apply equally to men and women.

Which was referred to the Committee on Labor and Industry.

OPPOSING AMENDMENT TO SENATE BILL No. 771.

Communications from Lilley and Wilson, Attorney-At-Law, of Towanda, Pa., opposing amendments to Senate Bill No. 771, which prohibits the Co-operative Company from operating in territory where there is a Utility line or extension.

Which was referred to the Committee on Public Utilities.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations:

JUDGE OF ORPHANS COURT OF DELAWARE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. McDonough, of Chester, Delaware County, for appointment as Judge of the Orphans' Court of Delaware County, vice John Berne Hannum, of Chester, deceased, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

J. W. King, 336 4th Ave., Pittsburgh.
Miss Beulah A. Loadman, 1105 Plaza Bldg., Pittsburgh.

HUNTINGDON COUNTY

J. W. Leabhart, Huntingdon.

LANCASTER COUNTY

Chas. H. Koch, Lancaster.

LEHIGH COUNTY

David A. Lesavoy, Allentown.

WASHINGTON COUNTY

J. W. Edwards, California.

GEORGE H. EARLE.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 815 entitled:

An Act relating to motor vehicles ,new and used; creating a motor vehicle dealers' commission and creating and providing for approved motor vehicle appraisers; establishing its jurisdiction, powers and duties and establishing powers and duties of approved motor vehicles appraisers. Regulating the sale, trade-in allowance, appraisals, and information furnished the State on motor vehicles, new and used; and establishing regulations concerning speedometers; authorizing the Commission to establish periodical prices for used motor vehicles, either sold or traded in; establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicle dealers and salesmen, and approved motor vehicle appraisers, and the payment of fees; authorizing examination of the business, papers and affairs of and requiring the filing of reports by licensees; authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission on its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violation of orders of the Commission; providing for appeals to the courts from decisions of the Commission; imposing penalties; and making appropriation.

Senate Bill No. 309 entitled:

An Act to amend the first paragraph of section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act, by enlarging the purposes and powers of the General State Authority to include additions to land grant colleges.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. FREY, from the Committee on Executive Nominations reported with a favorable recommendation the following nominations made by His Excellency the Governor of the Commonwealth:

MEMBERS OF THE LABOR RELATIONS BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Levi G. Lichliter, of Jennerstown, Somerset County, for appointment as a member of the Pennsylvania Labor Relations Board, for a term of six years.

John F. Breslin, of Summit Hill, Carbon County, for appointment as a member of the Pennsylvania Labor Relations Board, for a term of four years.

P. T. Fagan, of Pittsburgh, Allegheny County for appointment as a member of the Pennsylvania Labor Relations Board, for a term of two years.

A. F. M. Chandler, of Haverford, Montgomery County, for appointment as a member of the Pennsylvania Securities Commission, vice Levi G. Lichliter, resigned, to serve until the third Tuesday of January, 1939, and until his successor shall be appointed and qualified.

GEORGE H. EARLE.

APPOINTMENT AS JUDGE OF ORPHANS' COURT OF LANCASTER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate H. Clay Burkholder, of Lancaster, Lancaster County, for appointment as Judge of the Orphans' Court of Lancaster County, vice William N. Appel, of Lancaster, resigned, to serve until the first Monday, of January, 1938.

GEORGE H. EARLE

JUSTICE OF PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Lester M. Sheldon, of Kinzua, Warren County, for appointment as Justice of the Peace in the Township of Kinzua, Warren County, to fill a vacancy, until the first Monday of January, 1938.

GEORGE H. EARLE

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 1, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BEDFORD COUNTY

John A. Minnich, Bedford.

LYCOMING COUNTY

Thomas F. Hardin, Williamsport.
Miss Catherine M. Lundy, Williamsport.

MONTGOMERY COUNTY

Miss Fannie L. Campbell, Conshohocken.
George E. Moyer, Colmar, Hatfield Twp.

NORTHAMPTON COUNTY

Paul T. M. Hahn, Easton.

GEORGE H. EARLE

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson,	Law,	Rupp,	Pres. Pro. Tem.

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Governor be informed accordingly.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 892, as follows:

An Act concerning children under six years of age with defective hearing imposing duties on the Department of Health the Department of Public Instruction on parents guardians nurses and physicians and placing certain costs on school districts and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be the duty of every attending or consulting physician nurse parent or guardian having charge of any minor under six years of age who is totally deaf or whose hearing is impaired to report at once in person or in writing to the State Department of Health stating the name age and residence of such minor and furnish such additional information with respect to such minor as the Department of Health shall require Thereupon the department shall refer the facts relative to such minor to its county medical director to ascertain whether such minor is receiving adequate care and treatment If the county medical director finds that such adequate care and treatment is not provided and that the parent or guardian is financially unable to provide the same he shall report the case to the medical inspector of the school district who shall provide such care and treatment at the expense of the school district or of the Commonwealth as the case may be charged by law with the providing of medical inspection for the schools of the school district Such care and treatment may be administered by the medical inspector or by some doctor of medicine selected by him

Section 2 The Department of Health shall in every such instance notify the Superintendent of Public Instruction of its disposition of the case and the name of of the county medical director and medical inspector of schools to whom the same was referred

The Superintendent of Public Instruction when in his judgment the same is deemed desirable shall communicate to the parent or guardian the location of any special schools and also the nearest public school having special classes for the instruction of the hard of hearing with the information concerning the advantages offered by such school or classes the benefits to accrue to the child from attending such school or classes and the manner in which the expenses of such instruction will be provided for

Section 3 The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the purpose of paying for the care and treatment furnished by medical inspectors of school districts under the jurisdiction of the Department of Health or by doctors of medicine selected by such medical inspectors

Section 4 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson,	Law,	Rupp,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 1411, (House Bill No. 1177) on third reading, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 602, on third reading entitled:

An Act to amend section six and sections eleven and eighteen as amended, of the act approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws seven hundred sixty-two) entitled, "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," further regulating the administration of such Fund, the fixing of premiums payable by subscribers; the distribution of unexpended balances to subscribers; the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 938. (House Bill No. 2047), entitled:

An Act to amend section two thousand five hundred fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended requiring fidelity bonds of deputies and clerks of city treasurers the premiums thereof to be paid jointly by the county city and school district

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Henney,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson,	Law,	Rupp,	Pres. Pro. Tem.
Haluska,	Mallery,	Ruth,	

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 968, (House Bill No. 982), entitled:

An Act providing for the construction reconstruction maintenance and repair of sidewalks at dangerous places along State highways by the Department of Highways and making an appropriation from the Motor License Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Henney,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Woodward,
Gelder,	Lanius,	Rupp,	Huffman,
Gilson,	Law,	Ruth,	Pres. Pro. Tem.
Haluska,	Mallery,		

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1035, (House Bill No. 1921), entitled:

An Act to amend sections four and five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (Pamphlet Laws ninety) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school, county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" providing for uniform discount and uniform penalties making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date giving the taxpayers option of payment of taxes in quarterly installments

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Henney,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Pierson,	Sipe,
Dent,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Ealy,	Kahle,	Reed,	Thompson,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Woodward,
Gelder,	Lanius,	Rupp,	Huffman,
Gilson,	Law,	Ruth,	Pres. Pro Tem.
Haluska,	Mallery,		

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1092, (House Bill No. 880), entitled:

An Act to prohibit the admission in criminal cases of evidence illegally secured or acquired

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Henney,	Law,	Rupp,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Howell,	McGinnis,	Salus,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Rodgers,	Huffman,
			Pres. Pro Tem.

NAYS—9

Bean,	Gelder,	Pierson,	Wolfenden,
Chapman,	Mallery,	Scarlett,	Woodward,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1127 (House Bill No. 1246), entitled:

An Act to prohibit any person firm or corporation not directly involved in a labor strike or lockout recruiting or securing or offering to secure employment for persons to take the place of employes where a labor strike or a lockout exists and providing for legally established employment service.

And said bill having been read at length the third time, and agreed to,

On the question.

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I would like to call the attention of the Senate to this Bill (Senate Bill No. 1127. This is a bill of the Civil Liberties Union at Washington, D. C., and it is also a bill, badly framed, because it is impossible to get a definition of when a labor strike is "pending". I have a definition here, but they do not define it, and in the second place, I would like to know what is going to happen in the case of a general strike. You may remember in Great Britain, about twelve years ago, they had a general strike, and the wheels of all kinds of industry and every activity of service was stopped temporarily, and volunteers came forward to carry on, and I would ask whether this bill would prohibit the voluntary action of the people who are suffering to run their own industries in case of a strike?

Mr. SHAPIRO. Mr. President, I have read this bill and tried to find out just what the provisions of this bill are. As I read this bill, it may be aimed at a good purpose, but the language used is not clear, and I am afraid that if the Senate would pass such a law, it would be doing something that might have serious consequences, and regret it later. When is a strike "pending"? When is a labor difficulty "pending"? And how many people under the terms of this bill would it take to tie up a factory if the people raise the question with the employer as to whether or not they are receiving proper treatment? Five people could create a condition when a strike is pending" and they could tie up a large industry, because no employer would have the right by himself to go out and engage other people to work, nor would he have the right to ask assistant superintendents, nor anyone else who has a job there to work, nor would he be permitted

under this Act to engage other labor. He might be under the terms of the Act "subject to a fine or imprisonment, or both". Now I think, I am quite sure, that whoever sponsored this bill has not thought this thing out to its final conclusion. I can see by the way the bill was amended in its first form that any court would read that in the amendment. As it is now it still leaves the question up in the air, and I do not think even labor would call upon us to vote for this bill or criticise anyone for voting against it.

Mr. DENT. Mr. President, in speaking with the sponsor of the bill I find that what he has in mind is a commendable piece of legislation. In the past in many labor disputes and also in the present, it has been the habit of certain employers to go into a district where there is a strike. We have what is called strike breaking agencies, who for a consideration will bring into a particular plant that is on a strike what you call "strike-breakers" or "scabs". These men work for a rather large daily wage, and take their lives in their hands and go into a community where there is a local strike in progress and attempt to break that strike by working at the positions of the men who are out on strike. Now, the intention of this bill is to stop this wholesale strike-breaking that has been very much of a curse in the labor problem in the State of Pennsylvania for many years. I do not know just what the word "pending" may do to the bill but I do not see any difficulty in it. As I understand it, "pending" means that there is a strike in progress. Now if, there is a strike in progress, there is a legitimate difference between the employer and employee about their labor relations. You now have set up in the State, under the McGinnis bill a Labor Relations Board to settle that difficulty, but there is nothing under the McGinnis bill to stop an unscrupulous employer from bringing in strike-breakers, and they have been the cause of more strife and of great chaos in the labor legitimate disputes between the employers and the employees than any other cause. Now, I think the whole bill tends to strike at this evil of hiring professional strike-breakers to step into the employment of men who are legitimately out on a labor strike, and if there is any difficulty brought into the picture by the word "pending", I think that should be ironed out, naturally, but all in all I think the bill itself is aimed at a good cause and should be supported.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—25

Cavalcante,	Henney,	McCreesh,	Rodgers,
Dent,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Huffman,
Gilson,	Lanius,	Rice,	Pres. Pro Tem.
Haluska,	Law,		

NAYS—21

Bean,	Heyburn,	Mundy,	Scarlett,
Chapman,	Homsher,	Owlett,	Shapiro,
Dando,	Howell,	Pierson,	Sones,
Deitrick,	Jacobs,	Rupp,	Wolfenden,
Ealy,	Mallery,	Salus,	Woodward,
Gelder,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1377 (House Bill No. 473), entitled:

An Act making an appropriation to the Department of Forests and Waters for the construction of a masonry weir across the Shenango River near the Chestnut Street Bridge at Sharon and the construction of a shelter house for recording devices near the weir

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, may I venture to ask the Chairman of the Appropriations Committee whether this small appropriation went through his committee or not?

Mr. RICE. Mr. President, this went through Committee on Appropriations.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—46

Bean,	Henney,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Chapman,	Homsher,	Mundy,	Shapiro,
Dando,	Howell,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson,	Law,	Rupp,	Pres. Pro. Tem.
Haluska,	Mallery,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1387 (House Bill No. 1330), entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SALUS. Mr. President, Senate Bill No. 1387, which is a Magistrate's Bill, applies only to Philadelphia. Now, there is nothing in this entire bill that in any way changes what is the present day procedure before a magistrate. It contains a lot of words and transfers some business from our present magistrates to the City Controller, and then establishes a court with one hundred dollar jurisdiction, which the magistrates now have, and the only thing that this bill does is create $20,800 worth of new jobs for deserving political followers. That is all this bill does, it does not do another thing. It places something like a $20,800.00 additional expense to the City of Philadelphia, and in these days, when everybody is telling everybody else how economically the government of the State and the City is being run, that is all this bill means, it means four, six or eleven jobs for the faithful nothing more and nothing less.

Mr. SHAPIRO. Mr. President, the Senator from Centre, Mr. Thompson, has suggested that we devote attention to the statements on the other side of this Senate regarding the activities of the Democratic Party, who have talked on efforts being made to decide what is really being done. The Senator from Philadelphia Mr. Salus has followed his predecessor. In one breath he says the bill does nothing and in the other breath he states that it creates eleven new jobs. He neglected to tell the Senate that the eleven new jobs are created by the fact that under this Magistrate's Bill criminal cases are restricted and controlled and regulated, so that they will be heard in central offices, where everybody may have an opportunity to be present and where there will be a check on the activities of the magistrates so that there will not be so many discharges and so much political influence in the obtaining of these discharges of criminal cases, where the City saving is the result. Of the eleven jobs to which he refers, ten of them are assistant district attorneys who would be appointed by Republican district attorneys. If the jobs are deserving political jobs they will go to the other side of the house, not to Democrats. He does not call attention to the fact that this bill is an aid for the betterment of the magistrates' system in Philadelphia, and notwithstanding the fact that whatever jobs are created they will be appointed by a Republican Administration. Those who feel keenly on this subject and who are interested in it have foregone the question of political privileges and left those appointments to the District Attorney, and have merely attempted to set up a system, or rather correct a system which exists now and is a stench in the nostrils of all decent citizens of Philadelphia. We are going through the process now of trying five magistrates of the remaining fourteen or fifteen who have been on trial in Philadelphia for misconduct in office. Only recently another man was tried before a magistrate and was discharged, and the excuse was that while he discharged the parties to the controversy, he did not know that he was not doing the proper thing when he discharged them, because the doctor was not there to testify. That man, I understand, and my recollection is was a Democratic magistrate, and I hold no brief for him, but we have five or six more to try on the same changes, Republicans and Democrats, and it is time that this thing was stopped, and that the magistrates' system be put on a basis where we will know that we will get decent and honest decisions. This bill is aimed at that. My friends on the other side can become active now trying to get assistant district attorneys.

Mr. SALUS. Mr. President, it makes little difference whether these positions are for Republicans or Democrats. In the first place, I notice that some of these positions are to be created by the Controller. There are four positions by the Controller.. There is one position by the chief magistrate and six assistants by the chief magistrate. The Controller in Philadelphia does not happen to be a Republican. The Chief Magistrate in Philadelphia happens to be a Republican. The thought and hope of our Democratic friends is that in next November there will be a few more deserving Democrats elected, and then the Chief Magistrate will be a Democrat, but that is not the question involved. If all these appointments were to go to Republicans and to none other than Republicans, I would oppose this bill at this time for the simple reason that in the City of Philadelphia we cannot meet our obligations now, and why add additional obligations for men for political jobs.

Mr. President, I have read in the papers of Philadelphia, and other papers, where four men on relief have been brought before a magistrate and there it has been found out that those poor men, in addition to getting their relief, have saved one hundred or two hundred dollars and put it on the side in the bank for, maybe some future use for the benefit of himself, his family and the hungry children who sit in his back kitchen so that perhaps when relief is off he will have a few dollars left to buy them bread and butter, and lo and behold, we see these men held up in the public papers as "chislers", because they are trying, maybe, to put a dollar on the side for their lovely children. Now, they are not "chiselers" and they should not be charged with being "chiselers", they should be looked upon, maybe, as the better class of people on relief, but those who will take public funds or jobs from the poor are the "chiselers". I am sure as soon as the Commonwealth of Pennsylvania begins to take the "chislers" off their pay-rolls and feed the hungry and the poor, the sooner we will have peace and tranquillity and happiness among our hungry people. We sat in this Chamber and we heard the cry up there (referring to the gallery) "sixty-four cents a day; stop robbing our treasury and you can give us poor unfortunates our sixty-four cents a day." Who are the unfortunate men? They are the unfortunate people, and this session of the legislature has read of the high-salaried men on the pay-rolls, who are an expense of millions of dollars during this present session. Who are the "chiselers"? "Who are the chiselers"? Those who are stealing the Commonwealth's money in particular offices, where they do not earn the money, or the poor unfortunates that sat in the gallery and cried "give me sixty-four cents a day"? This is part of the "chiseling" game, and I do not blame them that there is nearly revolution and revolt in this country.

Mr. SHAPIRO. Mr. President, I can suggest to the Senator from Philadelphia that if the people who pay taxes would try to pass an Act of this legislature eliminating 367 unnecessary employees, there will be more than sufficient money left, more than seven hundred thousand dollars, and that would easily take care of the twenty-two thousand dollars, the expense of this bill, but the Re-

ceiver of Taxes, along with you Republican members from Philadelphia are very anxious to save the taxpayers' money, so they are busily engaged now in trying to save that seven hundred thousand dollars in jobs, and at the same time hunting up new taxes to try to make up the thirty million dollar indebtedness which the City of Philadelphia has—it is thirty-seven million dollars now. If the creditors proceeded to judgment they would put the City of Philadelphia into bankruptcy and they are busily engaged in hiring high-priced lawyers to stop this legislature from eliminating the office of the Receiver of Taxes and turning the duties over the City Treasurer and save this seven hundred thousand dollars annually. It appears there are eight hundred and sixty-eight thousand dollars worth of bad bills on the books of the City of Philadelphia and there is not a change to collect a dollar. This Act provides that there shall be a man stationed in the Controller's office so that when the taxpayer pays a bill, he must come in contact with the Controller, where the taxes are paid and the registered owner of the property in the City of Philadelphia and the assessment record on that property; and it restricts the "straw" bails; all those things together with some other things to which we have not referred are set up in this bill as a corrective measure,—the added expense will now run into hundreds of thousands of dollars in these straw bails alone. I suggest that the Senators vote favorably on this bill.

Mr. WOODWARD. Mr. President, I am in a very embarrassing position, one magistrate in one of the wards in my district is now in jail for embezzlement and my predelictions are entirely with this bill, if it will help that condition, and after listening to the patched oratory of my colleague from Philadelphia and the talks of my neighbors, I have reduced the choice, and instead of going into the wash-room I am going to vote "No."

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Dando,	Jacobs,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,	Rodgers,	Huffman,
Haluska,	Law,	Rupp,	Pres. Pro. Tem.
Henney,	McCreesh,	Ruth	

NAYS—15

Bean,	Ealy,	Mallery,	Salus,
Cavalcante,	Gelder,	Owlett,	Scarlett,
Chapman,	Homsher,	Pierson,	Wolfenden,
Deitrich,	Howell,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 1398 (House Bil No. 1086), on third reading entitled:

An Act to fix the compensation of the assistant cutodians of the Senate chamber and the hall of the House of Representatives

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL DROPPED FROM CALENDAR

Mr. SIPE. Mr. President, I move that Senate Bill No. 1405, on third reading, entitled:

An Act to further amend section two hundred two of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and cosolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire-insurance rating bureaus, and the regulation and supervision of insurance carriers by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws" by authorizing stock insurance companies, other than life, to transact any or all of the classes and kinds of insurance mentioned in said section, subject to certain conditions.

be dropped from the calendar.

Mr. GILSON. Mr. President, I second the motion.

It was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1450, (House Bill No. 1962), entitled:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the republication of certain surveys and studies in order to make the same available to the citizens of the State

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, when this bill came over from the House and was very carefully considered by the committee and reported to the floor, I was hoping that I would be permitted to vote in favor of the bill but after the bill had come to the floor of the Senate and was on third reading, an amendment had been placed to it which destroys the primary intent of the bill as it came from the House, and I am indeed sorry at this late hour that I did not perceive that the amendment placed in the bill on third reading had the effect of destroying the original intent of the bill. The records will show that I attempted to receive from the proponent of the amendment the courtesy of allowing the bill to go over, so that we might weigh the amendment and see to what extent it affected the bill as it stood on he calendar. The bill was intended to pay the salaries of the district attorneys in certain counties of the Commonwealth, and I was in full accord with the bill for that purpose, but the

amendment placed in the bill now departs from that original purpose, and the amendments go to the extent of dealing with vacancies that might occur in the office of District Attorney. In talking about this bill and the office of District Attorney, may I call the attention of the members of his Senate to the fact that at this present time there is on the law books of this Commonwealth and a decision of our Supreme Court, which is tantamount to abrogating home rule or local administration of the District Attorney. The decision of the Supreme Court decides that the Attorney General of this Commonwealth may, without any cause whatsoever, under the Common Law power enter a county in this Commonwealth and gently displace the District Attorney and assume the duties of that office. Now, for many years this county code, or this bill that is before us, in its original form, provided that any vacancy in the office of the District Attorney would be filled by an appointment by the Court of Common Pleas of that particular County, recognizing local interest and the local rules of submitting to the judges of the court of Common Pleas to select for the appointment to that office an attorney whom they knew to be competent and fit to fill that office. The bill with the amendments in it now I do not know the motives of the gentleman that offered the amendments, but the amendments to the bill deal not with the increasing of any salaries, but may I read it so that you may know just what departure there has been from the original intent of the bill?

"Section 247. The said Act is hereby amended to read as follows:

"Filling of vacancies'. 'If any vacancies shall occur either by death, resignation, removal from office or from the County, or otherwise, the judges of the Court of Common Pleas shall supply such vacancy by appointment of a competent person to fill the office during the balance of the unexpired term..

Mark you this:

'Provided, however, that the counties of the fourth class the Governor shall supply such vacancies by appointment as aforesaid'.

Now, why single out counties of the fourth class and take that power out of the Courts of those counties and place it in the hands of the Governor is indeed alarming and hard to understand. If it is proper to take the power of appointment out of the Common Pleas Courts of counties of the fourth class, why not make the Act uniform and have it apply to all classes of counties in this Commonwealth?

Mr. President, we members of this Senate have gone on record in many matters, we have ripped out public officials, we have curbed their powers in many instances, but I can see no lawful justification, no reason why counties of the fourth class of this Commonwealth should be singled out and the power to appoint to vacancies in the office of District Attorney, taken from the Courts of Common Pleas and placed in the hands of the Governor. Probably somebody may say that I am slightly biased in this matter, due to the fact that in my county I have the honor to say that the majority of our court was elected on the Democratic ticket, and that they are honorable men and would exercise that power with decency and honesty conformably to the Constitution and the laws of this Commonwealth. Why that power should be taken from them now I do not know. I know of no vacancy that exists in the office of the District Attorney in any county of the fourth class, and yet, probably my talk on this bill will have just as much effect as my colleagues of the Democratic faith who argued on their bills have had. However, I will add, in the final hours of this Senate my plea to you gentlemen is to be fair and honest, and to be decent, and if you think that there is just, honorable and honest justification for the passage of this bill with this amendment, do not fail in your consciences, and vote for the bill. I hope and I trust that your consciences will follow the path that my conscience is following at this time, and say by your vote that there is no justification why counties of the fourth class should be singled out and the judges of those counties deprived of their rights to fill vacancies in the office of the District Attorney, while leaving that same power in the Courts of Common Pleas of all other counties.

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE

Mr. President, I am going to make a last honest effort to put this bill in the form where we can vote for it, and I shall move at this time that this Senate resolve itself into a Committee of the Whole, for the purpose of striking out these objectionable features, and I make that motion at this time, Mr. President.

Mr. REED. Mr. President, I second the motion.

The PRESIDENT. The Chair thinks the motion should be put in writing, the proposed amendment, if it is a special amendment. Is it the thought of the Senator to make that motion?

Mr. CAVALCANTE. Mr. President, they are special strike-out amendments which will not require a reprinting, as I understand the rule.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that the bill go over in its order until the Senator prepares his amendments.

The PRESIDENT. Is there objection? The Chair hears none.

The bill goes over in order.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 488. (House Bill No. 99), as follows:

An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation

of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" are hereby re-enacted amended or further amended as the case may be to read as follows

An Act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation [and] providing procedure for the determination of liability and compensation thereunder and prescribing penalties

Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Article I Interpretation and [definition] definitions

Article II Defining the liability of an employer in an action at law for damages for personal injury to an employe and abolishing in whole or in part certain defenses thereto

Article III Establishing a system of compensation by agreement prescribing the method by which such agreement shall made and terminated defining the injuries for which compensation is payable the persons to whom it is payable its amount and the condition under which and the manner in which it is payable

Article IV Providing a procedure for the determination and settlement of claims for compensation

Article V General provisions

ARTICLE I

INTERPRETATION AND [DEFINITION] DEFINITIONS

Section [1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same] 101 That this act shall be called and cited as The Workmen's Compensation Act [of one thousand nine hundred and fifteen] and shall apply to all accidents occurring within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any accident occurring outside of the Commonwealth except to accidents occurring to Commonwealth employes outside the Commonwealth while such employes are engaged in duly authorized business of the [State] Commonwealth and except accidents occurring to employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over ninety days when such employes are performing services for employers whose place of business is within the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included where the masculine gender is used the feminine and neuter shall be included

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it Whichever used in any clause prescribing and imposing a fine or imprisonment or both the term "employer" as applied to partnerships or joint-stock companies or corporations shall mean the partners or the executive officers or local managers thereof

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes [all]

(a) All natural persons including minors who perform services of any kind except agriculture services or domestic services performed in a private home for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer [and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on the premises not under the control of management of the employer]

(b) All members or employes of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns and townships for all the purposes of this act and shall be entitled to receive compensation under this act in case of injuries received in accidents occurring while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended or while performing any other duties of such companies

Section 105 The term "contractor" as used in article two section two hundred and three and article three section three hundre dand two (b) shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he serves persons other than the employer in whose service the accident occurs but shall include a sub-contractor to whom a principal contractor has sublet any part of the work which such principal contractor has undertaken

Section 106 The exercise and performance of the powers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term ["Bureau"] "Department" when used in this act shall mean [the Bureau of Workmen's Compensation of] the Department of Labor and Industry of this Commonwealth

The term "Board" when used in this act shall mean The Workmen's Compensation Board [of the Bureau] of this Commonwealth

Section 108 For the purpose of this act minors shall have the same power to contract file claims for compensation and receive compensation as adult employes subject however to the power of the board in its discretion at any time to require the appointment of a guardian to contract or to receive moneys thereunder or under an award for the benefit of any such minor Any minor employed by his parent or parents shall have the right to file a claim for compensation under this act against such parent or parents in his own name and in his own right and to enforce the payment of such compensation

ARTICLE II

DAMAGES BY ACTION AT LAW

Section 201 That in any action brought to recover damages for personal injury to an employe in the course of his employment or for death resulting from such injury it shall not be a defense

(a) That the injury was caused in whole or in part by the negligence of a fellow employe or

(b) That the employe had assumed the risk of the injury or

(c) That the injury was caused in any degree by the negligence of such employe unless it be established that the injury was caused by such employe's intoxication or by his reckless indifference to danger The burden of proving such intoxication or reckless indifference to danger shall be upon the defendant and the question shall be one of fact to be determined by the jury

Section 202 The employer shall be liable for the negligence of all employes while acting within the scope of their

employment including engineers chauffeurs miners mine-foremen fire-bosses mine superintendents plumbers officers of vessels and all other employes licensed by the [State] Commonwealth or other governmental authority if the employer be allowed by law the right of free selection of such employes from the class of persons thus licensed and such employes shall be the agents and representatives of their employers and their employers shall be responsible for the acts and neglects of such employes as in the case of other agents and employes of their employers and notwithstanding the employment of such employes the property in and about which they are employed and the use and operation thereof shall at all times be under the supervision management and control of their employers

Section 203 [An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe] An employer who permits a sub-contractor or employe to engage another in whole or in part in services furthering the employer's regular business entrusted to such employe or sub-contractor shall be liable to the employe so engaged in the same manner and to the same extent as to his own employe whether said injury occurred upon premises occupied or controlled by the employer or not provided only that the injury occurred in the course of employment

Section 204 No agreement composition or release of damages made before the [happening] date of any accident [except the agreement defined in article three of this act] shall be valid or shall bar a claim for damages for the injury resulting therefrom and any such agreement [other than that defined in article three herein] is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void

ARTICLE III

Elective Compensation

Section 301 (a) When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for personal injury to or for the death of [such] any employe by an accident in the course of his employment shall be paid in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be paid when the injury or death [be] is intentionally self inflicted but the burden of proof of such fact shall be upon the employer

(b) The right to receive compensation under this act shall not be affected by the fact that a minor is employed by his parent or parents or is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his emplyoment by misrepresenting his age or that any minor or other employe on account of whose injury or death the benefits are claimed was violating any law or rule or regulation of the business or industry or a positive order of the employer at the time of the injury except that no minor or employe shall be entitled to receive compensation under this act who at the time of injury was engaged in the commission of a felony

(c) The terms 'injury" and "personal injury" as used in this act except as used in Article two shall be construed to mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and wherever death is mentioned as a cause for compensation under this act it shall mean only death resulting from such violence and its resultant effects and occurring within [three] five hundred weeks after the accident The term "injury by an accident" in the course of his employment as used in this article shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him and not directed against him as an employe or because of his employment but shall include all other injuries sustained while the employe is [actually] engaged in the furtherance of the business or affairs of the employer whether upon the employer's premises or elsewhere and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon sustained by the employe who though not so engaged is injured upon the premises occupied by or under the control of the employer or upon which the employer's business or affairs are being carried on the employe's presence thereon being required by the nature of his employment

Section 302 (a) In every contract of hiring made after December thirty-first one thousand nine hundred and fifteen and in every contract of hiring renewed or extended by mutual consent expressed or implied after said date it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the department within ten days after such service and before any accident has occurred Every contract of hire oral written or implied from circumstances now in operation or made or implied on or before December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to the provisions of article three hereof unless either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the department a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligations of any contract now in force In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to the parent or guardian of the minor It shall not be lawful for any officer or agent o fthis Commonwealth or for any county city borough town or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employe of the Commonwealth or of such governmental agency

[(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the department within ten days thereafter and before any accident has occurred a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after December thirty-first one thousand nine hundred and fifteen any such laborer or assistant who shall enter upon premises occupied by or under control of such employer for the purpose of doing such work shall be conclusively pre-

sumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter and before any accident has occurred there shall have been filed with the department a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the intermediate employer or contractor and such laborer or assistant unless otherwise expressly agreed

Section 303 Such agreement shall constitute an acceptance of all the provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment or to any method of determination thereof other than as provided in article three of this act Such agreement shall bind the employer and his personal representatives and the employe his or her wife or husband widow or widower next of kin and other dependents]

Section 304 Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident by either party upon sixty days notice to the other in writing if a copy of such notice with proof of service be filed in the department as provided in section three hundred and two of this article

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the [Bureau] department from such insurance An employer desiring to be exempt from insuring [the whole or any part of] his liability for compensation shall make application to the [Bureau] department showing his financial ability to pay such compensation whereupon the [Bureau] department if satisfied of the applicant's financial ability shall [by written order make] upon the payment of a fee of twenty-five dollars ($25.00) issue to the applicant a permit authorizing such exemption Whenever an application for an exemption shall be filed by or on behalf of more than one employer every such employer applicant shall be required to pay the fee prescribed by this section in order to obtain a permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of twenty-five dollars ($25.00) The [Bureau] department may from time to time require further statements of the financial ability of such employer and if at any time it should appear to the department that such employer [appear] is no longer able to pay compensation shall revoke its [order] permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in [a] any insurance company or mutual association or company as aforesaid

Every employer liable under this act to pay compensation shall post and maintain in a conspicuous place in and about his place of business a notice that he has secured the payment of compensation to his employes and their dependents in accordance with the provisions of this section Such notice shall be in such form as shall be prescribed by the department and among other things shall set forth the name of the employer's insurance carrier or that he has been exempted by the department from carrying insurance as the case may be

If any employer shall fail to comply with the provisions of this section with respect to posting and maintaining the notice required by this act such employer shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution

If any employer fails to comply with the provisions of this section with respect to insuring or securing an exemption from insurance or in any applications filed under this section shall furnish the department with a false or fraudulent statement of outstanding incurred liability for compensation or any other false or fraudulent statement such employer [shall be guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall for every such failure or false or fraudulent statement [shall] be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than [five] three hundred dollars [($500)] ($300) and costs of prosecution and upon failure to pay such fine and costs shall be sentenced to undergo [or] imprisonment for a period of not more than [six] three months [or both at the discretion of the court] Every day's violation and every false or fraudulent statement shall constitute a separate offense It shall be the duty of the [Bureau] department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated

For the purposes of this section minor children working for their parents shall be conclusively presumed to be emancipated

Section 306 The following schedule of compensation is hereby established for injuries resulting in total disability

(a) For the first five hundred weeks after the seventh day of total disability sixty-five per centum of the wages of the injured employe as defined in section three hundred and nine but the compensation shall not be more than [fifteen] eighteen dollars per week nor less than [seven] twelve dollars per week [and shall not exceed in the aggregate the sum of sixty-five hundred dollars] Provided That if total disability shall continue for a period of four weeks or more the employe also shall be entitled to receive compensation for the first seven days of total disability Should total disability become permanent then in addition to the compensation provided for five hundred weeks and beginning at the expiration of the five hundred weeks the sum of thirty dollars per month shall be payable during such permanent total disability prior to death Provided however that such monthly payments shall cease if the person receiving compensation accepts other public funds contributed to by the employer which equal or exceed the amount of compensation payments Nothing in this clause shall require payment of compensation after disability shall cease [Should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability]

(b) For disability partial in character (except the particular cases mentioned in clause (c) sixty-five per centum of the difference between the wages of the injured employe as defined in section three hundred and nine and the earning power of the employe thereafter but such compensation shall not be more than [fifteen] eighteen dollars per week This compensation shall be paid during the period of such disability but not for more than four hundred weeks Such compensation shall begin upon the termination of total disability if any total disability resulted from the injury and upon the termina-

tion of compensation for permanent injuries compensable under section three hundred six (c) if the partial disability shall result from injuries other than the permanent injury compensated for under clause (c) of this section If the partial disability shall continue for a period of four weeks or more the employee shall also be entitled to receive compensation for the first seven days of partial disability should total disability be followed by partial disability the period of four hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for total disability In cases of partial disability the actual earnings of an employe after the date of injury may along with other evidence be received as evidence of the extent of his earning power but if such employe has no such earnings the referee may in the interest of justice fix such earning power as shall be reasonable having due regard to the character of his previous employment and the nature of his injury and his partial disability

(c) For all disability resulting from permanent injuries of the following classes the compensation shall be exclusively as follows

For the loss of a hand sixty-five per centum of wages during [one hundred and seventy-five] two hundred weeks

For the loss of an arm sixty-five per centum of wages during [two hundred and fifteen] two hundred and sixty-five weeks

For the loss of a foot sixty-five per centum of wages during [one hundred and fifty] One hundred and seventy-five weeks

For the loss of a leg sixty-five per centum of wages during [two hundred and fifteen] two hundred and fifty weeks

For the loss of an eye [sixty-five per centum of wages during one hundred and twenty-five weeks] or for the removal of a cataract from or lense of an eye causing the loss of binocular vision sixty-five per centum of wages during two hundred weeks

For the complete loss of hearing in one ear sixty-five per centum of wages during forty weeks For the loss of hearing in both ears sixty-five per centum of wages during one hundred and fifty weeks

For the loss of a thumb sixty-five per centum of wages during seventy-five weeks

For the loss of a first finger commonly called index finger sixty-five per centum of wages during fifty weeks

For the loss of a second finger sixty-five per centum of wages during forty weeks

For the loss of a third finger sixty-five per centum of wages during twenty weeks

For the loss of a fourth finger commonly called little finger sixty-five per centum of wages during fifteen weeks

For the loss of a great toe sixty-five per centum of wages during sixty weeks For the loss of a first toe sixty-five per centum of wages during thirty-five weeks For the loss of a second toe sixty-five per centum of wages during thirty weeks

The loss of less than the first phalange of the toe thumb or of any finger shall be considered equivalent to the loss of one-half of such toe thumb or finger and shall be compensated at the same rate as for the loss of a toe thumb or finger but for one-half of the period provided for the loss of a toe thumb or finger Provided however That the accident involves injury to part of the bone of the phalange

The loss of [more than] one phalange or more of a toe thumb or finger shall be considered equivalent to the loss of the entire toe thumb or finger

For the loss of any two or more such members or the permanent loss of the use of the finger thumb hand arm foot leg toe or eye as hereinbefore provided not constituting total disability sixty-five per centum of wages during the aggregate of the periods specified for each

The loss of the function of the distal joint shall be considered compensable for the period of one-half the number of weeks set forth for the loss of the toe or finger involved The loss of the function of the proximal joint shall be considered to be the loss of the use of the toe or finger and shall be compensable as set forth above for the loss of the toe or finger involved

For serious and permanent disfigurement of the head [or] face or neck of such a character as to produce an unsightly appearance and such as is not usually incident to the employment sixty-five per centum of wages not to exceed [one hundred and fifty weeks] two hundred weeks If by reason of disfigurement an injured employee shall be unable to obtain any employment for which he is otherwise qualified the board may order compensation to be paid in accordance with the provisions of clause (a) or clause (b) of this section

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute permanent total disability to be compensated according to the provisions of clause (a)

Amputation between the [elbow] wrist and the [wrist] knuckles shall be considered as the equivalent of the loss of a hand and amputation between the [knee] toes and the ankle shall be considered as the equivalent of the loss of a foot Amputation [at or] above the [elbow] wrist shall be considered as the loss of an arm and amputation at or above the [knee] ankle shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye toe finger or thumb for industrial purposes shall be considered as the equivalent of the loss of such hand arm foot leg eye toe finger or thumb

This compensation shall not be more than [fifteen] eighteen dollars per week nor less than [seven] twelve dollars per week

(d) No compensation shall be allowed for the first seven days after disability begins except as [hereinafter] provided in [clause] clauses (a) (b) and (e) of this section

(e) During the first [thirty days] three months after [disability begins] the date of injury and during such further period as the board may in the manner hereinafter provided require in a particular case the employer shall furnish reasonable surgical [and] medical dental and nursing services hospital treatment artificial appliances medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer Provided that the injured employee by petition to the Board and notice to the employer may be permitted by the Board to consult a physician of his own choice at any time during his disability the cost of such consultation to be paid by the employer in accordance with a schedule of charges to be prescribed and approved by the Board Any such request shall be acted upon promptly either with or without a hearing and shall have preference over any other matter or proceeding pending before the Board or the referee Upon application of an injured employe the board may issue its order requiring the employer to furnish such further services hospital treatment medicines artificial appliances or supplies during such further period and in such additional amounts after the three months' period as the Board may in the interest of justice deem advisable The cost of such services (exclusive of the cost of hospital treatment and artificial appliances) medicines and supplies during the aforesaid three months' period shall not exceed over two hundred dollars ($200) If the employer shall upon application made to him refuse to furnish such services hospital treatment appliances medicines and supplies the employe may procure same and shall receive from the employer the reasonable cost thereof [within the above limitations In addition to the above services medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of thirty days The cost for such hospital treatment services and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals] If the employe shall refuse [reasonable surgical medical and hospital] such services hospital treatment appliances medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to

have resulted from such refusal Provided however That the employe need not submit to surgical treatment which in the opinion of at least two qualified physicians might jeopardize his life The employer shall also furnish to the employe or pay the cost of transportation to and from the place where such services are rendered and reimbursement for such costs assumed by the employe may be enforced as payments of compensation are enforced

Should the employe die from some other cause than the injury the liability for compensation shall cease

[(g) Hernia shall be considered as a physical weakness or ailment which ordinarily develops gradually and shall not be compensable unless conclusive proof is offered that the hernia was immediately precipitated by such sudden effort or severe strain that first the descent of the hernia immediately followed the cause second there was actual pain in the hernia region third the above manifestations were of such severity that the same were immediately noticed by the claimant and communicated to the employer or a representative of the employer within forty-eight hours after the occurrence of the accident]

(g) If an employe receives an injury compensable under this act which of itself would not cause permanent total disability but which combined with a previous major permanent injury does in fact cause permanent total disability or if an employe who has previously suffered a major permanent injury receive an injury compensable under this act which of itself is a permanent injury or which either causes permanent total disability or results in the death of such employe compensation for such further permanent injury total disability or death shall be paid out of the moneys existing to the credit of the second injury reserve account hereinafter created by this act in the State Workmen's Insurance Fund as follows

(1) In the case of further permanent injury not resulting in total disability either of itself or in combination with any prior major permanent injury the amount provided by clause (c) of this section for the particular type of the later permanent injury

(2) In the case of total disability resulting either from the later injury of itself or from such injury combined with any prior major permanent injury an amount equivalent to the dierence between the compensation payable for any prior major permanent injury and the amount payable for total disability under clause (a) of this section

(3) In the case of death resulting from the later injury or from a combination of any prior major permanent injury and the later injury the amount payable under section three hundred seven of this act in cases of death

The employer of any such employe shall be responsible for compensating the injured employe for the second injuries and in the manner prescribed in this subsection but shall be relieved from the payment of compensation to such employe to the extent such compensation is paid under this subsection out of the second injury reserve account of the State Workmen's Insurance Fund

Such employer in order to obtain the benefits of this subsection shall file with the Board a petition of agreed facts in the manner provided in section four hundred eleven of this act and thereafter the procedure shall be the same as in other cases except that the Board may in its discretion act on such petition without a hearing

For purposes of this subsection a "major permanent injury" shall mean all permanent injuries set forth in clause (c) of section three hundred six exclusive of loss of or loss of use of one or more fingers or toes not amounting to loss of or loss of use of hand or foot

Section 307 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

(a) If there be either one or two children [thirty-three] thirty per centum of wages of deceased but not in excess of [seven] twelve dollars [and fifty cents] per week

(b) If there be three children [forty-four] forty-five per centum of wages of deceased but not in excess of [ten] fourteen dollars per week

(c) If there be four children [fifty-five] sixty per centum of wages of deceased but not in excess of [twelve] sixteen dollars [and fifty cents] per week

(d) If there be five or more children [sixty-two and one-half] sixty-five per centum of wages of deceased but not in excess of [fourteen] eighteen dollars per week

[(e) If there be six or more children sixty-five per centum of wages of deceased but not in excess of fifteen dollars per week]

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of [ten] twelve dollars per week

3 To the widow or widower if there be one child [fifty-five] fifty-nine per centum of wages but not in excess of [twelve and a half] fifteen dollars per week

4 To the widow or widower if there be two children [sixty-two and one-half] sixty-five per centum of wages but not in excess of [fourteen] sixteen dollars per week

4½ To the widow or widower if there be three or more children sixty-five per centum of wages but not in excess of eighteen dollars per week

5 If there be neither widow widower nor children entitled to compensation or if the widow widower or children are not receiving the maximum compensation payable under this act then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centum of wages but not in excess of [five] ten dollars per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be conclusively presumed And provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be forty-five per centum of wages but not in excess of [ten] fifteen dollars per week but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case

6 If there be neither widow widower children nor dependent parent entitled to compensation [the following] or if the widow widower children or dependent parent are not receiving the maximum compensation payable under this act then to the brothers and sisters until the age of eighteen if actually dependent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided but the provisions of this paragraph in connection with other provisions of this section shall not be deemed to require the payment of compensation in excess of eighteen dollars per week in any one case

7 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding [one hundred and fifty two hundred dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother [and] or sister is under the age of [sixteen] eighteen unless such child brother or sister is dependent by reason of disability in which case such compensation shall be paid to or on account of such child brother or sister until he or she reaches the age of twenty-one No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him for support No

compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for suport The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis if members of decedent's household at the time of his death and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow other than a non-resident alien widow the compensation of such widow shall continue as hereinbefore provided for [one-third of the period during which compensation then remains payable to her] two years from the data of such remarriage If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any one case be less than [twelve] eighteen dollars and fifty cents per week

This compensation shall be paid during five hundred weeks except that in the case of a widow if she shall remain unmarried compensation shall continue after said period of five hundred weeks at the rate of five dollars per week for life and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of five hundred weeks until such child reaches the age of eighteen at the rate of twenty-five per centum of wages but not in excess of five dollars per week if there is one child thirty-five per centum of wages but not in excess of eight dollars per week if there are two children fifty per centum of wages but not in excess of ten dollars per week if there are three children seventy-five per centum of wages but not in excess of fifteen dollars per week if there are four children or more

The Board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or a widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the Board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other person as the Board may order and direct and the Board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section 308 Except as hereinafter provided all compensation payable under this article shall be payable in periodical installments as to wages of the employe were payable before the accident

All compensation payable under this article shall be made payable only to employes or their dependents or their guardians or such other persons as may be designated by the Board

Any person copartnership association or corporation who or which violates any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay for each violation a fine of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00)

Section 309 Wherever in this article the term "wages" is used it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident [and] except that if the injured employe was at the time of the injury a minor and his disability shall continue after he shall have reached the age of twenty-one years his average weekly wage for the purpose of determining the compensation payable under this act shall be determined on the basis of the earnings that such minor if not disabled probably would earn at the age of twenty-one (21) years In determining such probable earnings due consideration shall be given to the employe's aptitude education and experience fitting him for any employment not only in the trade or business in which he was engaged at the time of the injury but in any other trade or business In determining such probable earnings the referee and the Board shall have the right to receive into evidence as competent testimony the earnings of other employes of similar aptitude education and experience engaged in a similar trade or business and findings based upon such testimony shall be final The term "wages" [shall not include gratuities received from the employer or others nor shall it include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe but] shall include board and lodging received from the employer Whenever the employe receives board and lodging as a part of his wages the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day for the purpose of computing wages In seasonable occupations the employe's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far to give a basis for the fair ascertainment of his average weekly earnings in continuous employments if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employe his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day and using as a basis of calculation his earnings during so much of the preceding six months as he worked for the same employer Provided however That if the employe regularly and habitually worked more than five and one-half days per week the weekly wage shall be found by multiplying his average earnings for working day by six six and one-half or seven according to the customary number of working days constituting an ordinary week in his occupation or trade Where the employe is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation

In cases where the employe has been in the employ of the employer less than one full week and by reason of the shortness of time during which the employe has been in the employment of the employer or the nature or terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring or if there are no persons so employed by other persons employed by other employers under similar contracts of hiring under similar conditions shall be taken as the basis for the ascertainment of the weekly wages of such employe

Section 308 Compensation under this article to alien dependent widows and children not residents of the United States shall be two-thirds of the amount provided in each case for residents and the employer may at any time commute all future installments of compensation payable to alien dependents not residents of the United States by paying to such alien dependents the then value thereof calculated in accordance with the provisions of section three hundred and [sixteen] fourteen of this article

Alien widowers parents brothers and sisters not residents of the United States shall not be entitled to any compensation

Non-resident alien dependents may be officially represented by the Consular officers of the nation of which such alien or aliens may be citizens or subjects and in such cases the Consular officers shall have the right to receive for distribution to such non-resident alien dependents all compensation awarded hereunder and the receipt of such Consular officers shall be a full discharge of all sums paid to and received by them

Section 311 Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employe or [some one] someone in his behalf or some of the dependents or [some one] someone in their behalf shall give notice thereof to the employer within [fourteen] thirty days after the accident no compensation shall be due until such notice be given or knowledge obtained but if the employe or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental disability or to fraud misrepresentation or deceit or to any other reasonable cause or excuse then compensation shall be allowed unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay in which case he shall be relieved to the extent of such prejudice [and unless such knowledge be obtained or notice given within ninety days after the occurrence of the injury no compensation shall be allowed]

Section 312 The notice referred to in section three hundred and eleven hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured) who was in your employment at (place) while engaged as (kind of employment) on or about the (.....) day of (.....) Anno Domini (.....) and that compensation will be claimed therefor

Date ..... Signed (.....)

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name received an injury the character of which is described in ordinary language in the course of his employment on or about a time specified and at or near a place specified

Section 313 The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof Knowledge of the occurrence of the injury on the part of any of said agents shall be the knowledge of the employer

Section 314 At any time after an injury the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the Board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article The Board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the Board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the Board

Section 315 In cases of personal injury all claims for compensation shall be forever barred unless within [one year] two years after the accident the parties shall have agreed upon the compensation payable under this article or unless within [one year] two years after the accident one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within [one year] two years after the date of death the parties shall have agreed upon the compensation under this article or unless within [one year] two years after the date of death one of the parties shall have filed a petition as provided in article four hereof where however payments of compensation have been made in any case or an employer has failed to report to the department the occurrence of an injury to his employe as required by law said limitations shall not take effect until the expiration of [one year] two years from the time of the making of the last payment or the filing of such report as the case may be

Section 316 The compensation contemplated by this article may at any time be commuted by the Board at its then value when discounted at five per centum interest with annual rests disregarding the probability of the beneficiary's death upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets Except as provided in section three hundred and ten hereof and in this section no commutation of compensation shall be made

Any person partnership association or corporation who or which shall commute or attempt to commute any compensation directly or indirectly in violation of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or to undergo imprisonment for a period of not more than six (6) months or both in the discretion of the court No person partnership association or corporation shall be entitled to receive credit for any moneys paid in violation of this section and any such payment shall be considered as a gratuity

Section 317 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payments certain) with the approval of the Board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this [State] Commonwealth and such sum together with all interest thereon shall thereafter be held in trust for the employe or the dependents of the employe who shall have no further recourse against the employer The payment of such sum by the employer evidenced by the receipt of the trustee

noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted In the appointment of the trustee preference shall be given in the discretion of the Board to the choice of the employe or the dependents of the deceased employe Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representative

Section 318 The right of compensation granted by this article of this act shall have the same preference (without limit of amount) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claims of creditors and from levy execution or attachment which exemption may not be waived

Section 319 Where a third person is liable to the employe or the dependents for the injury or death the employer shall be subrogated to the right of the employe or the dependents against such third person less reasonable attorney's fees and other proper disbursements but only to the extent of the compensation payable under this article by the employer Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future installments of compensation

Section 320 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age compensation either in the case of injury or death of such employe shall be double the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation"

(b) The employer and not the insurance carrier shall be liable for the additional compensation Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void

(c) Where death or the nature of the injury renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and payable It shall be deposited subject to the approval of the Board in any savings bank trust company or life insurance company in good standing and authorized to do business in this [State] Commonwealth

Where the amount of the future payments of compensation is uncertain the Board shall upon the approval of the agreement or the entry of an award determine as nearly as may be the total amount of payment to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer The amount may be redetermined by the Board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same Upon determination of the amount due it shall be deposited as above provided Payments of compensation out of deposits shall be made to the employe or dependents as payments of other compensation are made Provided however That the Board may in its discretion and upon inquiry as in cases of commutation accelerate such payments

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the [bureau] department from the necessity of carrying insurance

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minor's age as certified therein

(g) If neither party has elected not to be bound by the provisions of article three of the act to which this act is an amendment in the manner prescribed by section three hundred and two of said act they shall be held to have agreed to be bound by the provisions of this act and to have waived any other right or remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described

Section 321 In the case of an employe who dies as the result of an injury received in the course of his employment and who leaves no dependents entitled to receive in excess of fifteen hundred dollars ($1500.00) compensation under this act the employer or his insurance carrier as the case may be shall pay the sum of fifteen hundred dollars ($1500.00) to the department or the difference between the amount paid to such dependents and the sum of fifteen hundred dollars ($1500.00) In order to enforce payment of such sum the department shall have power to file with the Board a claim for the same in like manner as any claim for compensation may be filed under this act

(b) One-fourth of the amount received in each case under this section by the department but not however in excess of two hundred and fifty dollars ($250.00) shall be paid by it into the Federal Rehabilitation Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the industrial rehabilitation account All moneys credited to the industrial rehabilitation account are hereby appropriated to the department for all expenses incurred by the department under the rehabilitation laws of this Commonwealth for the rehabilitation of injured employes who are entitled to compensation under this act and who are as a result of their injuries totally or partially incapacitated for renumerative employment in the line of employment in which they were employed at the time of injury

(c) The balance of any amount received by the department under this section shall be paid by it into the State Workmen's Insurance Fund of the State Treasury through the Department of Revenue which amount shall be credited to a ledger account to be known as the second injury reserve account All amounts credited to the second injury reserve account are hereby appropriated to the department for the payment of the compensation provided in clause (g) of section three hundred and six of this act

Whenever at the end of any fiscal year of the Commonwealth after the year one thousand nine hundred and forty-five the total amount credited to the second injury reserve account shall exceed a sum equivalent to three times the average annual incurred liability of the account to employes or their dependents during the three preceding fiscal years the surplus amount shall upon requisition of the department be transferred to the Federal Rehabilitation Fund of the State Treasury and credited to the industrial rehabilitation account in such fund All amounts so transferred shall be available and are hereby appropriated to the department for the same purposes for which moneys credited to such account are appropriated by subsection (b) of this section

ARTICLE IV

PROCEDURE

Section 401 The term "Referee" when used in this article shall mean Workmen's Compensation Referee

The term "Fund" when used in this article shall mean the State Workmen's Insurance Fund of this Commonwealth

The term "Employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the fund of the employer be insured therein

Section 402 All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board All petitions shall be in writing and in the form prescribed by the board

Section 403 All petitions all copies of agreements for compensation and all [other] papers requiring action by the board shall be mailed or delivered to the [bureau] department at its principal office

Section 404 The [bureau] department shall immediately upon their receipt properly file and docket all petitions agreements for compensation findings of fact by the board or any referee awards or disallowances of compensation or modifications thereof and all other reports or papers filed with it under the provisions of this act or the rules and regulations of the board

Section 405 Immediately upon receiving from the board or any referee any award or disallowance of compensation or any modification thereof or any other decision the [bureau] department shall serve a copy thereof on all parties in interest

Section 406 All notices and copies to which any party shall be entitled under the provisions of this article shall be served by mail or in such manner as the board shall direct For the purposes of this article any notice or copy shall be deemed served on the date when mailed properly stamped and adressed and shall be presumed to have reached the party to be served but any party may show by competent evidence that any notice or copy was not received or that there was an unusual or unreasonable delay in its transmission through the mails In any such case proper allowance shall be made for the party's failure within the prescribed time to assert any right given him by this act

The [bureau] department [the secretary] and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest

Section 407 On or after the [tenth] seventh day after any accident shall have occurred the employer and employe or his dependents may agree upon the compensation payable to the employe or his dependents under this act but any agreement made prior to the [tenth] seventh day after the accident shall have occurred or permitting a commutation of payments contrary to the provisions of this act or varying the amount to be paid or the period during which compensation shall be payable as provided in this act shall be wholly null and void It shall be unlawful for any employer to accept a receipt showing the payment of compensation when in fact no such payment has been made

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest

It shall be unlawful for any employer to procure or to cause to be procured the signature of any employe or of the dependents of any employe or of other persons in interest to any agreement or supplemental agreement which is not complete in every material respect and any employer so doing shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars ($100.00) for each offense

All agreements for compensation and all supplemental agreements for the modification suspension reinstatement or termination thereof and all receipts executed by any injured employe of whatever age or by any dependent to whom compensation is payable under section three hundred seven and who has attained the age of sixteen years years shall be valid and binding unless modified or set aside as hereinafter provided

Section 408 All agreements for compensation may be modified suspended reinstated or terminated at any time by a supplemental agreement approved by the [board] department if the incapacity of an injured employe has increased decreased recurred or temporarily or finally terminated or if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental agreement shall be executed between an employer and an employe or his dependents as provided by this act such agreement shall be executed in triplicate Two copies thereof signed by all parties in interest shall be mailed or delivered to the [board] department within thirty days after execution by the claimant It shall be the duty of the [board] department to examine the agreement to determine whether it conforms to the provisions of section four hundred and seven to notify the parties thereto of its validity or invalidity under the aforesaid section within thirty days after the copies of the agreement have been mailed or delivered to it and if the agreement be approved to send to the employe together with such notification of its approval a copy of the agreement Provided however That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability under article three of this act of the employer making such payments

Whenever an agreement or a supplemental agreement is disapproved by the department the employer shall pay to the employe compensation on the basis of such agreement to such extent as the agreement would if approved require Compensation on the basis of such agreement shall be paid until such time as the employer's liability for compensation is finally determined under the provisions of this act Any payments made by an employer in accordance with such agreement shall discharge pro tanto his liability for such compensation as may be subsequently determined to be due the employe under the provisions of this act

Any employer who shall fail to mail or deliver to the department two copies of any agreement or supplemental agreement within thirty days after such agreement or supplemental agreement is executed by the claimant shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) for each such failure

Section 410 If after any accident the employer and the employe or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents or the department for and on behalf of such employe or his dependents whenever an agreement or supplemental agreement has been disapproved by the department or it shall otherwise deem it to be in the interests of justice to do so may present a claim for compensation to the board All allegations contained in the claim petition must be separately and specifically admitted or denied by the defendant Claimant shall have a right upon a petition to the referee and his order thereon to inspect the premises where the claimant's alleged injury was received

Whenever any claim for compensation is presented to the board other than claims of non-resident alien dependents and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum beginning fourteen days after the date of the accident and such interest shall be payable to the same person as the compensation is payable

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Section 411 Whenever the employer and the employe or his dependent shall on or after the [tenth] seventh day

after any accident agree on the facts on which a claim for compensation depends but shall fail to agree on the compensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hearing the petition and shall notify all parties in interest As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of furtue installments of compensation he shall present a petition therefor to the board

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement in any material respect is incorrect

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed [Provided That except in the case of eye injuries an agreement or an award can only be reviewed modified or reinstated if a petition is fled with the board within one year after the date of the last payment of compensation with or without an agreement

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award [in whole or] to such extent as the facts alleged in the petition would if proved require except that the filing of a petition relative to a change in or termination of the disability of an injured person shall not act as a supersedeas unless such petition contains an affidavit by a physician that he has examined the claimant a percentage estimate of the extent of disability and that the petitioner in his opinion is entitled to the relief prayed for in the petition Payment must be made up to date of the filing of the petition to terminate and in the case of a petition to modify in accordance with the per centum of liability admitted in such petition In any such action to terminate or modify the burden of proof shall be upon the party filing such petition No petition to terminate or modify an existing agreement or award shall be filed while said agreement or award is being adjudicated

Section 414 Whenever a claim petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by one or more members of the board or assign it to a referee for hearing Provided however that petitions presented under sections four hundred and eleven and four hundred and twelve shall be heard by one or more members of the board

The [secretary] department shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original petition to such referee together with copies of the notices served upon the adverse parties

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or one or more of its members or may reassign it to any other referee Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof the board shall fix a time and place for hearing the petition If a petition be assigned to a referee he shall twelve days after notice that such petition has been assigned to him has been served upon the adverse parties fix a time and a place for hearing the petition Such hearing shall not be less than five nor more than fourteen days after the mailing of notice thereof by the referee The secretary of the board if the petition has been directed to be heard by the board or by one or more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearings such findings of fact conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require The findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final unless an appeal is taken as provided in this act or unless the board shall under the provisions of section four hundred and twenty-five of this article grant a hearing de novo or a rehearing

Section 419 The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to the original referee

Section 420 The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make an investigation of the facts set forth in the petition or answer The board or referee with the consent of the board [may] shall whenever it shall be deemed in the interest of justice to do so appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon or he may employ the services of such other experts as

shall appear necessary to ascertain the facts The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such

The board shall fix the compensation of such physicians surgeons and experts which when so fixed shall be paid by the employer to the physician surgeon or expert If any employer shall fail to pay such cost promptly the physician surgeon or expert may proceed to collect the same in the manner provided in this act for the collection of awards of compensation

Section 421 All hearings before the board or one or more members thereof or before a referee shall be public

Section 422 Neither the board nor any of its members nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation but all findings of fact shall be based only upon competent evidence

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters

Section 423 Any party in interest may within twenty days after notice of a referee's award or disallowance of compensation shall have been served upon him take an appeal to the board on the ground (1) that the award or disallowance of compensation is not in conformity with the terms of this act or that the referee committed any other error of law (2) that the findings of fact and award or disallowance of compensation was unwarranted by the evidence or was procured by fraud coercion or other improper conduct of any party in interest The board may upon cause shown extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading

In any such appeal the board may disregard the findings of fact of the referee and may examine the testimony taken before such referee and if it deem proper may hear other evidence and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board as hereinbfore provided may in the judgment of the board require and may make such disallowance or award of compensation or other order as the facts so found by it may require

Section 424 Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon The board shall fix a time and place for such hearing and shall serve notice thereof on all parties in interest

As soon as may be after such hearing the board shall either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper

Section 425 Whenever an appeal shall be taken on the ground that the referee's award or disallowance of compensation was unwarranted by the evidence or because of fraud coercion or other improper conduct by any party in interest the board may in its discretion grant a hearing de novo before the board or one or more of its members or assign the petition for rehearing to any referee designated by it or sustain the referee's award or disallowance of compensation If the board shall grant a hearing de novo it shall fix a time and place for same and shall notify all parties in interest

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act

Section 426 The board upon petition of any party and upon cause shown at any time before the Court of Common Pleas of any county of this Commonwealth to [whom] which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board or referee has made an award or disallowance of compensation or other order or ruling or upon which the board has sustained or reversed any action of a referee The time for taking appeals shall be suspended pending the determination of the first petition for rehearing in those cases in which such petition is filed within twenty days from notice of decision of the Workmen's Compensation Board two years after the board has made such award disallowance or other order or ruling or has sustained or reversed any action of the referee If the board shall grant a rehearing of any petition from [the board's] its action on which an appeal has been taken to and is pending in the Court of Common Pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article

Section 427 Any party may appeal from any action of the board on matters of the law to the Court of Common Pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the Court of Common Pleas of any other county of this Commonwealth Such appeal must be brought within twenty days after notice of the action of the board has been served upon such party unless any Court of Common Pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact if any of the board or of the referee sustained by the board which he alleges to be unsupported by compentent evidence

Upon filing of the notice of an appeal the prothonotary of the Court of Common Pleas to which the appeal has been taken shall issue a writ of certiorari directed to the [Workmen's Compensation Board] board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken The writ so issued shall be mailed by the prothonotary to the [Bureau] department at Harrisburg together with a copy of the exceptions The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the notes of testimony

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact if the findings of the board or referee are not in its opinion sufficient to enable it to decide the question of law raised by the appeal

If the Court of Common Pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future installments If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon the court shall remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that

the board may order that any part of the testimony taken in the original proceedings may be considered as though taken in such further hearing

The prothonotary of any Court of Common Pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date thereof by registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel At the end of the period hereinafter allowed for an appeal from the judgment of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken to the Superior Court as hereinafter provided If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court

Any party may appeal to the Superior Court from the judgment of the Court of Common Pleas within thirty days after entry of said judgment irrespective of the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the Court of Common Pleas Any appeal from the action of the board to a Court of Common Pleas and from it to the Supreme Court shall take precedence over all other civil action The judgment of the Superior Court shall be final unless an appeal therefrom is allowed by the Supreme Court as in the case of other judgments of [that tribunal] the Superior Court

Section 428 At any time after the approval of a compensation agreement or after an award or order has been made by the board or referee the department the employe or dependent entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the Court of Common Pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employe or his dependents whether then due and accrued or payable in future installments as a judgment against the employer or other party liable under such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

Wherever after an accident any employe or his dependents shall have entered into a compensation agreement his employer or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the Court of Common Pleas of any county The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer If the agreement be approved by the Department or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment

If the amount of compensation claimed be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed In such cases the prothonotary shall make such modification of the record as shall be appropriate

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the Department or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the Court of Common Pleas of any county in which the judgment is on record a certified copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothonotary to modify suspend re-instate or satisfy such judgment in accordance with the terms of such supplemental agreement award or order

Execution may issue by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved by the department or such award made as evidenced by the approval of the board of the award or by a certified copy thereof

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full amount of the judgment with costs shall have actually been paid

Section 429 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has been filed or record in any county of this Commonwealth in accordance with the provisions of section four hundred and twenty-eight of this article or against whom judgment has been entered by the prothonotary of the Court of Common Pleas of any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced Upon the presentation of such certificate to the prothonotary of the Court of Common Pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the prothonotary of the Court of Common Pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payments so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and seventeen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied

Section 430 The lien of any judgment entered upon any award shall not be divested by any appeal If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award In case the award is annulled on appeal it shall be the duty of the prothonotary

tary of any county in which such award has been entered as a judgment to mark it satisfied

Section 431 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note

Section 432 It shall be the duty of the prothonotary of each Court of Common Pleas and of the Supreme and Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article

Section 433 A document on file in the [bureau] department or with the board or any referee or part of the record of any proceedings taken under Articles III and IV of this act shall be proved by a copy thereof certified by the Department under the seal of the Department or certified by the chairman of the board and attested by the secretary of the board under seal of the board as the case may be

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award reciting that the disability or dependency has terminated shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award Provided however That the board or referee designated by the board may at any time within six hundred weeks from the date of the injury set aside a final receipt upon petition filed with the board if it be proved that at the time of the execution of the receipt the injured employe was not in fact able to return to work without loss of earning power or that the employe had a condition which resulted from the accident which condition existed at the time the compensation agreement was executed and which was not covered by such agreement or that the employe had an existing disability at the time the final receipt was taken

Payments shall be made by the employer or insurance carrier on every agreement or award other than for a definite period until a final receipt has been filed with and approved by the department or until a petition to terminate or modify has been filed under section four hundred and thirteen

Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental or nursing services hospital treatment artificial appliances medicines or supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing with consent of the claimant before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliances medicine and supplies and have the same heard and determined and shall be entitled to receive an award for such remunerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation

Section 436 The board or a referee designated by the board or any court of this Commonwealth in granting an award of compensation to an injured employe or his dependents or in affirming or modifying and affirming such an award or in reversing the disallowance of such an award shall in addition to such compensation include in such an award or judgment expert's fees if any rendered in any such proceeding payment of which may be enforced in the same manner as the payment of an award may be enforced under the provisions of this act

Section 437 Any claimant may appear in person or be represented by counsel learned in the law or he may be represented by a member of his duly recognized union or labor organization Such labor representative shall be selected by said union or labor organization and duly approved by the department to practice before any referee or the Board

ARTICLE V

GENERAL PROVISIONS

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any [other] respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the Common Pleas Court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the [bureau] department which shall as soon as may be notify the person by whom the same was filed of the boards approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical installments the board shall fix at the time of approval the proportion of each installment to be paid on account of legal service and disbursements

Section [502] 503 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act

Section 504 All fines and except as otherwise provided in this act all fees received collected or recovered under the provisions of this act shall be paid to the department and by it paid into the State Workmen's Insurance Fund to the credit of the second injury reserve account created in such fund by this act and such fines and fees are hereby appropriated for the same purposes for which the moneys credited to such account are appropriated by this act

Section [503] 505 Nothing in this act shall affect or impair any right of action which shall have accrued before this act shall take effect

Section [504] 506 The following acts are hereby specifically repealed

The act approved the third day of June one thousand nine hundred fifteen (P. L. 777) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" and its amendments

The act approved the fourteen day of May one thousand nine hundred twenty-five (P. L. 714) entitled "A supplement to an act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' providing for the payment of compensation to volunteer firemen or their dependents"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

[Section 505 This act shall not apply in the case of an accident occurring prior to the first day of January next succeeding its passage and approval]

Section 107 The provisions of this act shall become effective January first one thousand nine hundred and thirty-eight except the provisions of section five hundred two of this act which shall become effective immediately upon the final enactment of this act and shall be retroactive to June first one thousand nine hundred thirty-seven.

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. DENT. Mr. President, there have been quite a few inquiries from members of the Senate who have expressed their confidence in the work of the committee, and have asked me to prepare a resume of the contents of this bill, so, therefore, with their permission and yours, I would like to read from the third resume paragraph what is contained in this bill as it now stands.

The most important feature of any Compensation Act is the amount to be paid to the injured workman. Your Committee, studying the Compensation Act, House No. 99, has tried after diligent study to provide maximum amounts consistent with the employers' ability to pay. Certain features of the Act not pertaining to workmen's benefits, although increasing the cost, have been stricken out of the Bill. We have tried to give Pennsylvania workmen a liberalized Compensation Act comparable, with all things considered, to any Industrial State Compensation Act in the United States.

We have endeavored to keep from straying too far afield in procedure in order that rulings and decisions handed down by the various boards and courts in the twenty odd years of compensation experience in Pennsylvania would still be applicable and thus save thousands of dollars and much valuable time that otherwise would be consumed in litigations and appeals.

Following are the most important changes offered for your consideration:

MINIMUM PAYMENTS

We have increased the minimum payment from seven ($7.00) to twelve ($12.00). Unlike most minimums, this is an absolute minimum and when taken into serious consideration, it will be found to be the highest in the entire nation. This really benefits more of the workmen in the State than any other single feature in House Bill No. 99. This means that any employee receiving $18.00 a week or less will receive a $12.00 weekly compensation payment, a standard far exceeding our present law of $7.00 a week or wage.

MAXIMUM PAYMENTS

The next important feature is the maximum payment. We have increased this from fifteen dollars ($15.00) to eighteen dollars ($18.00). This represents a very substantial increase when the method of computing payments is taken into consideration. Compensation payments are figured on a basis of two-thirds of the full weekly wage. (Romick Decision). Therefore, based on a five and a half day week, $18.00 represents a weekly wage of $27.00 or approximately $5.00 a day and representing a standard of $5.88 over the present average wage in Pennsylvania of $21.12 a week.

Thus, by setting this figure, your Committee has materially reduced costs and yet has given a full maximum to the vast majority of workmen in the State.

The next feature that represents a substantial increase and further liberalizes the Act is the lifting of limitations on total disability cases and making such injuries compensible for life. Add to this the elimination of the $6,500.00 maximum payments which now becomes unlimited and we find that Act No. 99 represents a very marked improvement over the existing Act and compares favorably with any other State Act now in operation.

We will summarize all liberalizing features as follows:

a. Minimum payments raised from $7.00 to $12.00.

b. Maximum payments raised from $15.00 to $18.00.

c. Life payments for total disability.

d. Maximum payments raised from $6,500.00 to unlimited amounts.

e. Partial injury payments extended from 300 weeks to 500 weeks.

f. Retroactive feature: After injury lasts four weeks, waiting period of first seven days becomes compensible.

d. Deafness made a compensible injury.

e. Toes added to specific loss list and become compensible.

f. Increases of amounts and extension on time limits in all specific losses such as arms, legs, eyes, etc.

g. Medical benefits doubled and hospitalization period trebled.

h. Benefits to dependent children increased in every instance.

i. Life payments for widows.

j. Raises age limit of dependent children from 16 years to 18 years before compensation ceases.

k. Pay benefits to dependent brothers or sisters who are crippled until age of 21 years.

l. Proceedural clauses liberalized for the benefit of the claimant.

We submit this summary with a list of the amendments as well as the original Act for your consideration.

Mr. DENT. Mr. President, I ask the Senate to vote favorably on this bill.

Mr. WOODWARD. Mr. President, I would like to interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. WOODWARD. Mr. President, may I ask if the original was drafted by the Department of Labor and Industry?

Mr. DENT. Mr. President, I understand it was.

Mr. WOODWARD. Mr. President, is it true that it increases by 360% the compensation payments?

Mr. DENT. Mr. President, the Committee found that was the figure agreed upon by quite a few of the operators, but the Department of Labor and Industry did not agree to that figure.

Mr. WOODWARD. Mr. President, well, it is a fair statement to make that the original draft did not reflect credit upon the Department of Labor and Industry.

Mr. DENT. Mr. President, I cannot answer that question.

Mr. WOODWARD. Mr. President, were the employers of agricultural and domestic service included in the act?

Mr. DENT. Mr. President, that is optional with the employers of that class of labor.

Mr. WOODWARD. Mr. President, is it possible that a beneficiary may receive compensation under this bill and also under the occupational disease bill?

Mr. DENT. Mr. President, I do not think so, sir.

Mr. WOODWARD. Mr. President, but that may happen?

Mr. DENT. Mr. President, for these personal injuries, as I understand it, they cannot be paid out of the same fund at the same time.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Owlett,	Sipe,

Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder	Lanius,	Rodgers,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1453 (House Bill No. 1629), entitled:

An Act dedicating and setting aside certain lands in Lackawanna County as a public park and pleasure ground and imposing certain powers and duties in connection therewith on the Department of Forests and Waters

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barthold,	Gilson,	Law,	Rupp,
Bean,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Howell,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	Huffman, Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1454 (House Bill No. 1757), entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business" by further defining real estate brokers and real estate salesmen and further providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Gilson,	Law,	Ruth,
Bean,	Haluska,	Mallery,	Scarlett,
Cavalcante,	Henney,	McCreesh,	Shapiro,
Dando,	Heyburn,	McGinnis,	Sipe,
Deitrick,	Jacobs,	Owlett,	Sones,
Dent,	Jaspan,	Pytko,	Stiefel,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Ealy,	Kilgallen,	Reed,	Woodward,
Eroe,	Kunkel,	Rice,	Huffman,
Frey,	Lanius,		Pres. Pro. Tem.

NAYS—4

Chapman,	Gelder,	Homsher,	Pierson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1455 (House Bill No. 2379), entitled:

An Act to amend section two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barthold,	Haluska,	Kunkel,	Rice,
Cavalcante,	Henney,	Lanius,	Ruth,
Dando,	Heyburn,	McCreesh,	Shapiro,
Dent,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Jacobs,	Mundy,	Stiefel,
Eroe,	Jaspan,	Pytko,	Thompson,
Frey,	Kahle,	Reed,	Huffman,
Gilson,	Kilgallen,		Pres. Pro. Tem.

NAYS—12

Chapman,	Gelder,	Owlett,	Sones,
Deitrick,	Homsher,	Pierson,	Wolfenden,
Ealy,	Mallery,	Scarlett,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Mr. SHAPIRO. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 1190, on final passage, postponed, calendar.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

BILLS DROPPED FROM CALENDAR

Mr. SHAPIRO. Mr. President, this bill Senate Bill No. 1190, (House Bill No. 1186) in its original form provided to give the school districts the right to insure pupils in its vocational schools against accident and ill health. It has been pointed out by the sponsor of this bill that there is no liability on the part of the school district for the payment of the premium, therefore, I move that this bill be dropped from the calendar.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

Mr. RICE. Mr. President, I move that Senate Bill No. 448 on third reading, postponed, entitled:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and nineteen (Pamphlet Laws two hundred seven) entitled "An act relating to policies of life insurance or annuities" extending the provisions of said act to certain other contracts

be dropped from the Calendar.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Mr. RICE. Mr. President, I move that Senate Bill No. 549 on third reading, postponed, entitled:

An Act to amend section one thousand eight hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work

be dropped from the Calendar.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Mr. RICE. Mr. President, I move that Senate Bill No. 1136 on third reading, postponed, entitled:

An Act to provide for the regulation of the building, erection and maintenance of structures in along across over under projecting into or being in streams, lakes and other bodies of water, wholly or partly within or forming part of the boundary of this Commonwealth, providing for permits, fees and charges, conferring powers and imposing duties upon the Water and Power Resources Board.

be dropped from the Calendar.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Mr. RICE. Mr. President, I move that Senate Bill No. 1268, on third reading, postponed, entitled:

An Act requiring certain candidates at primary elections to be enrolled as members of the political party whose nomination they seek

be dropped from the Calendar.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Mr. RICE. Mr. President, I move that Senate Bill No. 602, on third reading, entitled:

An Act to amend section six, and sections eleven and eighteen as amended, of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," further regulating the administration of such Fund, the fixing of premiums payable by subscribers; the distribution of unexpended balances to subscribers; the collection of accounts against subscribers and providing for the giving of certified copies of the records of the Fund showing liens against subscribers and fixing fees therefor.

be dropped from the Calendar.

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "no" on the last motion.

The PRESIDENT. The Senator from Philadelphia Mr. Shapiro will be so recorded.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1456, (House Bill No. 2401), entitled:

An Act validating certain sheriff's sales of real estate and the title to such real estate in the hands of purchasers their heirs grantees and assigns.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore the sheriff of any county shall have advertised the sale of any real estate in two newspapers of general circulation describing the real estate to be sold and the time and place of sale as required by law then such sale so held shall be deemed good and valid notwithstanding the fact that the sheriff failed to require an upset bid sufficient to cover all taxes and notwithstanding any other irregularity in the proceedings for the sale of such real estate and the title acquired by the purchaser his heirs grantees and assigns at or through such sheriff's sale shall be deemed good and sufficient in law to the same extent as if such irregularities had not existed Provided however That this act shall not be construed to apply to any such sales and titles heretofore or now in question in any legal proceeding

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend sec. 1, page 1, lines 10, 11 and 12, by striking out the words "notwithstanding any other irregularity in the proceedings for the sale of such real estate and"; amend sec. 1, page 2, lines 1 and 2, by striking out the words "irregularities had not existed" and inserting in lieu thereof upset bid had been required: Amend sec 1, page 2, line 4, by inserting after the word "proceeding" the following: And provided further, That this act shall not discharge the lien of any tax not included in the upset price.

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to,

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act validating certain sheriff's sales of real estate and the title to such real estate in the hands of purchasers their heirs grantees and assigns

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1379, (House Bill No. 826), entitled:

An Act making an appropriation for the preparation of the Eightieth Division History and creating a commission for such purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. CAVALCANTE. Mr. President, I call at this time for consideration Senate Bill No. 1451, and renew my motion that the Senate resolve itself into a Committee of the Whole for the purpose of making special strike out amendments to Senate Bill No. 1451, House Bill No. 2099, Printer's No. 1212, and submit with my written motion the amendments.

Mr. KUNKEL. Mr. President, this motion which proposes the amendments which I offered to this bill in entire good faith. Contrary to the statement or suspicions of the Senator from Fayette County, there was no ulterior motive in presenting these amendments. As I explained at the time I offered them, they do not affect the existing provisions of the bill. I did have a motive in offering those amendments. It was a motive that might affect the political situation in this County, where I might have been confronted with two personal friends as opposing candidates for office. These amendments that I offered would have saved me the embarrassment of that situation. They were offered for that personal reason, and I thought I was justified in asking my Democratic colleagues to give me a chance to place these amendments in the bill and have the bill passed with the amendments. I had no personal reason for offering amendments other than I have stated. The Senator from Fayette has not seen fit to extend that simple courtesy. I call the attention of the Senate to the fact that the Senator from Fayette is doing something now, in striking out these amendments, with the entire approval of the Republican party in this County, and in this State, and he will see that every Republican member of this Senate will vote solidly for his motion. I thank him for his courtesy and consideration.

Mr. CAVALCANTE. Mr President, that requires an answer from me. The Senator from Dauphin has failed to include in those who are in accord with the amendments the sponsor of the bill, who I inform the Senator from Dauphin, presented me with the amendments so as to restore the bill to its original form. I may also state that the Senator from Fayette has sufficient courage in his system that if he has any personal fight in his own county, he can go to the people at the ballot box and fight his fight and not ask the members of this Senate, his colleagues, to go on the spot for him.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1451, (House Bill No. 2099), entitled:

An Act to further amend sections two hundred forty-six, two hundred forty-seven, two hundred fifty-six, and two hundred sixty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" fixing the salary and qualifications of the district attorney, and providing for the appointment and compensation of assistant district attorneys, stenographers and clerks in counties of the sixth seventh and eighth classes and providing for the filling of vacancies in the office of district attorney in counties of the fourth class.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE Mr. President, I move to amend page 1, lines 1 and 2 of title by striking out two hundred forty-seven; amend, page 1, line 13 of the title after the word "classes" strike out the balance of the sentence; amend page 2, first two sentences before section 1, strike out beginning with the word "filling" and ending with the word "class"; amend page 2, section 1, line 4, strike out at the beginning of the line the letter "S" and the dark faced bracket; amend page 2, section 1, line 4, after the word "fifty-six" strike out the dark faced bracket; amend page 2, section 1, at the end of line 4, strike out "sec-" and the beginning of line 5 ending with the word "forty-six" of the same section and page; amend page 4, line 16, beginning with the letter "S" strike out the entire sentence and all of lines 17 to 29 inclusive; amend page 6, section 256, line 22, after the word "classes" strike out the remainder of the sentence and the beginning of line 23 ending with the word "more"; amend page 7, line 14, after the word "section" strike out the letter "S" and ending with the figure "4" and insert in lieu thereof: the figure "2".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. CAVALCANTE. Mr. President, I move that the Committee do now rise.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, the amendments just adopted by the Senate being merely strike-out amendments, I raise the question as to whether or not the amendments can be voted upon.

The PRESIDENT. In addition to the strike outs there were some additional words put in.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. RICE. Mr. President, I call for consideration at this time Senate Bill No. 1450, (House Bill No. 1962):

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1450, (House Bill No. 1962), entitled:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the republication of certain surveys and studies in order to make the same available to the citizens of the State

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows ,viz:

YEAS—45

Bean,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Ealy,	Kilgallen,	Rankin,	Thompson,
Eroe,	Kunkel,	Reed,	Wolfenden,
Frey,	Lanius,	Rice,	Woodward,
Gelder,	Law,	Rodgers,	Huffman,
Gilson,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requestd.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1451, (House Bill No. 2099), on third reading, entitled:

An Act to further amend sections two hundred forty-six two hundred forty-seven two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth seventh and eighth classes and providing for the filling of vacancies in the office of district attorney in counties of the fourth class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORT FROM COMMITTEE

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to report Senate Bill No. 1012 from committee at this time.

The PRESIDENT. Is there objection?

Mr. KUNKEL. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of parliamentary inquiry.

Mr. CAVALCANTE. Mr. President, will the Chair later on clear his desk so that the report of this committee may be made without unanimous consent?

The PRESIDENT. Yes, we will clear the desk.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 86 entitled:

An Act to establish as a State highway a certain section of public road in the County of Allegheny, and providing for its construction and maintenance at the expense of the Commonwealth.

House Bill No. 143 entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

House Bill No. 243 entitled:

An Act to amend section two of the act approved the twenty-seventh day of May, one thousand nine hundred and nineteen (P. L. 306) entitled "An act relating to criminal procedure before aldermen, justices of the peace, and magistrates, in cases of assault and assault and battery, and providing for the assessment of costs in such cases upon the prosecutor, defendant, or county. and the commitment of the prosecutor or defendant in case of default," providing for appeals by defendants against whom costs have been assessed.

House Bill No. 387 entitled:

An Act making an appropriation to the Department of Public Instruction for reimbursing school districts which reduced the amount of their budgets to be raised by means of taxes on real property and their tax rates correspond-

ingly, as required by the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (P. L. 993), entitled 'An act to further amend subsection twenty of and to add subsection twenty of, section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, 309), entitled 'Public School Code' by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools, subject to the reduction of taxes on real property by school districts, and imposing duties on school districts.

House Bill No. 486 entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

House Bill No. 501 entitled:

An Act to amend section two hundred and one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "Tractor Code" as amended; by exempting farm wagons attached to tractors from registration in certain cases.

House Bill No. 562 entitled:

An Act to amend the act, approved the sixth day of April, one thousand nine hundred and eleven (P. L. 51), entitled "Sausage Law," as amended, further regulating the adulteration of sausage; changing the penalties prescribed; and providing for injunctions in certain cases.

House Bill No. 673 entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

House Bill No. 717 entitled:

An Act to further amend clause (a) of section two of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 368), entitled "Revised Price Act of 1917," extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease.

House Bill No. 756 entitled:

An Act to amend section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 89), entitled "An act granting authority to the Courts of Common Pleas, in the several counties of this Commonwealth, to issue writs of estrepement to stay waste upon lands sold for taxes, during the time provided for redemption;" by extending the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriffs' sales under tax or municipal claims.

House Bill No. 868 entitled:

An Act to prohibit the wilful and malicious breaking or destruction of milk bottles or other dairy product containers; and prescribing fines or penalties therefor.

House Bill No. 946 entitled:

A Joint Resolution proposing an amendment to section eight, Article Five of the Constitution of the Commonwealth of Pennsylvania.

House Bill No. 1049 entitled:

An Act providing for the creation of a legal holiday on April 8, 1938, to be known and observed as "Forefathers Day."

House Bill No. 1093 entitled:

An Act to amend Clause XLIX of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act" authorizing boroughs to expend moneys for the purchase and planting of trees.

House Bill No. 1135 entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration, preservation, development and maintenance of the Ephrata Cloisters Park.

House Bill No. 1153 entitled:

An Act making an appropriation to the Department of Property and Supplies for repairs, alterations and additions to or replacements of existing buildings and equipment to eliminate fire and other hazards to safety at State institutions.

House Bill No. 1194 entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee, providing for the appointment of its members, and defining its powers and duties.

House Bill No. 1325 entitled:

An Act to add Section 48.1 to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "Fiduciaries Act of 1917," by providing for the apportionment of estate taxes in certain cases.

House Bill No. 1357 entitled:

An Act limiting the questions to be decided in any new trials granted because of the inadequacy or excessiveness of a verdict.

House Bill No. 1372 entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such Department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings and facilities of the Authority, or for the services rendered by the Authority or its projects.

House Bill No. 1390 entitled:

An Act making an appropriation to the General State Authority to defray the costs and expenses of the said Authority in connection with the organization, administration and operation thereof.

House Bill No. 1465 entitled:

An Act creating county vocational school districts for the purpose of conducting county systems of vocational schools departments or classes; and defining the powers and duties of county boards of school directors in connection therewith.

House Bill No. 1476 entitled:

An Act to amend section one of the act approved the sixth day of May one thousand eight hundred and seventy-four (Pamphlet Laws 125) entitled "An act regulating State tax on certain county officers" as amended regulating the payment over to the county of excess earnings of county officers

House Bill No. 1495 entitled:

An Act to amend clause (b) of section four hundred forty-eight of the act, approved the ninth day of April,

one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended, changing the personnel of the State Veterans Commission; and fixing the compensation of the members thereof.

House Bill No. 1615, entitled:

An Act authorizing the Department of Property and Supplies to acquire, by purchase, or gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania the property of the Seventh Day Baptists of Ephrata, in whole or in part; to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission; authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance.

House Bill No. 1636 entitled:

An Act to amend section six hundred one of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1001), entitled "Aeronautical Code," by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft, and extending certain penalties to owners of aircraft.

House Bill No. 1671 entitled:

An Act to amend clause A of section two hundred and two of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "Business Corporation Law," as amended, restricting the use of certain words in corporate names.

House Bill No. 1781 entitled:

An Act to amend sections two and three of the act approved the fourteenth day of May, one thousand nine hundred twenty-nine (P. L. 1721), entitled "An act providing for the service of process in civil suits on non-resident operators, or non-resident owners of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, by providing further for the return of, and fees for, service.

House Bill No. 1858 entitled:

An Act to amend section two thousand five hundred fifty-three, as amended, of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class, and regulating the premiums thereof.

House Bill No. 1879 entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 450), entitled "Alienation of Affections and Breach of Promise Act," correcting an error in said section.

House Bill No. 1894 entitled:

An Act relating to soil conservation, and soil erosion and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; providing financial assistance to such soil conservation districts, prescribing penalties and making an appropriation.

House Bill No. 1959 entitled:

An Act to provide for the conservation, protection, improvement and profitable use of agricultural land resources in the State of Pennsylvania and for corporation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act; to assent to and accept the provisions of said act; to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee, and in conformity with the provisions of said act, to designate and authorize said committee as the State agency of this State, in conformity with such provisions, to formulate, submit to the Secretary of Agriculture of the United States, and administer state plans to carry out the provisions of this act; State agency; to provide for the selection of its members and otherwise to provide for the administration of this act, and making an appropriation.

House Bill No. 1963 entitled:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees; and providing fees and penalties.

House Bill No. 2029 entitled:

An Act to amend Article Five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," authorizing counties of the fifth class to make appropriations for the maintenance of short wave radio broadcasting stations.

Houes Bill No. 2057 entitled:

An Act to protect the public against fraud and deception; regulating the business selling liquid fuels; imposing duties on the Department of Revenue; and prescribing penalties.

House Bill No. 2113 entitled:

An Act providing for the reciprocal enforcement of violations of the fishing laws in boundary waters between Pennsylvania and the States of New York and New Jersey.

House Bill No. 2145 entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests of this Commonwealth.

House Bill No. 2242 entitled:

An Act to amend section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one, (Pamphlet Laws 149) entitled "Liquid Fuels Tax Law," by making further provision regarding the discount allowed to distributors if reports are filed and taxes paid on time.

House Bill No. 2330 entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

Whereupon,

The PRESIDENT Pro Tempore (Mr. Harvey Huffman) in the presence of the Senate signed the same.

NOMINATION BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations.

APPOINTMENT OF MEMBER ON BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Howley, of Pittston, Luzerne County, for appointment as a member of the Board of Trustees of East Stroudsburg State Teachers College, vice Richard P. McNichols, of Scranton, whose term expired, for the term of four years and until his successor is qualified.

GEORGE H. EARLE

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILLS NOS. 560, 811, 1044

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 560, Printer's No. 265, entitled "An Act Providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies and for its management and development by the Pennsylvania Historial Commission and making an appropriation."

Senate Bill No. 811, Printer's No. 629, entitled "An Act Permitting boroughs and townships of the first class engaged in the construction of sewers and sewer systems to change under certain conditions the locations of the sewers and sewer system by amending ordinances and providing that abutting property owners shall be liable in such cases."

Senate Bill No. 1044, Printer's No. 631, entitled "An Act authorizing Courts of Common Pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act."

GEORGE H. EARLE

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess until 9:00 p. m.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to

AFTER RECESS

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

RESOLUTION

Mr. LAW. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW. offered the following resolution which was twice read considered and agreed to:

In the Senate, June 2, 1937.

Whereas in the closing hours of this session we think fondly of our friends and associates here in this senate and

Whereas one of the members of this august body is today celebrating the anniversary of his natal day and

Whereas this said Senator is one of the most distinguished orators and friends of democracy within this body and

Whereas we all respect and honor our beloved friend from Centre County

Therefore, be it Resolved that we extend congratulations to the gentleman from Centre County, the Honorable Edward Jackson Thompson upon this occasion in the celebrating of his thirty-sixth birthday.

Therefore be it Further Resolved that a copy of this resolution be prepared and signed by the proper officers of the Senate and be presented to the gentleman from Centre County.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 1238, (Senate Bill No. 1457), entitled:

An Act to validate certain debts and obligations of school districts.

Which was committed to the Committee on Rules.

House Bill No. 1745, (Senate Bill No. 1458), entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg, Pennsylvania.

Which was committed to the Committee on Rules.

House Bill No. 2452, (Senate Bill No. 1459), entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "Liquid Fuels Tax Law" by making a further provision for the payment of the tax.

Which was committed to the Committee on Rules.

House Bill No. 2037, (Senate Bill No. 1460), entitled:

An Act to re-enact a part of section one of Article Three of the act, approved the seventh day of March one thousand nine hundred and one (P. L. 20), entitled "Second Class City Law," providing for the removal and dismissal of policemen in cities of the second class.

Which was committed to the Committee on Rules.

House Bill No. 2002, (Senate Bill No. 1461), entitled:

An Act to amend section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1083), entitled "An act requiring all persons contracting with the Commonwealth or any department or officer thereof or any municipal corporation, division or subdivision of the Commonwealth to accept the provisions of the State Workmen's Compensation Act, and to insure the said contractors' liability thereunder or

secure an exemption from insurance in accordance with the terms of the said act in respect to such contract" by making the Commonwealth or municipality or division or subdivision thereof, liable for payment of compensation to person injured while employed under a contract executed in violation of the provisions of this act.

Which was committed to the Committee on Rules.

House Bill No. 2003, (Senate Bill No. 1462), entitled:

An Act to amend section eight hundred and five of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," by making townships liable for payment of compensation to persons injured while employed under a contract executed in violation of provisions of this act.

Which was committed to the Committee on Rules.

RECONSIDERATION OF SENATE BILL NO. 1127

Mr. SHAPIRO. Mr. President, I move to reconsider the vote by which Senate Bill No. 1127, entitled:

An Act to prohibt any person firm or corporation not directly involved in a labor strike or lockout recruiting or securing or offering to secure employment for persons to take the places of employes where a labor strike or a lock-out exists and providing for legally established employment service.

was defeated.

Mr. MUNDY. Mr. President, I second the motion?

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "no".

Mr. MUNDY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MUNDY. Mr. President, I voted "no".

On the question,

Will the Senator agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to state the purpose of asking the Senate to act on this bill the purpose was that I propose to offer amendments in connection with the bill.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to amend page 1, line 1 of Title by striking out the word "the" before the word "securing" and by striking out after the word "prohibt" and before the word "recruiting", the word "the", and inserting in lieu thereof the following: "any person, firm oc rorporation not directly involved in a labor strike or lockout;" amend page 1, line 5 of Title by striking out after the word "strike" and before the word "or" the words "is pending"; amend page 1, line 5 of Title after the word "exists" by adding "and providing for legally establish employment service"; amend page 1, line 4, after word "person", by striking out "for himself or as"; amend page 1, line 5, before the word "firm" by striking out "agent or servant of any"; amend page 1, line 5, after the word "corporation", by inserting "not directly involved in a labor strike or lockout"; amend page 2, line 3, after the word "place and before the word "em-" the word "of", and inserting in lieu thereof the word "in"; amend page 2, line 5, after the word "strike" and before "HC" by striking out "is than pending"; amend page 2, line 6, after the word "exists" by adding the following: provided that this Act shall not apply to any employment agent licensed as such under the Department of Labor and Industry or to the Pennsylvania or the United States Employment Service.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, when this bill was before the Senate this afternoon, a fair interpretation of the bill would have meant that no employees, no matter how long the strike had been pending could by himself engage other persons to take the places of those men who were out on strike. We discussed the bill on the floor of the Senate, and the Senator from Westmoreland, Mr. Dent, stated what in my opinion was also the purpose of the bill, namely, to prevent the engaging of so-called strike-breakers in labor disputes. I have prepared amendments in consultation with these persons who are interested in the bill, and they have a right to be interested, and which I think suits those persons and I am sure that the Senators will be satisfied after hearing these amendments that it restricts operation of this bill to the persons and to those people engaged in the business of strike-breaking, and for that purpose I desire to ask unanimous consent to offer amendments.

The PRESIDENT. A motion should be made to reconsider the vote by which the bill passed third reading.

MOTION TO RECONSIDER VOTE

Mr. SHAPIRO. Mr. President, I move that the vote by which this bill passed third reading be reconsidered.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye".

Mr. DENT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. DENT. Mr. President, I voted "aye".

The motion was agreed to.

Mr. SHAPIRO. Mr. President, I offer the following amendments:

Mr. President, I would like to state to the Senate so that we may be able to follow these amendments that it shall be unlawful for any person, firm, or corporation, not directly involved in a labor strike or lock-out to recruit any person or persons for employment or to secure or offer to secure for any person or persons any employment for the purpose of recruiting, securing or offering to secure so as to have said persons take the places of employment in an industry where a labor strike or lock-out exists, and provided that this Act was not to apply to the State Employment Service, National Employment Service or any other employment service licensed by the Commonwealth of Pennsylvania.

Mr. DENT. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. DENT. Mr. President, if a firm is directly affected by a strike, would it be impossible to employ the services of strike breaking agents under these amendments?

Mr. SHAPIRO. Mr. President, no, because it does not permit any agent to give employment to any person unless he is directly involved in these strikes. That means that no person, firm or corporations can secure employees unless that firm, person, or corporations is directly involved in the strike.

Mr. DENT. Mr. President, is it not true that the firm that is directly affected by the strike can hire anybody, if it so wishes?

Mr. SHAPIRO. Mr. President, it can hire somebody to work for it, but it cannot hire anyone to get others to work for it. The purpose of the bill and the amendments I think confined the activities of the hiring of employees through persons, firms or corporations directly involved in a strike.

Mr. DENT. Mr. President, we could argue all evening and probably would not get the answer that I would like to arrive at. However, I think the bill is some improvement over the present condition, therefore I ask that the members of the Senate do vote favorably on the amendments and the bill.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator what would happen if a strike were called in a hospital in which many people were seriously ill, and there was a nurses' association that furnished all the nurses for that hospital, how they could get nurses to take care of these sick people as the bill is amended.

Mr. SHAPIRO. Mr. President, the hospital could hire them directly from the nurses association.

Mr. OWLETT. Mr. President, I would like to ask the Senator how he is sure the hospital can hire directly.

Mr. SHAPIRO. Mr. President, because they can do that under the present law, and this bill would not affect the present law in that case.

Mr. OWLET. Mr. President, if the President of the Nurses Association in obtaining the nurses for this hospital for these sick people I assume that under these amendments that they would be subject to a penalty and fine.

Mr. SHAPIRO. Mr. President, that is not so, because in that situation the President of the hospital would not be hiring the President of the Association to procure nurses from them but he would be going direct to the Association and do the hiring himself.

Mr. OWLETT. Mr. President, it seems to me that a bill that would in any way cripple a hospital, for instance, concerning furnishing the necessary public conveniences in attending health in any way, as this is going to do, is bad legislation and is not needed. This amendment makes the bill somewhat better than it was before, but the possibility is still there.

Mr. SHAPIRO. Mr. President, I have no doubt if we want to change our idea, that we can find many arguments against this bill. I was opposed to this bill because I believed it would interfere with the proper management of hospital business, but I do believe that people who are jockeying for position, by lawful means, have a right to demand that no unlawful means be used to interfere with their coming to a lawful agreement and understanding in labor differences. This bill, the purpose of which is to prevent the importation of strikebreakers into a community, would be a great benefit not only to industry, but to labor, because that kind of difference is the thing which brings about violations and unlawfulness. A stranger that is imported here has no interest in the situation or in the community in which he is employed; his real job, for which he is paid, is, and the only job he knows, is going to break a strike. I think what we should do is look at this bill from a true standpoint. Nobody will agree that such a situation should arise in a hospital. In my forty years living in the city of Philadelphia in this Commonwealth, I know of no situation that has strikebreakers employed in a hospital, I know of no interference in the conduct of a hospital. I think labor has just as much human feeling as any member in this Senate.

Mr. OWLETT. Mr. President. We have heard within the last week or ten days of the plight of Mt. Sinai Hospital in New York, which seriously crippled that hospital. Now, I am just as much interested in seeing the rights of labor protected as the Senator from Philadelphia, whether he believes it or not. As I understand it, however, under this act there is no limitation of time during which a strike may be thought to be in progress. and I take it that a plot encouraged by a strike, where the men all went out to get employment, and two years may have expired, they would go to an employment agency and hire people to open up that industry, and we think the bill is not in the shape it could be and should be to correct the evil that is intended to be corrected. That evil should undoubtedly be corrected and the purpose of the bill is undoubtedly a lawful purpose, but it seems to me we are making a great mistake to open to prosecution anybody that assists in getting somebody to help in a plant, no matter how seriously needed the facilities of that industry are. It seems to me that this should be worded to protect the public against such a situation. We cannot think today of all the possibilities that may arise in a situation where this help is seriously needed. There are agencies that maintain lists of employers and of available employees and when you have a strike in a concern which furnishes something vital to a community that may tie up the whole community and everything in it, are we going to say that they cannot go to that agency and get somebody to carry on the necessary part of that work? I do not think that a proper phase of legislative enactment unless it is put in shape that would correct fully the evils sought to be corrected, namely, to prevent the agencies from making possible the employing of strik breakers.

Mr. SHAPIRO. Mr. President, the Senator from Tioga assumes or questions the sincerity or the truthfulness. I am trying to avoid personalities, and I want to call the Senator's attention to the fact that because I objected to the word strike 'pending', this afternoon, I felt the same as he did about the question he raised, so that the words are no longer in the bill. With regard to the agency, I would like to call the Senator's attention to the amendments that I read that this bill should not affect the right of any State or National Employment agency, or any agency licensed by the state to do business by agents, so that any agent has a list of names to whom he can refer, and it is legitimately licensed agent and a licensee of the state, and did not bring in strikebreakers, it can furnish a list to the employers, that was for the purpose of protecting the agency. Certainly, if there is an agency exists that is not licensed and has a list of employees, it can only be that kind of

an agency that we do not want to interfere with the strike that is pending, and it is that kind of agency against which we feel in its present form operates efficiently.

Mr. MUNDY. Mr. President, I am very much concerned about this bill in its original form, in that it applies to the suspension of persons of any industry. I want to feel sure that in the case that the suspension of sufficient men by an agreement between labor and capital, would be permitted to be maintained so that the industry would be able to operate on short notice, and on the confirmation of the negotiations association in looking this bill over, I would like to interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. MUNDY. Mr. President, in this bill we have a ....

Mr. SHAPIRO. Mr. President, there is nothing to stop the mine owner from going outside, from going from house to house in the community himself, or by his superintendent, or by his employees to secure men to take the place of the strikers.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for use of the Senate.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 892 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 892, entitled:

An Act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction, on parents, guardians, nurses and physicians; and placing certain costs on school districts, and making an appropriation.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 1801

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1801, entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four), entitled "Rural State Highway Law" as amended, by changing certain routes and adding certain new routes.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 1757

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1757, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "Real Estate Brokers License Act of 1929," by further defining real estate brokers and real estate salesmen; and further providing for the licensing, regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 99

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 99, entitled:

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "Workmen's Compensation Act of 1915," by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurers; conferring certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system including the rehabilitation of employes; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes, and for the payment of re-opened cases after a certain lapse of time, by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending, clarifying and changing the provisions of said act.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1330

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1330, entitled:

An Act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by magistrates; imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the County of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the Courts of Common Pleas of the County of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act; providing penalties for violation of the provisions thereof and repealing certain prior acts.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 2012

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2012, entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "Borough Rural State Highway Law," as amended; by changing certain routes and adding certain new routes.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 1640

He also informed the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 1640, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled as amended "Workmen's Compensation Act of 1915," as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL No. 1640

Mr. RICE. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. GILSON. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 638

He also informed the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 638, entitled:

An Act making an appropriation to the Trustees of Lincoln University, Chester County.

SENATE RECEDES FROM AMENDMENTS TO HOUSE BILL No. 638

Mr. RICE. Mr. President, I move that the Senate recede from its amendments.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 280

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 280, entitled:

An Act requiring all terminal airports maintaining regular scheduled flights and all radio transmission stations to maintain auxiliary aerial night lighting equipment, and an auxiliary source of electric current to light the same; and providing penalties.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 408

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 408, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1000

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1000, entitled:

An Act concerning game and other wild birds and wild animals; and amending revising, consolidating, and changing the law relating thereto.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1055

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1055, entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as added, prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1141

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1141, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1173

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1173, entitled:

An Act to insure and protect fair trade practices in distribution; defining such practices; prohibiting the advertisement, offer for sale or sale of merchandise at less than cost, and fixing a penalty for such advertisement, offer for sale, or sale, and investing the courts with jurisdiction to prevent and restrain violations of the act.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1449

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1449, entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1570

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1570, entitled:

An Act to promote safety for the travelling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in certain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1575

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1575, entitled:

An Act to amend section eighteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "School Employes Retirement Law" as amended, authorizing the assignment of retirement rights in certain cases.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1690

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1690, entitled:

An Act regulating the mining of coal; prescribing duties for county commissioners; and imposing penalties.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1693

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1693, entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1751

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1751, entitled:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed; changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value; providing a procedure by which the actual value of such property, when purchased by or for the holder of the mortgage, may be determined and credited on the mortgage debt; and providing a limitation of time within which such procedure may be invoked.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1765

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1765, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by restricting the number of assistant county superintendents; providing for county public school psychologists, and establishing standards of eligibility, methods of appointment, duties, salaries, and methods for the payment thereof, for such county public school psychologists.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1787

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1787, entitled:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain Courts of this Commonwealth; to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record; authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties; imposing duties on Judges and other officers of every Court of Record; conferring upon the Supreme Court of Pennsylvania disciplinary powers over judges of all other Courts of Record, including the power to prescribe and impose penalties in the enforcement of such powers.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 1817

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1817, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 2001

He also presented communication from the House of Representatives informing the Senate that the House has

concurred in amendments made by the Senate to House Bill No. 2001, entitled:

An Act to amend section four hundred and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," further regulating the creation and abolition of wards.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 2010

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2010, entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "City State Highway Law," as amended; by changing certain routes and adding certain new routes.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 2040

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2040, entitled:

An Act to amend section fifty-nine, as amended, section one hundred ninety, as added, section two hundred four, as amended, and sections two hundred forty-seven and six hundred seventy-five of, to add sections one hundred fifty and one-tenth and one hundred fifty-five, to, and to repeal section two hundred five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by changing the provisions for filling vacancies in the office of coroner, sheriff, district attorney and county treasurer, providing for and prescribing the procedure for leasing of real property belonging to counties; and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 2263

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2263, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

HOUSE CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL No. 2264

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2264, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 158.

He also presented communication from the House of Representatives, informing the Senate that the House of Representatives has adopted the report of the Committee of Conference on House Bill No. 158, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life and for industrial consumption and recreation, empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political sub-divisions to provide works to abate pollution, providing protection of water supply, providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters, imposing certain penalties and repealing certain acts.

Mr. RODGERS. Mr. President, I call up the Conference Report on House Bill No. 158, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political sub-divisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 158.

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 158, entitled: "An act To preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political sub-divisions; to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties and repealing certain acts," respectively submit the following bill as our report.

FREDERICK T. GELDER,
WILLIAM B. RODGERS,
EDWARD J. THOMPSON,
Committee on the part of the Senate.

MAHLON F. LARUE,
WILBERT D. IMBRE,
JOSEPH A. SIMON.
Committee on the part of the House of Representatives.

An Act To preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts magistrates aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts

ARTICLE I

General Provisions and Public Policy

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following

words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" shall be construed to mean the Sanitary Water Board in the Department of Health or its duly constituted successor

"Establishment" shall be construed to include any industrial establishment mill factory tannery paper or pulp mill garage oil refinery oil well boat vessel mine quarry and each and every other industry or plant or works in the operation of which industrial wastes are produced

"Industrial waste" shall be construed to mean any liquid gaseous or solid substance not sewage resulting from any manufacturing or industry

"Institution" shall include healing preventative mental health educational correctional and penal institutions almshouses and county and city homes operated by the State or any political subdivision thereof and whose sewage is not admitted to a public sewer system

"Municipality" or "municipal" shall be construed to include any county authority municipal authority city borough town township school district and institution as above defined

"Person" shall be construed to include any person copartnership association or private corporation

"Pollution" shall be construed to mean noxious and deleterious substances rendering unclean the waters of the Commonwealth to the extent of being harmful or inimical to the public health or to animal or aquatic life or to the use of such waters for domestic water supply or industrial purposes or for recreation

"Sewage" shall be construed to include any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals

"Waters of the Commonwealth" shall be construed to include any and all rivers streams creeks rivulets lakes dammed water ponds springs and all other bodies of surface and underground water or parts thereof whether natural or artificial within or on the boundaries of this Commonwealth

Section 2 Interpretation of Act A The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section B Headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Discharge of Sewage and Industrial Wastes Not a Natural Use The discharge of sewage or industrial waste or any noxious and deleterious substances into the waters of this Commonwealth which is or may become inimical and injurious to the public health or to animal or aquatic life or to the uses of such waters for domestic or industrial consumption or for recreation is hereby declared not to be a reasonable or natural use of such waters to be against public policy and to be a public nuisance

ARTICLE II

Sewage Pollution

Section 201 Prohibition Against Discharge of Sewage No person or municipality shall place or permit to be placed or discharge or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any sewage except as hereinafter provided in this act

Section 202 Extent of Applicability of Act to Existing Sewage Discharges Any municipality discharging sewage from any sewer system owned and maintained by the municipality and any person discharging sewage into or in such manner as to cause pollution of the waters of this Commonwealth without regard to the fact that such discharge began prior or subsequent to the twenty-second day of April one thousand nine hundred and five or whether such continued discharge has been by virtue of or without a permit issued by the Secretary of Health the Commissioner of Health or the Board in accordance with the provisions of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" shall discontinue the discharge of sewage into or in such manner as to cause pollution of the waters of this Commonwealth upon the order of the Board issued pursuant to the provisions of this act at such time as the Board shall be of opinion that such discharge of sewage is or may become inimical or injurious to the public health animal or aquatic life or to the use of the water for domestic or industrial consumption or recreation and on such notice any permit heretofore granted to such municipality or person for the discharge of sewage into the waters of the Commonwealth shall be deemed to be revoked and annulled Provided however That the discharge of sewage into a stream impregnated with acid coal mine drainings be permitted when the discharge of sewage does not create a condition inimical to the public interest

Section 203 Orders to Discontinue Existing Sewage Discharges Nuisances In the case of a municipality orders to discontinue existing discharges of sewage shall be by notice in writing (after investigation and hearing and an opportunity for all persons interested therein to be heard thereon) which notice shall be served personally or by registered mail on the corporate authorities of the municipality owning or maintaining and using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued shall be stated in the notice and shall in no case exceed two years

In the case of a person orders to discontinue existing discharges of sewage shall be by notice in writing served personally on such person or by registered mail addressed to the last known post office address of the person discharging the sewage and such notice shall specify a reasonable time not exceeding one year to be fixed by the Board within which the discharge of such sewage shall be discontinued

The continued discharge of sewage by persons or municipalities after the expiration of the time fixed in any such notice is hereby declared to be a nuisance and shall be abatable and punishable as provided in this act

Section 204 Penalty Any person who shall continue to discharge sewage or permit the same to flow into the waters of the Commonwealth contrary to the preceding provisions of this act or after the expiration of the time fixed in any notice from the Board to discontinue an existing discharge of sewage into the waters of the Commonwealth shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars and not exceeding one hundred dollars for each offense and a further fine of ten dollars for each day the offense is maintained and in default of the payment of such fine and costs the person or the member or members of any association or copartnership or the officer or officers of any corporation responsible for violation of this act shall be imprisoned in the county jail one day for each dollar of fine and costs unpaid

Section 205 Reports of Existing Municipal Sewers It shall be the duty of the corporate authorities having by law charge of the sewer system of each municipality in the Commonwealth from which sewage is being discharged into any of the waters of the Commonwealth to file with the Board from time to time upon the written demand of said Board a report of such sewer system which shall comprise such plans facts and information as the Board may require Such report shall be filed within a time specified by the Board in its written demand No municipal sewer system shall be exempt from the provisions of this act prohibiting the discharge of sewage into the waters of the Commonwealth for which a satisfactory report shall not be filed with the Board in accordance with this section The continued discharge of sewage from any such sewer system contrary to the provisions of this section is hereby also declared to be a nuisance and abatable as such

Section 206 Applications for Permits for the Discharge of Sewage Upon application duly made to the Board by the corporate authorities having by law the charge of the sewer system of any municipality or by any person the Board shall consider the case of any sewer system or the extension of any existing sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the Commonwealth and shall if it finds as a fact that the discharge of sewage is necessary and not injurious to the public health or animal or aquatic life or for use for domestic or industrial consumption or recreation stipulate in a permit the conditions and the time during which such discharge into the waters of the Commonwealth may be permitted Such permit before being operative shall be recorded in the office of the recorder of deeds for the county wherein the outlet of said sewer system is located And in case the municipality or person fails or neglects to record such permit the Board shall cause a copy thereof to be so recorded and shall collect the cost of recording from the municipality or person No such permit shall be construed to permit any act otherwise forbidden by any of the laws of the Commonwealth or by any decree order sentence or judgment of any court or by the ordinances of any municipality or by the rules and regulations of any water company supplying water to the public or by laws relative to navigation

Section 207 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the construction of any new sewer system or for the extension of any existing sewer system by a municipality or for the erection construction and location of any treatment works or intercepting sewers by a person or municipality shall be submitted to the Board for its approval before the same are constructed or erected or acquired Any such construction or erection which has not been approved by the Board by written permit or any treatment works not operated or maintained in accordance with the rules and regulations of the Board is hereby also declared to be a nuisance and abatable as herein provided

Section 208 Revocation or Modification of Permits Every such permit for the discharge of sewage from a sewer system or extension or for the erection and construction of any sewer system or treatment works or intercepting sewers under the provisions of sections two hundred six and two hundred seven of this act shall be revocable or subject to modification and change by the Board on due notice (after an investigation and hearing and an opportunity for all known to be interested therein to be heard thereon) being served personally on or by registered mail addressed to the last known post office address of the corporate authorities of the municipality or the person owning maintaining or using the sewer system or the person or municipality operating the treatment works The length of time after the receipt of the notice within which the discharge of sewage or the treatment of sewage in such treatment works shall be discontinued shall be stated in the notice but in no case shall it exceed two years in the case of a municipality or a reasonable time not exceeding one year in the case of a person to be fixed by the Board

Section 209 Prohibition Against Discharge of Sewage Et Cetera After Revocation of Permit On the expiration of the period of time prescribed after the service of a notice of revocation modification or change of any such permit from the Board the discharge of sewage into any waters of the Commonwealth or treated sewage from treatment works shall cease and terminate and the prohibition of this act against such discharge or treatment shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided A continuation of the discharge of sewage or the treatment of sewage after revocation or in violation of any modification and change of any such permit is hereby also declared to be a nuisance and shall be punishable and abatable as herein provided

Section 210 Municipal Financing of Pollution Abatement Any municipality upon whom an order of the Board is served to abate its discharge of untreated or inadequately treated sewage shall unless said order to abate said discharge be reversed on appeal take steps for the acquisition or construction of a sewer or sewerage system or sewage treatment works or both or for the repair alteration extension or completion of an existing sewer sewerage system or sewage treatment works or both as may be necessary for the treatment of its sewage in compliance with the order of the Board The cost of the acquisition construction repair alteration completion or extension of the sewer sewerage system or sewage treatment works as may be necessary to comply with said order shall be paid out of funds on hand available for such purpose or out of the general funds of such municipality not otherwise appropriated If there be no sufficient funds on hand or unappropriated then the necessary funds shall be raised by the issuance of bonds such bond issue to be subject only to the approval of the Department of Internal Affairs If the estimated cost of the steps necessary to be taken by such municipality to comply with such order is such that the bond issue necessary to finance such project would not raise the total outstanding bonded indebtedness of such municipality in excess of the constitutional limit imposed upon such indebtedness by the Constitution of this Commonwealth then and in that event the necessary bonds may be issued as a direct obligation of such municipality and retired pursuant to general law governing the issue of such bonds if the electors of the municipality shall vote in favor of the increase in indebtedness where the consent of the elctors is required If the amount of such bonds necessary to be issued would raise the total outstanding bonded indebtedness of such municipality above such constitutional limitation on such indebtedness or if the consent of the electors cannot be secured or if such municipality by its corporate authorities shall determine against the issuance of direct obligation bonds then such municipality shall be requested to issue non-debt revenue bonds and provide for the payment of the interest and principal of such bonds from funds to be raised by imposing a sewer rental or charge in accordance with and as authorized by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws twelve hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" or other legislation relating to the imposition and collection of such rentals and charges

The funds made available by the issuance of either direct obligation bonds or revenue bonds secured by rental charges as herein provided shall constitute a sanitary fund and shall be used for no other purpose than for carrying out such order or orders of the Board

The Attorney General at the instance of the Board may enforce this provision of the act by action of mandamus

Section 211 Revenue Bonds For the purpose of financing the cost and expense or its share of the cost and expense of constructing or acquiring or extending any sewer sewer system or sewage treatment works either singly or jointly with other municipalities a municipality may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges imposed for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upon and payable solely from the annual rentals or charges for the use of the sewer sewer system or sewage treatment works

Section 212 Issuance and Sale of Revenue Bonds Maturity Interest When a municipality shall issue any non-debt revenue bonds the corporate authorities thereof shall sell the same to the highest bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the municipality or the county in which the municipality

is situate Where bonds shall be advertised for sale as herein provided and no bids shall have been received then it shall be lawful for such municipality to sell the same at private sale for not less than par and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and shall bear interest at a rate not exceeding six per centum per annum

Section 213 Other Methods of Financing Preserved Anything in this act to the contrary notwithstanding any municipality shall have power to issue bonds revenue certificates or other obligations to finance in whole or in part the carrying out of any order or direction of the Board without regard to the restrictions limitations or provisions of this act relating to the issuance of bonds revenue certificates or other obligations provided that such bonds revenue certificates or other obligations are issued by the municipality in accordance with the provisions of any other law This act shall be construed to provide an alternative method for the issuance of bonds revenue certificates or other obligations by a municipality and not an exclusive method therefor

ARTICLE III

Industrial Wastes

Section 301 Prohibition Against Discharge of Industrial Wastes No person shall place or permit to be placed or discharged or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any industrial wastes except as hereinafter provided in this act

Section 302 Existing Industrial Wastes Discharges All persons who at the time of the passage of this act are discharging industrial waste into any of the waters of the Commonwealth shall discontinue the discharge of such industrial waste into said waters or into any municipal sewer system on notice from the Board when after due investigation the Board shall declare the dicharge of such industrial waste is or may become inimical or injurious to the public health or to animal or aquatic life or prevent the use of waters for domestic industrial or recreational purposes provided that any discharge that is inimical and injurious to the public health or to animal or aquatic life or to the use of the water for domestic or industrial consumption or recreational purposes shall nevertheless be deemed unlawful and a nuisance whether the Board shall so declare or not

Section 303 Information as to Kind and Character of Discharge Every person who on the effective date of this act shall be discharging or permitting to be discharged or has an establishment temporarily closed which in the future may discharge or permit to be discharged any industrial waste into the waters of the Commonwealth shall file with the Board within ninety days after the effective date of this act on forms prepared and supplied by the Board such information under oath as the Board may require with regard to such industrial waste including the kind characteristics and rate of flow thereof and concerning the treatment works if any either in operation or in contemplation It shall be the duty of such persons to apply to the Board for the forms necessary to comply with this provision The falsity of any of the information thus supplied is hereby declared to be perjury and punishable as such

Section 304 Water Surveys The Board shall have power to make a complete survey of the waters of the Commonwealth in order to ascertain the extent of pollution in each of said waters and the remedies to be employed to purify said waters It shall have power to adopt prescribe and enforce such rules and regulations not inconsistent with this act as may be deemed necessary for the protection of the purity of the waters of the Commonwealth or parts thereof and to purify those now polluted and to assure the proper and practical operation and maintenance of treatment works approved by it A violation of which rules and regulations after notice shall also constitute a nuisance under this act

Section 305 Investigations and Research In addition to any powers now possessed the Board shall investigate and ascertain as far as practicable all facts in relation to the pollution of the water of the Commonwealth by industrial waste Its agents may enter upon lands buildings and premises as may be necessary for its investigations It shall conduct scientific experiments and researches under its personal supervision or in colleges and universities for the purpose of ascertaining reasonable and practical means for the treatment of industrial waste so that when the same has been treated the effluent thereof when discharged into the waters of the Commonwealth shall not be injurious to the public health or to animal or aquatic life or prevent the use of the water for domestic industrial or recreational purposes

Section 306 Protection of Clean Waters After the effective date of this act no municipality or person shall ever discharge drain or permit to be washed into the clean waters of this State any sewage or industrial waste "Clean waters" are hereby defined to mean waters which are at the effective date of this act unpolluted and free from any discharge or drainage of industrial waste and from any authorized discharge or drainage of sewage but the Sanitary Water Board may permit discharge into such waters of sewage or industrial waste that has been completely treated

Section 307 Regulation of Establishments Erected or Opened or Reopened in the Future No person shall hereafter erect construct or open or reopen or operate any establishment which in its operation results in the discharge of industrial wastes which would flow or be discharged into any of the waters of the Commonwealth and thereby cause a pollution of the same unless such person shall first provide proper and adequate treatment works for the treatment of such industrial wastes approved by the Board so that if and when flowing or discharged into the waters of the Commonwealth the effluent thereof shall not be inimical or injurious to the public health or to animal or aquatic life or prevent the use of water for domestic industrial or recreational purposes except when in the opinion of the Board such industrial waste is not inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and shall grant a permit for the discharge of such industrial waste into the waters of the Commonwealth But no permit shall ever be issued by the Board authorizing the discharge of untreated industrial waste into the clean waters of the State as above defined Public notice of every application for a permit under this section shall be given by notice published in a newspaper of general circulation published in the county where the permit is applied for once a week for four weeks But any such permit shall be revocable or subject to modification and change by the Board at any time thereafter upon reasonable notice served personally or by registered mail addressed to the last known post office address of the holder of the permit and the owner or operator of such establishment may be required to install treatment works approved by the Board for the treatment of such industrial waste or for the deposition of solids in such industrial waste in the manner and to the extent as the Board may require The discharge of industrial waste into any of the waters of the Commonwealth from any such establishment contrary to the provisions of this section or without a permit or after the time fixed in the notice of the Board when a permit is revoked or in violation of any modification thereof is hereby declared to be a nuisance and to be punishable and abatable as herein provided The provisions of this section shall not apply to establishments existing at the date of the approval of this act which may hereafter be temporarily closed for a period not exceeding six months

Section 308 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the erection and construction of treatment works by any person for the treatment of industrial wastes shall be submitted to the Board for its approval before the words are constructed or erected Any such

construction or erection which has not been approved by the Board by written permit or any treatment works not maintained or operated in accordance with the rules and regulations of the Board is hereby declared a nuisance and to be punishable and abatable as herein provided

Section 309 Penalties Any person who shall discharge any industrial wastes into the waters of the Commonwealth after the Board shall have given notice to discontinue the same as provided in section three hundred two shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and a further fine of ten dollars per day for each day the offense is continued and in default of the payment of such fine and costs the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof may be imprisoned in the county jail for a period not exceeding sixty days

Any person who shall continue to discharge any industrial waste into any of the waters of the Commonwealth contrary to the provisions of this act after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the Court of Quarter Sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof may be imprisoned in the county jail for a period of not more than one year

Section 310 Acid Mine Drainage and Silt The provisions of this article shall not apply to acid mine drainage and silt from coal mines until such time as the opinion of the Sanitary Water Board practical means for the removal of the polluting properties of such drainage shall become known

ARTICLE IV

Petty Pollution

Section 401 Petty Pollutions Prohibited It shall be unlawful for any person to put or place into any of the waters of the Commonwealth any explosive or to put or to allow any substance of any kind or character injurious or inimical to the public health or to animal or aquatic life or to the uses of water for industrial purposes or for recreation to be turned into or to run or flow or wash or to be emptied into any of the waters of the Commonwealth

Any person violating the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the provisions of this section after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the Court of Quarter Sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and such person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year Each day during which this section is violated shall constitute a separate offense

Nothing contained in this section shall be construed to apply to any sewage or industrial waste the discharge of which is regulated or prohibited by the preceding sections of this act but this section shall apply to explosives and to all other substances injurious or inimical to the public health or animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and to any sewage or industrial waste the discharge of which is not regulated or prohibited by the preceding sections of this act This section shall not be construed to prohibit the use of explosives for engineering purposes when a written permit has been given therefor by proper national state or municipal authorities

Section 402 Abatement of Petty Pollutions The violation of any of the provisions of the preceding section of this act is hereby declared to constitute a nuisance and to be abatable as herein provided

Section 403 Powers of Board The Board shall have power to adopt and promulgate reasonable rules and regulations for the purpose of preventing petty pollutions and to provide for and regulate the installation and maintenance of septic tanks or other methods of treatment whenever deemed necessary by the Board

ARTICLE V

Domestic Water Supplies

Section 501 Protection of Domestic Water Supplies In addition to the powers and authority hereinbefore granted power and authority is hereby conferred upon the Board after due notice and public hearing to make adopt promulgate and enforce reasonable orders and regulations for the protection of any source of water approved by the Commissioner of Health or the Department of Health for present or future supply to the public and prohibiting the pollution of any such source of water so approved rendering the same inimical or injurious to the public health or objectionable for public water supply purposes

Section 502 Penalty Any person violating any of said orders and regulations of the Board or refusing or omitting to comply with any direction or stipulation of the Secretary of Health made in accordance with said orders and regulations after thirty days' notice thereof shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the orders and regulations of the Board or refuse or omit to comply with any direction or stipulation of the Secretary of Health after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the Court of Quarter Sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year

Section 503 Public Nuisances A violation of the orders and regulations adopted by the Board pursuant to section five hundred and one of this act shall constitute a nuisance and whenever such a pollution shall be maintained or continued contrary to such orders and regulations the same may be abatable in the manner provided by this act

ARTICLE VI

Procedure

Section 601 Abatement of Pollutions All pollutions hereinbefore declared to be nuisances or maintained contrary to the provisions of this act shall be abatable in the manner now provided by law or equity for the abatement of public nuisances In addition suits to abate pollution of any of the waters of the Commonwealth may be instituted in equity or at law in the name of the Commonwealth upon relation of the Attorney General or upon relation of any district attorney of any county or upon relation of the solicitor of any municipality affected after notice has first been served upon the Attorney General of the intention of the district attorney or solicitor to so proceed Such proceedings may be prosecuted in the Court of Common Pleas of Dauphin County or in the

Court of Common Pleas of the county where the nuisance has been or is being committed or of any county through which or along the borders of which flows the water into which such pollution has been discharged at any point above and to that end jurisdiction is hereby conferred in law and equity upon such courts provided however that no action shall be brought by such district attorney or solicitor against any municipality discharging sewage under a permit of the Board heretofore issued or hereafter issued under this act and provided further that except in cases of emergency where in the opinion of the court the exigencies of the cases require immediate abatement of said nuisances the court may in its decree fix a reasonable time during which the person or municipality responsible for the nuisances may make provision for the abatement of the same

Section 602 Preliminary Injunctions In cases where the circumstances require it or the public health is endangered a mandatory preliminary injunction or special injunction may be issued upon the terms prescribed by the court notice of the application therefore having been given to the defendant in accordance with the rules of equity practice and in any such case the Attorney General the district attorney or the solicitor of any municipality shall not be required to give bond

Section 603 Summary Proceedings All summary proceedings under the provisions of this act may be brought before any magistrate alderman or justice of the peace of the county where the offense occurred or the unlawful discharge of sewage industrial waste or pollution was maintained or in the county where the public is affected and to that end jurisdiction is hereby conferred upon said magistrates aldermen or justices of the peace subject to appeal by either party in the manner provided by law In the case of any appeal from any such conviction in the manner provided by law for appeals from summary conviction it shall be the duty of the district attorney of the county to represent the interests of the Commonwealth

Section 604 Complaints Investigations Upon complaint made in writing by any responsible person to the Board it shall be the duty of the Board through its agents to investigate any alleged source of pollution of the waters of the Commonwealth and to institute appropriate proceedings under the provisions of this act to discontinue any such pollution if the offense complained of constitutes a violation of the provisions of this act

Section 605 Appeals Any order decision rule or regulation made by the Board shall be subject to appeal to the Court of Common Pleas of Dauphin County within thirty days from its entry by any person or municipality but in such appeal the decision rule or regulation of the Board shall be prima facie evidence of the correctness thereof and the burden to establish the incorrectness thereof shall be upon the appellant Said court may affirm or modify any such order decision rule or regulation if it be established by the appellant that the discharge of sewage or industrial waste or the erection maintenance or operation of any treatment works is not nor likely to become inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and if the court so finds it may set aside such order decision rule or regulation of the Board Any order (other than an order to discontinue the discharge of industrial waste) decision rule or regulation appealed from shall not be superseded by the appeal but shall be in force until the order of the court is made as above provided The setting aside of any order or decision of the Board by the court upon any such appeal shall not prevent or preclude said Board from again instituting subsequent proceedings against the same person or municipality when in its opinion the public health is endangered or animal or aquatic life destroyed or water rendered unfit for domestic industrial or recreational purposes subject to appeal as above provided

Section 606 Proceedings Where Waters Polluted from Many Sources Nothing contained in the laws of the Commonwealth shall estop the Board from proceeding under the provisions of this act against any particular municipality or person discharging sewage or industrial waste or other noxious or deleterious substance into the waters of the Commonwealth even though said waters are at the time polluted from other sources

Section 607 Public Records Evidence All papers records and documents of the Board and applications for permits pending before the Board shall be public records open to inspection during business hours and copies of all such public records and the rules and regulations of the Board certified by the Secretary of Health shall be received in evidence in all courts and elsewhere

Section 608 Existing Rules Regulations and Orders All rules and regulations heretofore adopted by the Board and all orders made and actions taken by the Board or the Secretary of Health under the provisions of law repealed by this act shall continue in force with the same effect as if such laws had not been repealed subject however to modification change or annulment as may be deemed necessary by the Board in order to comply with the provisions of this act

Section 609 Application and Permit Fees The Board is hereby authorized to fix and collect from persons and municipalities a reasonable filing fee for applications filed and for permits issued

ARTICLE VII

Scope and Purpose

Section 701 Existing Rights and Remedies Preserved The collection of any penalty under the provisions of this act shall not be construed as estopping the Commonwealth or any district attorney or solicitor of a municipality from proceeding in courts of law or equity to abate pollutions forbidden under this act or abate nuisances under existing law It is hereby declared to be the purpose of this act to provide additional and cumulative remedies to abate the pollution of the waters of this Commonwealth and nothing in this act contained shall in any way abridge or alter rights of action or remedies now or hereafter existing in equity or under the common law or statutory law criminal or civil nor shall any provision in this act or the granting of any permit under this act or any act done by virtue of this act be construed as estopping the Commonwealth persons or municipalities in the exercise of their rights under the common law or decisional law or in equity from proceeding in courts of law or equity to suppress nuisances or to abate any pollution now or hereafter existing or enforce common law or statutory rights

ARTICLE VIII

Repealer

Section 801 Repeal The following acts and parts of acts of Assembly are hereby repealed

Sections four five six seven eight nine ten and eleven of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health"

The act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred ninety-three) entitled "An act to preserve the purity of the sources of public water supplies hereafter approved authorizing the Advisory Board of the Department of Health to make orders and regulations therefor and the Commissioner of Health to enforce the same providing penalties for violation thereof and for abatement of nuisances by injunction"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bean,	Gelder,	Law,	Rice,
Cavalcante,	Gilson,	Mallery,	Rodgers,

Chapman,	Haluska,	McCreesh,	Shapiro,
Dando,	Henney,	McGinnis,	Sipe,
Deitrick,	Homsher,	Owlett,	Sones,
Dent,	Huffman,	Pierson,	Stiefel,
DiSilvestro,	Jaspan,	Pytko,	Thompson,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

LEAVE OF ABSENCE

Mr. DENT, asked and obtained leave of absence for himself, until tomorrow, on account of illness in his family.

HOUSE MESSAGES

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 965.

The Clerk of the House of Representatives, being introduced, presented communication from the House of Representatives informing the Senate that the House has adopted the report of the Committee of Conferenc on House Bill No. 965, entitled:

An Act to further amend the act approved the sixteenth day of April, one thousand nine hundred and twenty-five (P. L. 244), entitled "An act applying to third class counties only, and regulating the selection, drawing, and summoning of all jurors and talesmen, and defining their qualifications in such counties; creating a jury board and dening its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors of the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," by abolishing the jury board and transferring its powers and duties to the jury commissioners.

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of the report of the Committee of Conference on House Bill No. 965.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 965.

To the Members of the Senate and House of Representatives:

We, the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No 965, entitled: "An act to further amend the act approved the sixteenth day of April, one thousand nine hundred and twenty-five, (Pamphlet Laws 244), entitled 'An act applying to third class counties only, and regulating the selection, drawing and summoning of all jurors and talesmen, and defining their qualifications in such counties; * * * * ' by abolishing the jury board and transferring its powers and duties to the jury commissioners," respectfully submit the following bill as our report:

LEO C. MUNDY
JOHN H. DENT
(Committee on the part of the Senate.)
THOMAS A. TOOLE
ROBERT E. DOUGHERTY
(Committee on the part of the House of Representatives)

An Act to further amend the act approved the sixteenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 244) entitled "An act applying to third class counties only and regulating the selection drawing and summoning of all jurors and talesmen and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors for the array and regulating the procedure if array is quashed repealing all acts or parts of acts inconsistent therewith" by abolishing the jury board and transferring its powers and duties to the jury commissioners

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the sixteenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 244) entitled "An act applying to third class counties only and regulating the selection drawing and summoning of all jurors and talesmen and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array and regulating the procedure if array is quashed repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

"Selection of Jurors for Jury List

Section 3 On or before the tenth day of October of each year each [member of the jury board] jury commissioner shall deliver to the clerk a list containing the names of said [member's] commissioner's proportionate share of the number of qualified jurors required for jury service for the ensuing year as established by the Court of Common Pleas in its last order filed on the subject and in addition thereto fifty names of other persons qualified for jury service The clerk shall eliminate from said lists any duplicate names and the persons from whose lists said duplicates have been elimated shall furnish substitutes therefor All of these lists shall be published in two newspapers of general circulation in the county if the court so orders The clerk shall combine these lists into one complete list arranged alphabetically and shall deliver a copy of this complete list to each [member of the jury board] jury commissioner on or before October fifteenth Between the fifteenth and thirtieth days of November in each year at a date and hour to be [fixed by the president judge of which the other members of the board shall have due notice the jury board] agreed on by them the jury commissioners shall meet [in the office of the president judge] and shall select from the complete list the jurors for the official jury list hereinafter referred to [By a vote of a majority of the members of the jury board any names not exceeding three hundred in number may be stricken from the complete list or by vote of all the members of the jury board less one any] Any number of names may be stricken from said list If so many names are stricken from the complete list that there will be a deficiency of jurors for the ensuing year the jury [board shall by a vote of at least all members of the board less one] commissioners shall select qualified substitutes Substitutes shall be proposed by the [members of the jury board in rotation] jury commissioners alternately The names of persons approved for jury service as herein provided with their addresses and occupations shall be typewritten by the clerk upon a list to be known as the official jury list alphabetically according to the jurors' surnames and shall be numbered consecutively beginning with number one This list shall be in duplicate and shall be signed by the jury commissioners [by at least two judges of the Court of

Common Pleas] and by the clerk to the jury [board[commissioners One copy of this list shall be filed in the office of the prothonotary and shall be open to inspection by order of the court and the other copy shall be delivered to the president judge of the Court of Common Pleas and be open to inspection by any judge of said court At any time before the names on said list are placed in the jury wheel any name on said list may be stricken off by [a vote equaling that of all the members of the jury board less one and by the same vote] the jury commissioners and other names may be substituted therefor [if the board desires to do so]

Section 2 Section four of said act is hereby amended to read as follows

Placing Names in Jury Wheel

Section 4 The names occupations addresses and numbers on said official jury list shall be typewritten by the clerk upon separate and uniform slips of paper and shall be folded so as to conceal the names on these slips and be placed by the clerk in the jury wheel in the presence of the jury commissioners [and at least one judge of the Court of Common Pleas] This shall be done at a time fixed by order of the president judge soon after the last drawing from the wheel during the current calendar year The court may by order filed prescribe the form of the jury wheel and its lock and the care and custody of said wheel and the keys thereto The wheel shall be emptied and its contents destroyed after the last drawing of jurors in the calendar year Within ten days after the approval of this act the jury commissioners and the sheriff of each county of third class shall deliver to the president judge of the Court of Common Pleas the jury wheel and the keys thereto

Section 3 Section five of said act as amended by section one of the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 495) is hereby further amended to read as follows

Drawing of and Notices to Jurors

Section 5 The issuing of writs commanding the impaneling and summoning of jurors to serve as jurors in the trial of any issue triable by a jury in the several courts of the counties affected by this act and to serve as grand jurors shall be as now provided by law except the appropriate writs shall be directed [not as heretofore] to the sheriff and commissioners [but to the jury board] commanding [it] them to impanel and summon such jurors as required under the law or by order or praecipe of any of the several courts of the respective third class counties affected by this act [After the jury boards as herein provided for are organized all] All drawings of jurors and the proceedings incident to said drawings shall be as follows At least thirty days before each term of court there shall be drawn from the jury wheel name-slips equaling the number of jurors which the jury [board has] commissioners have been directed to impanel and summon for each week of said term of court and at least thirty days before the commencement of the grand jury there shall be drawn from said wheel twenty-four name-slips of jurors to be summoned for said grand jury The names occupations addresses and numbers of the persons so drawn for jury service shall be typewritten upon a list and the list shall be posted in the office of the prothonotary and clerk of the court at least twenty-five days before the first day of th eweek of court or the session of grand jury for which said jurors are chosen These lists shall be signed by [at least two of the judges of the Court of Common Pleas and by at least two] both of the jury commissioners and also by the clerk of the jury [board] commissioners The jurors so chosen shall at least twenty days before the first day of the week of court or session of the grand jury for which they have been drawn for service be notified to appear for service at the proper time by card duly mailed to the proper address and signed by the sheriff with a postage-prepaid return-card attached to said notice setting forth that notice to appear at the hour and date therein stated is accepted This return card shall be addressed to the sheriff The citizens to whom cards have been mailed and from whom return-cards have not been received five days after the cards were mailed to them shall be served personally by the sheriff of the county or his deputies with notice to appear for jury service at the proper time These summonses for jury services whether by card duly mailed or by personal service shall be deemed summonses of the court and disobedience to them shall be considered the same as disobedience to any other summons of the court The sheriff shall be entitled to charge the county on his fee account one dollar and mileage for each person summoned and shall be paid all the necessary expenses incurred by him or his deputies or clerks for serving such jury notices by mail or personally

Section 4 Section six of said act is hereby amended to read as follows

Method of Drawing Jurors

Section 6 All drawings of all jurors [after the organization of the jury board] shall take place in one of the court rooms [selected by the chairman of the board] at a time fixed by [him of which time and place the other members of the jury board shall have at least three days' notice] the jury commissioners The clerk shall announce or advertise the time and place of said drawing of jurors in two newspapers of general circulation all of which shall be located in the county seat of the county not more than ten days nor less than three days before the time of said drawing The drawing shall be [in the presence of at least one jury commissioner and at least one judge of the Court of Common Pleas and shall be] open to the public The name-slips shall be drawn singly from the wheel by any person whom the [judge or judges present at the drawing] jury commissioners may there appoint for that purpose The name number address and occupation as the same appear on the name-slips shall be read by any person there appointed for that purpose [by the judge or judges present] and shall be compared by the clerk of the jury board with the corresponding name number address and occupation on the official jury list If the name number address and occupation correspond the clerk shall immediately copy the same in a book called the "jury book" After the name-slips have been copied in the jury book and the jury book entry compared and found to be correct the name-slip shall be immediately sealed in an envelope by the clerk and on said envelope and in said jury book the specific week or weeks of jury service for which said jurors whose names are on said slips are drawn shall be entered Theses name-slips shall be held for safekeeping as the court shall direct untill the end of the year when they shall be destroyed unless the court shall order otherwise

Section 5 Section ten of said act is hereby amended to read as follows

Proceedings if Array is Quashed

Section 10 When the array of jurors returned at any court shall be quashed by reason of any fault or irregularity in the selection of said array of jurors the court shall forthwith order another public drawing of jurors in the manner provided in this act to take the place of the jurors on the quashed array and said jurors shall be legal jurors for the week for which the jurors in said quashed array were drawn The court shall prescribe what notice shall be given of the names occupations and addresses of the persons thus drawn so as to conform as nearly as may be practicable under the circumstances to the notice of and to jurors drawn as prescribed by sections five and six of this act If there has been any fundamental irregularity in filling the jury wheel the Court of Common Pleas may upon satisfactory proof of said irregularity order the wheel emptied and then refilled with names of persons qualified for jury service Said names shall be selected by the jury [board] commisioners and as nearly as possible according to the procedure prescribed in this act except that the same shall be done within a time to be prescribed by the court

Section 6 Section one of said act is hereby repealed"

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bean,	Haluska,	Law,	Rodgers,
Chapman,	Henney,	Mallery,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Deitrick,	Homsher,	McGinnis,	Sipe,
Dent,	Huffman,	Mundy,	Sones,
Ealy,	Kahle,	Pierson,	Stiefel,
Frey,	Kilgallen,	Pytko,	Thompson,
Gelder,	Kunkel,	Rankin,	Wolfenden,
Gilson,	Lanius,	Reed,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

SENATE BILL NO. 387 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 387, entitled:

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (Pamphlet Laws, two hundred thirteen) entitled "An act to accept the grant of Public Lands, by the United States, to the several states for the endowment of Agricultural College"; and making appropriations for carrying the same into effect.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 406 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 406, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 516 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 516, entitled:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 556 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 556, entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry, Philadelphia School of Design for Women, at Philadelphia, Pennsylvania

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1429 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1429, entitled:

An Act making an appropriation to the Department of Welfare for pensions for the blind.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1238 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1238, entitled:

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines; defining its powers and duties; and making an appropriation

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 892 entitled:

An Act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction, on parents, guardians, nurses and physicians; and placing certain costs on school districts and making an appropriation.

House Bill No. 99 entitled:

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "Workmen's Compensation Act of 1915," by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurers; conferring certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system including the rehabilitation of employes;; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes, and for the payment of re-opened cases after a certain lapse of time, by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance cariers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending. Clarifying and changing the provisions of said act.

House Bill No. 1000 entitled:

An Act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows, which were laid on the table.

House Bill No. 670, entitled:

An Act to promote the safety of travelers upon street railways and buses and others, by requiring a crew of two on each street railway car and certain buses.

House Bill No. 867, entitled:

An Act providing for the registration with the Secretary of the Commonwealth of names and marks branded on containers of milk, cream and other dairy products; regulating the purchase, sale, possession, use and destruction of containers so branded; imposing penalties; providing for the issuing of search warrants; and prescribing what shall be prima facie evidence of a violation of this act.

House Bill No. 920, entitled:

An Act requiring operators of swimming pools to which admission fees are charged to have a pulmotor at such pools; making failure to comply a misdemeanor; and prescribing penalties.

House Bill No. 1034, entitled:

An Act to amend section five hundred and twenty-two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "Administrative Code of 1929" as added, requiring contracts for public works and improvements to stipulate minimum wages to be paid to foremen, timekeepers, engineers, laborers and mechanics and requiring the Commonwealth to pay minimum wages for such work where no contract is let; and providing for county wage boards representing labor, business and the Commonwealth, to determine such minimum wages.

House Bill No. 1073, entitled:

An Act to amend section one thousand and one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three, (P. L. 359), entitled "Game Law" as amended, providing for the payment by the Commonwealth of a bounty for each rattlesnake killed in the Commonwealth.

House Bill No. 1238, entitled:

An Act to validate certain debts and obligations of school districts.

House Bill No. 1324, entitled:

An Act authorizing cities of the third class to surrender their charter and be constituted a borough or boroughs; providing for the procedure therefor and terminating the terms of the officers of such city when the borough government or governments are organized.

House Bill No. 1327, entitled:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements; defining the powers and duties of the Department of Highways, and the Water and Power Resources Board; authorizing political sub-divisions, persons, copartnerships, associations, corporations, and the Board of Fish Commissioners to contribute to the cost of the construction, maintenance and repair of any such dams; providing for acceptance by agencies of the Commonwealth of gifts and lease of lands; and making appropriations from the Motor License Fund and the Fish Fund.

House Bill No. 1638, entitled:

An Act to amend section five of the act, approved the first day of May one thousand nine hundred and nineteen (P. L. 103), entitled "An act creating a State Art Commission in the Board of Commissioners of Public Grounds and Buildings; requiring the approval of the commission of the design and location of all public monuments, memorials, buildings, or other structures and certain private structures, proposed to be erected anywhere in this Commonwealth other than in cities of the first and second classes," extending the powers of the State Art Commission to bridges and subjects and over bordering streams.

House Bill No. 1735, entitled:

An Act to amend section sixteen of the act, approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "Intangible Personal Property Tax Law," by providing that the taxes hereafter or heretofore imposed by the first section shall be a first lien on all real property of the resident against whom the same are assessed.

House Bill No. 1934, entitled:

An Act for the public safety; requiring and regulating the installation of gas shut-off valves and accessory appliances in and in connection with certain buildings; and conferring powers and duties on the Department of Labor and Industry and cities of the first, second and second A classes.

House Bill No. 1974, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by creating a National Shrines Commission in the Department of Military Affairs, and prescribing its powers and duties.

REPORTS FROM COMMITTEES

Mr. HUFFMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN, from the Committee on Rules, reported as committed, Senate Bill No. 1457, (House Bill No. 1238), entitled:

An Act to validate certain debts and obligations of school districts.

Also, from the Committee on Rules, reported as committed, Senate Bill No. 1458, (House Bill No. 1785), entitled:

An Act to further amend section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred eight) entitled, "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof, defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity," by providing for special registration of veterans in certain cases.

Also, from the Committee on Rules, reported as committed, Senate Bill No. 1459, (House Bill No. 2452), entitled:

An Act to further amend section four of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled, "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth

which are ordinarily practically and commercially usable in internal combustion engines for the generation of power, providing for the collection and lien of the tax and the distribution and use of the proceeds thereof, requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records, imposing duties on retail dealers, common carriers, county commissioners and such distributors, providing for rewards, imposing certain costs on counties, conferring powers and imposing duties on certain State officers and departments, providing for refunds, imposing penalties and making an appropriation," by making a further provision for the payment of the tax.

Also, from the Committee on Rules, reported as committed, Senate Bill No. 1460, (House Bill No. 2037), entitled:

An Act to re-enact a part of section one of Article three of the act approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws twenty) entitled, "An act for the government of cities of the second class," providing for the removal and dismissal of policemen in cities of the second class.

Also, from the Committee on Rules, reported as committed, Senate Bill No. 1461, (House Bill No. 2002) entitled:

An Act to amend section three of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws one thousand eighty-three) entitled, "An act requiring all persons contracting with the Commonwealth or any department or officer thereof or and municipal corporation division or sub-division of the Commonwealth to accept the provisions of the State Workmen's Compensation Act and to insure the said contractor liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract," by making the Commonwealth or municipality or division or sub-division thereof liable for payment of compensation to persons injured while employed under a contract executed in violation of the provisions of this act.

Also, from the Committee on Rules, reported as committed, Senate Bill No. 1462, (House Bill No. 2003), entitled:

An Act to amend section eight hundred and five of the act approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled, "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," by making townships liable for payment of compensation to persons injured while employed under a contract executed in violation of provisions of this act.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1457 (House Bill No. 1238), entitled:

An Act to validate certain debts and obligations of school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1458, (House Bill No. 1785), entitled:

An Act to further amend section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred eight) entitled, "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof, defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity," by providing for special registration of veterans in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1459, (House Bill No. 2452), entitled:

An Act to further amend section four of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled, "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power, providing for the collection and lien of the tax and the distribution and use of the proceeds thereof, requiring such distributors to secure permits to fire corporate surety bonds and reports and retain certain records, imposing duties on retail dealers, common carriers, county commissioners and such distributors, providing for rewards, imposing certain costs on counties, conferring powers and imposing duties on certain State officers and departments, providing for refunds, imposing penalties and making an appropriation," by making a further provision for the payment of the tax.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1460, (House Bill No. 2037), entitled:

An Act to re-enact a part of section one of Article three of the act approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws twenty) entitled, "An act for the government of cities of the second class," providing for the removal and dismissal of policemen in cities of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1461, (House Bill No. 2002), entitled:

An Act to amend section three of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws one thousand eighty-three) entitled, "An act requiring all persons contracting with the Commonwealth or any department or officer thereof of any municipal corporation division or sub-division of the Commonwealth to accept the provisions of the State

Workmen's Compensation Act and to insure the said contractor liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract." by making the Commonwealth or municipality or division or sub-division thereof liable for payment of compensation to persons injured while employed under a contract executed in violation of the provisions of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1462, (House Bill No. 2003), entitled:

An Act to amend section eight hundred and five of the act approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled, "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," by making townships liable for payment of compensation to persons injured while employed under a contract executed in violation of provisions of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The following meetings will be held:

There will be a Democratic Caucus, in the Senate Caucus Room at 1:30 p. m. tomorrow.

There will be a Republican Caucus, in Room 300 at 1:30 p. m. tomorrow.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until 2:00 p. m., tomorrow.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until two o'clock tomorrow, June 3, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 2, 1937.

The House met at 2:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAGHER, offered the following prayer:

Our heavenly Father we are happy to have Thy Divine guidance during these pressing days. We are all creatures of Thine, and we best express Thy will when we work together in peace and harmony. Encourage us to recognize the good in one another and to appropriate that good to humanity's cause. We, too, would pray, Lord, that we might all ponder seriously upon the words often cited to by that venerable American citizen, who recently passed away, and who was regarded as having been the world's richest man—

There is so much good in the worst of us,
And so much bad in the best of us,
That it hardly behooves any of us,
To speak ill about the rest of us. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. REISING, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communication which was read by the Clerk:

May 28, 1937.

To the Honorable, Roy E. Furman, Speaker of the House of Representatives:

As Speaker of the House of Representatives, we respectfully request that you lay before your Honorable body, the following resolution:

Resolved, That we, the members of the Independent Miners and Truckers Association, meeting at the Pulaski High School in Shamokin, Pennsylvania, on Tuesday evening May 25th, heartily support the Lauck-Angell report, and recommend its acceptance by the Governor and Legislature of the Commonwealth of Pennsylvania;

Resolved, That the Hobitzelle-Lynette report is deemed against the interests of all concerned in the mining region, who want work not charity, which can be supplied only by opening collieries;

Resolved, That because the Lauck-Angell report recommends the Commonwealth of Pennsylvania open collieries immediately, we pledge our support and urge that the Legislature as soon as may be, adopt this program in order to eliminate bootlegging and re-employ the men involved in our industry in legitimate mining.

EARL HUMPHREY, President.

The SPEAKER. The communications will be noted in the Journal and printed in the Legislative Journal.

The SPEAKER laid before the House the following communication which was read by the Clerk:

RETAIL PACKAGE BEER

A telegram from Nathan M. Goldberg organizer of the Retail Package Beer Distributor Association of Philadelphia recommending all stores selling package beer be closed on Sunday.

Referred to the Committee on State Boards.

LABOR

A telegram from the Merchants Bureau, Washington, Pa. protesting passage of Senate Bill No. 1075.

Referred to the Committee on Labor.

LEAVE OF ABSENCE

Mr. Caesar asked and obtained leave of absence for Mr. KROLL for today's session.

REPORTS FROM COMMITTEES

Mr. SAMUEL A. WEISS, from the Committee on State Government, re-reported as amended, House Bill No. 2202, (Senate Bill No. 654), entitled:

An Act fixing the salary of the stenographer to the President of the Senate and the clerk to the President Pro Tempore of the Senate.

Mr. LEVY, from the Committee on State Government, re-reported as amended, House Bill No. 2374, (Senate Bill No. 784), entitled:

An Act to amend the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (P. L.1314), entitled, "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police, and making an appropriation," by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police, and providing for the payment into the Motor License Fund of moneys received or collected under the act.

Mr. LEVY, from the Committee on State Government, re-reported as amended, House Bill No. 2376, (Senate Bill No. 886), entitled:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 450) entitled, "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointments of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstances of fires and the inspection of all, and the removal or change of certain buildings; imposing duties on school authorities, and on certain corporations associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," by imposing upon the Pennsylvania Motor Police the duty of administering; and enforcing the act.

Mr. LEVY, from the Committee on State Government, re-reported as committed, House Bill No. 2431, (Senate Bill No. 783), entitled:

An Act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employes Retirement Fund under the Administration of the State Employes Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties.

Mr. LEVY, from the Committee on State Government, re-reported as committed, House Bill No. 2373, (Senate Bill No. 782), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by consolidating the Pennsylvania State Police and the State Highway Patrol, and their powers and duties, into one agency to be known as the Pennsylvania Motor Police, and establishing as part of such agency a Motor Police Force; and making provisions for the number, selection, qualifications, promotion, training and discipline of the members of such force.

Mr. LEVY, from the Committee on State Government, re-reported as committed, House Bill No. 2371, (Senate Bill No. 769), entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 414), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

Mr. LEVY, from the Committee on State Government, re-reported as committed, House Bill No. 2377, (Senate Bill No. 887), entitled:

An Act to further amend sections two, four and six, and to amend section seven of the act, approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151) entitled, "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof." by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Mr. LEVY, from the Committee on State Government, re-reported as committed, House Bill No. 2497, (Senate Bill No. 1328), entitled:

An Act prohibiting the wearing or imitation of the uniform of the Pennsylvania Motor Police prescribing penalties.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 729, 1078, 1080, 1159, 1216, 1250, 1277, 1508, 1558 and 2102.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 729, Printer's No. 744, entitled "An Act to permit the entry of engineers and surveyors and their representatives onto private property for the purpose of using survey stations established by or under the direction of the United States Coast and Geodetic Survey or as a part of the Pennsylvania Coordinate System and providing a penalty for the injuring defacing and destruction of marks and monuments."

House Bill No. 1078, Printer's No. 966, entitled "An Act to amend clause thirty-four of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-

one (Pamphlet Laws 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' by extending the provisions for appropriations to posts of veterans."

House Bill No. 1080, Printer's No. 356, entitled "An Act authorizing cities of the first and second class and second class A and incorporated towns to make appropriations to organizations of ex-service men to aid in defraying the expenses of Memorial Day and Armistice Day."

House Bill No. 1159, Printer's No. 1037, entitled "An Act to further amend section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorizied to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholder attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by providing further with regard to limitations upon loans to one corporation or person

House Bill No. 1216, Printer's No. 1021, entitled "An Act providing investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal investments for certain corporations and certain funds."

House Bill No. 1250, Printer's No. 969, entitled "An Act to prohibit the sale and offer for sale of the labeled artificial flowers of certain veterans' organizations except on the days appointed for such purpose."

House Bill No. 1277, Printer's No. 968, entitled "An Act to amend section one of the act approved the eighth day of April one thousand eight hundred and sixty-seven (P. L. 50) entitled "An act to permit disabled soldiers to peddle by procuring a license therefor without charge" as amended prohibiting the peddling of labeled flowers of certain veteran's organizations and miniature American flags."

House Bill No. 1508, Printer's No. 513, entitled "An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress."

House Bill No. 1558, Printer's No. 389, entitled "An Act to repeal the act approved the second day of April one thousand eight hundred sixty-eight (Pamphlet Laws fifty-five) entitled 'A supplement to an act entitled "An act to increase the revenues of the Commonwealth by taxation of the shares of stock of the National banks" approved April twelfth one thousand eight hundred and sixty-seven' ".

House Bill No. 2102, Printer's No. 867, entitled "An Act to add section 491.1 to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' authorizing counties of the sixth seventh and eighth classes to pay bounties for the destruction of rattlesnakes copperhead snakes and porcupines."

GEORGE H. EARLE.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 86.

An Act to establish as a State highway a certain section of public road in the County of Allegheny and providing for its construction and maintenance at the expense of the Commonwealth

HOUSE BILL No. 143.

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

HOUSE BILL No. 243.

An Act to amend section two of the act approved the twenty-seventh day of May one thousand nine hundred and nineteen (Pamphlet Laws three hundred six) entitled "An act relating to criminal procedure before aldermen justices of the peace and magistrates in cases of assault and battery and providing for the assessment of costs in such cases upon the prosecutor defendant or county and the commitment of the prosecutor or defendant in case of default" providing for appeals by defendants against whom costs have been assessed

HOUSE BILL No. 370.

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times

HOUSE BILL No. 486.

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

HOUSE BILL No. 501.

An Act to amend section two hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by exempting farm wagons attached to tractors from registration in certain cases

HOUSE BILL No. 562.

An Act to amend the act approved the sixth day of April one thousand nine hundred and eleven (Pamphlet Laws 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and

prescribing the penalty for the violation thereof" as amended further regulating the adulteration of sausages changing the penalties prescribed and providing for injunctions in certain cases

HOUSE BILL No. 673.

An Act regulating and prescribing the computation and running of sentences for criminal offenses

HOUSE BILL No. 717.

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 388) entitled "An act relating to the jurisdiction powers and procedure of the Orphans' Court and the Court of Common Pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantages of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably without consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devise or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustees to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease

HOUSE BILL No. 756.

An Act to amend section one of the act approved the thirteenth day of June one thousand eight hundred and eighty three (Pamphlet Laws 39) entitled "An act granting authority to the Courts of Common Pleas in the several counties of this Commonwealth to issue writs of estrepement to stay waste upon lands sold for taxes during the time provided for redemption" by extending the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriffs sales under tax or municipal claims

HOUSE BILL No. 868.

An Act to prohibit the wilful and malicious breaking or destruction of certain milk bottles or other dairy product containers and prescribing fines or penalties therefor

HOUSE BILL No. 946.

A Joint Resolution proposing an amendment to section eight Article five of the Constitution of the Commonwealth of Pennsylvania

HOUSE BILL No. 1049.

An Act providing for the creation of a legal holiday on April 8 1938 to be known and observed as "Forefathers Day"

HOUSE BILL No. 1093.

An Act to amend clause XLIX of section one thousand two hundred of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to expend moneys for the purchase and planting of trees

HOUSE BILL No. 1135.

An Act making an appropriation to the Department of Property and Supplies for the restoration preservation development and maintenance of the Ephrata Cloisters Park

HOUSE BILL No. 1153.

An Act making an appropriation to the Department of Property and Supplies for repairs alterations and additions to or replacements of existing buildings and equipment to eliminate fire and other hazards to safety at State institutions

HOUSE BILL No. 1194.

An Act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties

HOUSE BILL No. 1325.

An Act to add section 48.1 to the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on hand the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilege of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights

powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and and the fees therefor appeals in certain cases and also generally deal with the jurisdiction powers and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents" by providing for the apportionment of estate taxes in certain cases

HOUSE BILL No. 1357.

An Act limiting the questions to be decided in any new trial granted because of the inadequacy or excessiveness of a verdict

HOUSE BILL No. 1372.

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such Department with the General State Authority for the use and accupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

HOUSE BILL No. 1390.

An Act making an appropriation to the General State Authority to defray the costs and expenses of the said Authority in connection with the organization administration and operation thereof

HOUSE BILL No. 1465.

An Act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases

HOUSE BILL No. 1476.

An Act to amend section one of the act approved the sixth day of May one thousand eight hundred and seventy-four (Pamphlet Laws 125) entitled "An act regulating State tax on certain county offices" as amended regulating the payment over to the county of excess earnings of county officers

HOUSE BILL No. 1495.

An Act to amend clause (b) of section four hundred forty-eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended changing the personnel of the State Veterans Commission

HOUSE BILL No. 1615.

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania the property of the Seventh Day Baptists of Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance

HOUSE BILL No. 1636.

An Act to amend section six hundred one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft and extending certain penalties to owners of aircraft

HOUSE BILL No. 1671.

An Act to amend clause A of section two hundred and two of the act approved the fifth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Court of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended restricting the use of certain words in corporate names

HOUSE BILL No. 1781.

An Act to amend sections two and three of the act approved the fourteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on non-resident operators or non-resident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said non-resident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended by providing further for the return of and fees for service

HOUSE BILL No. 1858.

An Act to amend section two thousand five hundred fifty-three as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class and regulating the premiums thereof

HOUSE BILL No. 1879.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 450) entitled "An act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induct the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties" correcting an error in said section

HOUSE BILL No. 1894.

An Act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation

HOUSE BILL No. 1959.

An Act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer State plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation

HOUSE BILL No. 1963.

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties

HOUSE BILL No. 2029.

An Act to amend article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to make appropriations for the maintenance of short wave radio broadcasting stations

HOUSE BILL No. 2057.

An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing Penalties

HOUSE BILL No. 2113.

An Act providing for the reciprocal enforcement of violations of the fishing laws in boundary waters between Pennsylvania and the States of New York and New Jersey

HOUSE BILL No. 2145.

An Act making an appropriation to the Department of Agriculture to advance the potato interests of this Commonwealth

HOUSE BILL No. 2208.

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers

HOUSE BILL No. 2242.

An Act to amend section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one, (Pamphlet Laws 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by making further provision regarding the discount allowed to distributors if reports are filed and taxes paid on time.

HOUSE BILL No. 2330.

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

With the information that the Senate has passed the same without amendment.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 158 RETURNED.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the request of the House to return the report of the Committee of Conference on House Bill No. 158 to the Committee of Conference.

HOUSE BILL No. 158.

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by

political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts magistrates aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 348.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 348, entitled:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County, Pennsylvania.

And has appointed Messrs. Rice McCreesh and Bean a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 564.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 563, entitled:

An Act to amend the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties" further regulating bakeries and the importation of bakery products providing for injunctions in certain cases and changing the penalties prescribed.

And has appointed Messrs. Heyburn, Jacobs and Chapman a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 947.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 947, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

And has appointed Messrs. Ruth, Dent and Pierson a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1978.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1978, entitled:

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases.

And has appointed Messrs. Ruth, Sipe and Deitrick a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 647.

An Act to promote public health morals safety and welfare by providing for the supervision and encouragement of housing creating a State Board of Housing a departmental administrative board within the Department of Health providing for the organization of the board the appointment and removal of its members enumerating its duties and powers including the powers to conduct investigations issue subpoenas apply to courts for punishment of contempts make orders rules and regulations prescribe forms require reports supervise the operations of limited dividend housing companies and housing authorities and their members and employes commence actions to prevent violations of law and to surcharge members of authorities supervise rentals charged by limited divident companies charge fees for services providing for the selection and removal of the board's employes providing for appeals from its orders and making an appropriation.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1161.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee

of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1161.

An Act to amend section four hundred six of the act, approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1400.

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, regulating the sale and further regulating the installation, use and operation of traffic regulation devices, signals, signs and markings, and the operation of motor vehicles on the highways; affecting the powers of municipal authorities in certain cases and of the Secretary of Highways; and changing and imposing penalties.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1754.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1754.

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of non-profit corporations organized to provide hospitalization for subscribers and conferring powers on the Insurance Department with respect thereto and further defining the scope of the act

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1755.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1755.

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospitalization for subscribers; prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospitalization; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1835.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1835, entitled:

An Act to authorize subject to certain conditions the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condemnation

authorizing the issuance of revenue refunding bonds and providing subject to certain conditions that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act

And has appointed Messrs. Kilgallen, McGinnis, and Wolfenden, a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2055.

An Act authorizing any county of the second class and any city in any such county in which the county seat is within the limits of such city to agree upon the joint management and control of any or all city hospitals and institutions and any or all county hospitals and institutions within the county and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for five minutes. Are there objections? The Chair hears none and declares a recess for five minutes.

AFTER RECESS

The SPEAKER, (Roy E. Furman), in the Chair.

The time of recess having expired the House was called to order.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows, viz:

SENATE BILL No. 708.

An Act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties

SENATE BILL No. 815.

An Act relating to motor vehicles new and used creating a Motor Vehicle Dealers' Commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the Commission to establish periodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in alowances providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission or its agents and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the Cmmission providing for appeals to the courts from decisions of the Commission imposing penalties and making appropriation

SENATE BILL No. 855.

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (Pamphlet Laws seventy-nine) and authorizing the Governor directly or through such agency as he may designate to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capital within what is now Pennsylvania and making an appropriation therefor out of the General Fund.

SENATE BILL No. 875.

An Act to cede jurisdiction to the United States over lands embraced within the boundaries of Carlisle Barracks located in Cumberland County and over the tract of land and buildings occupied by the New Cumberland General Depot located in York County

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 708.

An Act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties

SENATE BILL No. 855.

An Act supplementing the act approved the twenty-eighth day of July one thousand nine hundred and thirty-six (Pamphlet Laws 79) and authorizing the Governor directly or through such agency as he may designate to provide plan prepare supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement the first courts of law and the first capital within what is now Pennsylvania and making an appropriation therefor out of the General Fund

SENATE BILL No. 875.

An Act to cede jurisdiction to the United States over lands embraced within the boundaries of Carlisle Barracks located in Cumberland County and over the tract of land and buildings occupied by the New Cumberland General Depot located in York County

HOUSE BILL No. 86.

An Act to establish as a State highway a certain section of public road in the County of Allegheny and providing for its construction and maintenance at the expense of the Commonwealth

HOUSE BILL No. 143.

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

HOUSE BILL No. 370.

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times

HOUSE BILL No. 486.

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

HOUSE BILL No. 501.

An Act to amend section two hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by exempting farm wagons attached to tractors from registration in certain cases

HOUSE BILL No. 562.

An Act to amend the act approved the sixth day of April one thousand nine hundred and eleven (Pamphlet Laws 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" as amended further regulating the adulteration of sausages changing the penalties prescribed and providing for injunctions in certain cases

HOUSE BILL No. 673.

An Act regulating and prescribing the computation and running of sentences for criminal offenses

HOUSE BILL No. 717.

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 388) entitled "An act relating to the jurisdiction powers and procedure of the Orphans' Court and the Court of Common Pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real esstate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably without consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been absent and unheard from for seven years under those circumstsances from which the law would presume his or her decease

HOUSE BILL No. 756.

An Act to amend section one of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws 89) entitled "An act granting authority to the Courts of Common Pleas in the several counties of this Commonwealth to issue writs of estrepement to stay waste upon lands sold for taxes during the time provided for redemption" by extending the provisions thereof to seated lands sold by county treasurers and to lands sold at sheriffs sales under tax or municipal claims

HOUSE BILL No. 868.

An Act to prohibit the wilful and malicious breaking or destruction of certain milk bottles or other dairy product containers and prescribing fines or penalties therefor

HOUSE BILL No. 946.

A Joint Resolution proposing an amendment to section eight Article five of the Constitution of the Commonwealth of Pennsylvania

HOUSE BILL No. 1093.

An Act to amend clause XLIX of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," authorizing boroughs to expend moneys for the purchase and planting of trees.

HOUSE BILL No. 1141.

An Act making appropriation to the Navigation Commission for the Delaware River and its navigable tributaries

HOUSE BILL No. 1153.

An Act making an appropriation to the Department of Property and Supplies for repairs alterations and additions to or replacements of existing buildings and equipment to eliminate fire and other hazards to safety at State institutions

HOUSE BILL No. 1194.

An Act creating a joint legislative commission to be known as the Joint State Government Commission providing for the appointment of its members and defining its powers and duties

HOUSE BILL No. 1325.

An Act to add section 48.1 of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows' and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilege of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents" by providing for the apportionment of estate taxes in certain cases

HOUSE BILL No. 1357.

An Act limiting the questions to be decided in any new trial granted because of the inadequacy or excessiveness of a verdict

HOUSE BILL No. 1372.

An Act making an appropriation to the Department of Property and Suppplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such Department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

HOUSE BILL No. 1465.

An Act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government precribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases.

HOUSE BILL No. 1476.

An Act to amend section one of the act, approved the sixth day of May, one thousand eight hundred and seventy-four (P. L. 125), entitled "An act regulating State tax on certain county officers," as amended, regulating the payment over to the county of excess earnings of county officers.

HOUSE BILL No. 1390.

An Act making an appropriation to the General State Authority to defray the costs and expenses of the said Authority in connection with the organization administration and operation thereof

HOUSE BILL No. 1495.

An Act to amend clause (b) of section four hundred forty-eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended changing the personnel of the State Veterans Commission

HOUSE BILL No. 1615.

An Act authorizing the Department of Property and Supplies to acquire by purchase or gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania the property of the Seventh Day Baptists af Ephrata in whole or in part to provide for the control management and supervision of the property when acquired by the Pennsylvania Historical Commission authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance

HOUSE BILL No. 1636.

An Act to amend section six hundred one of the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one) entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respert thereto providing for the licensing and registration of airmen and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" by prohibiting the carrying of passengers under the influence of liquor or drugs in aircraft and extending certain penalties to owners of aircraft

HOUSE BILL No. 1671.

An Act to amend clause A of section two hundred and two of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders

prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for service required to be rendered by this act imposing penalties and repealing certain acts and parts of acts to corporations" as amended restricting the use of certain words in corporate names

HOUSE BILL No. 1781.

An Act to amend sections two and three of the act approved the fourteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled "An act providing for the service of process in civil suits on non-resident operators or non-resident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said non-resident upon whom civil process may be served and providing for further notice to the defendant in any such suit" as amended by providing further for the return of and fees for service

HOUSE BILL No. 1858.

An Act to amend section two thousand five hundred fifty-three as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class and regulating the premiums thereof

HOUSE BILL No. 1879.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 450) entitled "An act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induct the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties" correcting an error in said section

HOUSE BILL No. 1894.

An Act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation

HOUSE BILL No. 1959.

An Act to provide for the conservation protection improvement and profitable use of agricultural land resources in the State of Pennsylvania and for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act to assent to and accept the provisions of said act to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee and in conformity with the provisions of said act to designate and authorize said committee as the State agency of this State in conformity with such provisions to formulate submit to the Secretary of Agriculture of the United States and administer state plans to carry out the provisions of this act to define the powers and duties of said committee as such State agency to provide for the selection of its members and otherwise to provide for the administration of this act and making an appropriation

HOUSE BILL No. 1963.

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties

HOUSE BILL No. 2029.

An Act to amend Article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties to make appropriations for the maintenance of short wave radio broadcasting stations

HOUSE BILL No 2057.

An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties on the Department of Revenue and prescribing penalties

HOUSE BILL No. 2113.

An Act providing for the reciprocal enforcement of violations of the fishing laws in boundary waters between Pennsylvania and the States of New York and New Jersey

HOUSE BILL No. 2145.

An Act making an appropriation to the Department of Agriculture to advance the potato interests of this Commonwealth

HOUSE BILL No. 2330.

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 408.

An Act making an appropriation to the Downingtown

Industrial and Agricultural School Downingtown Pennsylvania

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 1, line 4, by striking out the words and figures "seventy thousand dollars ($70,000)" and inserting in lieu thereof the words and figures "sixty thousand dollars ($60,000)."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 638.

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 4, by striking out the words "fifty thousand dollars"; also same page, line 5, by striking out the figures "($50,000)" and inserting in lieu thereof the words and figures "fifteen thousand dollars ($15,000)".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1000.

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Article I, section 101, page 3, line 18 by striking out the word "and"; also same line, by inserting after the word "raccoon" the following: "and (g) the woodchuck commonly known as the groundhog"; also page 4, line 2, by striking out the following: "and (e) the beaver" and inserting in lieu thereof the following: "(e) the skunk commonly called polecat and (f) the beaver"; also same page, line 24, by inserting before the word "add" the words "remove any animal from the list of fur-bearing animals or"; also same page, by striking out in lines 25 to 28 inclusive the following: "or may upon petition from any county add any animal to the list of fur-bearing animals in said county for such period as the commission deems best"; also page 5, by striking out in lines 1 to 6 inclusive the following: "When any animal is added to the list of fur-bearing animals in the manner herein authorized it shall be unlawful to take possess or dispose of such animals in the county or counties designated except in accordance with the provisions of this act relative to fur-bearing animals"

Amend Article II, page 9, section 205, by striking out in lines 25 to 27 inclusive the following: "Said magazine is hereby declared to be the official publication for publishing the rules and regulations of the commission either in full or in condensed form"; also same page, by striking out in line 29, the words "and may be published with or with-"; also page 10, by striking out all of lines 1 and 2 as follows: "out paid advertising space as the commission deems advisable"; also section 214, page 15, lines 14 and 15 by striking out the words "for a dwelling house tavern boarding house or hotel"; also page 16, line 5 by striking out the words "on an investigation".

Amend Article III, section 410, page 48, by inserting in line 29 after the word "thereto" the following: "provided however the holder of such permit shall not be required to make available an open public hunting area if during any year such person prior to the shooting season turns over to the commission twenty-five percentum of the propagated or purchased birds for stocking purposes elsewhere as hereinafter stipulated"; also section 412, page 51, by striking out all of lines 4 to 11 inclusive as follows: "dogs may be trained or retriever or field trials may be conducted at any time of the year upon the premises covered by regulated shooting grounds permit but during the period from January 16 to the opening day of the general hunting season no game birds shall be killed while so conducting retriever or field trials unless a special permit as required elsewhere in this act has first been obtained" and inserting in lieu thereof the following: "Dogs may be trained or field trials may be held at any time of the year upon the premises covered by a regulated shooting grounds permit and retriever tirals may be conducted thereon but no game birds shall be killed while so training dogs or conducting retriever or field trials except during the open season for shooting as fixed by the proceeding section A special permit as required elsewhere in this act shall first be obtained to conduct a retriever trial thereon at any other period All pheasants chukar partridges and mallard or black ducks killed while training dogs or conducting a retriever or field trial on premises licensed as a regulated shooting grounds shall be included as part of the allowable kill thereon for that year and shall be tagged accordingly"; also same page, line 13, by striking out the words "enumerated in this section" and inserting in lieu thereof the words "which may be killed under authority of a regulated shooting grounds permit"; also same page, line 14, by striking out the word "thereof" and inserting in lieu thereof the words "of this act relating thereto".

Amend Article V, section 501, page 60, by inserting after line 17 the following paragraph: "Woodchuck commonly known as groundhog Nov. 1st to Sept. 15th next following"; also section 505, page 67, line 27, by inserting after the word "from" the words "or add any animal to"; also page 68, by striking out in lines 2 to 5 the words "in the Pennsylvania Game News which magazine is hereinbefore declared the official publication for publishing the rules and regulations of the commission" and inserting in lieu thereof the words "in not less than two newspapers of general circulation in each county affected one time each week for at least two consecutive weeks"; also same page line 8, by inserting after the word "also" the words "whenever feasible"; also same page, by striking out all of lines 15 to 29 inclusive as follows: "If during any year the commission adopts a resolution changing seasons or bag limits for game birds game animals or fur-bearing animals or declares additional open seasons or close seasons or permits the taking of raccoons with traps or deadfalls throughout the Commonwealth or in any part thereof for such birds or animals after the hunters' license have been printed in addition to giving notice of such action in the Pennsylvania Game News the commission shall publish a notice in not less than two newspapers of general circulation in each county affected one time each week for at least two consecutive weeks setting forth the action of the commission and the rules and regulations adopted relative thereto in such summarized form as it deems essential for the information of the public".

Amend Article VI, section 601, page 71, line 8, by striking out the word "added" and inserting in lieu thereof the words "not removed"; also same page, line 9, by striking out the word "to" and inserting in lieu thereof the word "from"; also section 603, page 72 line 25, by inserting after the word "set" the word "steel"; also page 73, lines 3 and 4, by striking out the words "with an opening exceeding six and one half inches in height and six and one half in width".

Amend Article VII, section 703, page 81, by striking out in lines 12 to 14 inclusive the folloiwng: "have not been so manufactured altered or adjusted as to hold no more than three shells" and inserting in lieu thereof the following: "contain more than three shells at one time in the magazine and chamber combined"; also same page line 28, by striking out the words "with an opening"; also page 82, by striking out in lines 1 and 2, the words "not exceeding six and one half inches in height and six and one half inches in width"; also section 704, page 83, by striking out in lines 2 to 4 inclusive the following "have not been so manufactured altered or adjusted as to hold at one time a total of not more than six shells" and inserting in lieu thereof the words "contains more than three shells at one time in the magazine and chamber combined"; also section 724, page 106, line 26 by inserting after the word "raccoons" the words "and woodchucks"; also page 108 line 4, by inserting before the word "or" the word "woodchuck"; also same page, line 19, by inserting before the word "red" the words "woodchucks and".

Amend Article XII, section 1212, page 164, line 5, by inserting after the word "act" the words "or any act superseded by it".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.
Askins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Hatbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,

Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1055.

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 12, by striking out the words "as added".

Amend section 1, page 3, by striking out in lines 15 to 25 inclusive the following: "has for the year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven failed or refused to pay to the members of its teaching and supervisory staffs the full amount of the minimum salaries and increments required by this section giving due credit for increments suspended during the years one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five or which"; also page 4, by inserting after line 3 the following paragraph:

"Section 4 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted and had such unconstitutional provisions not been included herein".

Amend section 2, page 4, line 5, by striking out at the end of the line the words "thirty-seven" and inserting in lieu thereof the words "thirty-eight".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RECONSIDERATION OF VOTE

Mr. SHEPARD. Mr. Speaker, I move that the vote by which the House concurred in the amendments made by the Senate to House Bill No. 638, be reconsidered.

Mr. BROWN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Shepard, vote on the motion to concur?

Mr. SHEPHARD. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Brown, vote on the motion to concur?

Mr. BROWN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Mr. SHEPARD. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGES

AMEND HOUSE BILLS RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1141.

An Act making appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, lines 1 and 2, by striking out after the word "appropriation" the following: "to the Board of Commissioners of Navigation for the River Delaware" and inserting in lieu thereof the words "Navigation Commission for the Delaware River."

Amend section 1, page 1, line 4, by striking out after the words "twenty-five" the word "fifty" and inserting in lieu thereof the word "sixty"; also same page, line 5, by striking out the figures "($50,000)" and inserting in lieu thereof the figures "($60,000)"; also same page, line 6, by striking out after the word "the" the following: "Board of Commissioners of Navigation for the River Delaware" and inserting in lieu thereof the words "Navigation Commission for the Delaware River."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Vallbus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having vot in the affirmative, the question was determined in t affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate according

HOUSE BILL No. 1173.

An Act to insure and protect fair trade practices in d tribution defining such practices prohibiting the adv tisement offer for sale or sale of merchandise at less th cost and fixing a penalty for such advertisement offer sale or sale and investing the courts with jurisdiction prevent and restrain violations of the act

With the information that the Senate has passed same with amendment, in which the concurrence of House of Representatives is requested.

The SPEAKER. The Clerk will read the amendme

The Clerk read the amendment as follows:

Amend section 1, page 2, line 27 by inserting after syllable "counts" the following: "but exclusive of d counts."

On the question,

Will the House concur in the amendment made by Senate?

Agreeably to the provisions of the Constitution the y and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James
Atkins,	Gilette,	Mellott,	Smith, John
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,

Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1449.

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States in dits instrumentalties political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 9, by striking out after the word "Public" the word "Service" and inserting in lieu thereof the word "Utility."

Amend section 7, page 11, by striking out in lines 15 and 16 the words "Public Service" and inserting in lieu thereof the words "Public Utility"; also same page, line 0, by striking out after the word "Public" the word "Service" and inserting in lieu thereof the word "Utility"; also in line 20, by striking out before the word "Commission" the word "Service" and inserting in lieu thereof the word "Utility"; also in line 23, by striking out at the end of the line the word "Service" and inserting in lieu thereof the word "Utility"; also in line 26, by striking out after the word "Public" the word "Service" and inserting in lieu thereof the word "Utility"; also in line 29, by striking out before the word "Commission" the word "Service" and inserting in lieu thereof the word "Utility"; also same line, by striking out before the syllable "Com-" the word "Service" and inserting in lieu thereof the word "Utility"; also on page 12, line 9, by striking out after the word "Public" the word "Service" and inserting in lieu thereof the word "Utility."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1570.

An Act to promote safety for the travelling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in cer-

tain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 6, by striking out at the beginning of the line the word 'thereof" and inserting in lieu thereof the following: "therefor it shall be the duty of the person copartnership association or corporation then owning the subjacent or adjacent strata as the case may be to provide for the restoration of the vertical and lateral support and the replacement of the surface of such highway upon receiving from the Department of Highways notice to proceed with such restoration and replacement In the event that such owner of the subjacent or adjacent strata does not proceed immediately after notice with the replacement and restoration of the highway and does not diligently complete such restoration and replacement within a reasonable time"; also on page 2, line 2, by striking out at the end of the line the words "the then existing" and inserting in lieu thereof the word "such"; also same page, by striking out in lines 3 to 5 inclusive the following: "of the subjacent or adjacent strata as the case may be and in the event that the Department of Highways restores the surface of such highway" and inserting in lieu thereof the following: "If such owner fails or refuses to provide for the restoration and replacement of the highway then the Department of Highways may proceed with such restoration and replacement and"; also same page by adding between lines 16 and 17 the following new paragraph:

"The term 'subjacent or adjacent strata' as used in this section shall mean any land or estate or right therein from which materials have been extracted by mining or quarrying operations causing the subsidence."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Vallbus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
	Levy,	Royer,	Welliver,
	Lewis,	Ruffennach,	Welsh,
	Long,	Rush,	Westrick,
	Longaker,	Sarraf,	Whalen,
	Lopresti,	Scanlon,	Whitenight,
	Lovett,	Schor,	Wilson,
	Lyons,	Schrock,	Winner,
	Marino,	Schrope,	Wood,
	Matthews, H. T.,	Schumacher,	Woodside,
	Matthews, J. F.,	Serrill,	Wright,
	McArdle,	Shaw,	Yanoshat,
	McCullough,	Shea,	Yeakel,
	McDermott,	Shepard,	Yourishin,
	McDevitt,	Shoemaker,	Zappala,
	McElroy,	Shugarts,	Furman,
			Fitch,

NAYS—0.

The majority required by the Constitution having vote in the affirmative, the question was determined in th affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bi from the House of Representatives numbered and en titled as follows:

HOUSE BILL No. 1575.

An Act to amend section eighteen of the act approve the eighteenth day of July one thousand nine hundre and seventeen (Pamphlet Laws 1043) entitled "An ac establishing a public school employes' retirement syste and creating a retirement board for the administratio thereof establishing certain funds from contributions b the Commonwealth and contributing employes definin the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Com monwealth of certain of said funds imposing powers an duties upon boards having the employment of publi school employes exempting annuities allowances return benefits and rights from taxation and judicial process an providing penalties" as amended authorizing the assign ment of retirement rights in certain cases

With the information that the Senate has passed th same with amendments, in which the concurrence of th House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment

The Clerk read the amendments as follows:

Amend section 1, page 3, by striking out in lines 7 an 8 the following: "the interest on which loan shall not ex ceed six per centum (6%)"; also same page, by insertin at the end of line 10 the following: "Provided howeve That the interest rate shall not exceed that permitted b law for such organization or credit union."

On the question,

Will the House concur in the amendments made by th Senate?

Agreeably to the provisions of the Constitution the yea and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A
Atkins,	Gilette,	Mellott,	Smith, John A
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,

[illegible]	Hench,	[illegible]	Trout,
Reed,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Watkins,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNcte,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1690.

An Act regulating the mining of bituminous coal prescribing duties for county commissioners and imposing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by inserting after the word "coal" the following: "in counties of the second class."

Amend section 1, page 1, line 7, by inserting after the word "operation" the following: "in any county of the second class"; also same line by striking out the word "so"; also same line by striking out at the end of the line the word "so"; also in line 8, by inserting after the word "coal" the following: "in such a negligent manner."

Amend section 2, page 2, line 16, by inserting after the word "in" the following: "any county of the second class of."

Amend section 3, page 3, line 4, by inserting after the word "coal" the following: "in any county of the second class."

Amend section 4, page 3, line 20, by inserting after the word "commissioners" the following: "of any county of the second class."

Amend section 7, page 4, line 18, by striking out the figure "7" and inserting in lieu thereof the figure "5."

Amend section 8, page 4, line 28, by striking out the figure "8" and inserting in lieu thereof the figure "6"; also same page, line 29, by striking out after the word "power" the words "to award" and inserting in lieu thereof the word "by"; also same line, by striking out after the word "to" the words "restrain violations" and inserting in lieu thereof the words "compel compliance."

Amend section 9, page 5, line 1, by striking out the figure "9" and inserting in lieu thereof the figure "7"; also same page, by striking out in lines 4 to 6 the following: "and no provision is intended to receive a strict or limited construction."

Amend section 10, page 5, line 7, by striking out the figure "10" and inserting in lieu thereof the figure "8."

Amend section 11, page 5, line 17, by striking out the figures "11" and inserting in lieu thereof the figure "9."

Amend section 12, page 5, line 19, by striking out the figures "12" and inserting in lieu thereof the figures "10."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostrom,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1693.

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location construction and use of buildings the size of courts and open spaces the density of population and the use of land.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 2, by inserting at the end of line 3, the following: "Provided however That the power hereby granted shall be suspended in any township or part of a township during any period of time that any zoning ordinance adopted pursuant to law by the county commissioners of the county shall continue to be in effect in such township or part of a township and any ordinance adopted by any township before the adoption or such county ordinance shall likewise be suspended during such period Provided further That the powers hereby granted shall not be exercised if taxpayers whose property valuation as assessed for tax purposes within the township shall amount to fifty-one per centum or more of the total property valuation as assessed for tax purposes within the township shall sign and file in the office of the prothonotary of the county in which the township is located a written protest against the exercise of such powers."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Watkins,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Faltenstein,	McCullough,	Shea,	Yeakel,
Fenstermaker,	McDermott,	Shepard,	Yourishin,
Fisher,	McDevitt,	Shoemaker,	Zappala,
Flick,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1751.

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value providing a procedure by which the actual value of such property when purchased by or for the holder of the mortgage may be determined and credited on the mortgage debt and providing a limitation of time within which such procedure may be invoked

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill, page 3, by inserting after line 25 the following new section:

"Section 4 This act shall not be construed to effect the title to any real or personal property sold under any judgment prior to the effective date of this act or to the commencement of any proceedings herein authorized to be begun on the part of the mortgagor.

Amend section 4, page 3, line 26, by striking out the figure "4" and inserting in lieu thereof the figure "5".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
	Marino,	Schrope,	Wood,

Dubbs,	Matthews, H. T.,	Schumacher,	Woodside,
Dyson,	Matthews, J. F.,	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1765.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitle "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such supervisors of special education.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 4, page 7, line 2, by inserting after the word "members" the word "of"; also same page, line 28, by inserting before the word "supervisor" the word "the".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1787.

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain Courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on Judges and other officers of every Court of Record

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 5, page 4, by inserting at the end of line 24 the following: "but such rules shall not include any provisions regulating the admission of attorneys to practice before any of the trial courts of this Commonwealth."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
	Hindman,	O'Neill,	Tronzo,

Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holl[illegible],	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	Van Allsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Coakley,	Keenan,	Readinger,	Wampole,
Cohen, H. B.,	Kelso,	Reese,	Watkins,
Cohen, R. E.,	Kilroy,	Reising,	Webster,
Coleman,	Kline,	Richter,	Weidemann,
Coolahan,	LaRue,	Robinson,	Weiss, D. H.,
Corrigan,	Leisey,	Rothenberger,	Weiss, S. A.,
Costanzo,	Levy,	Royer,	Welliver,
Davies,	Lewis,	Ruffennach,	Welsh,
Decker,	Long,	Rush,	Westrick,
DeNote,	Longaker,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.,	Schumacher,	Woodside,
Dyson,	Matthews, J. F.,	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1817.

An Act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 7, line 6, by inserting after the word "Plumstead" the word "East"; also same line, by inserting after the word "Rockhill" the words "and West Rockhill"; also in line 13, by striking out the word "Sumit" and inserting in lieu thereof the word "Summit"; also in line 18, by striking out after the word "Petrolia" the word "Petersville" and inserting in lieu thereof the word "Connoquenessing"; also in line 21, by striking out after the word "Concord" the word "Conoquenessing" and inserting in lieu thereof the word "Connoquenessing".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150.

Achterman,	Dyson,	McArdle,	Rush,
Alexander,	Elpern,	McCullough,	Sarraf,
Allen,	Falkenstein,	McDermott,	Scanlon,
Allmond,	Finnerty,	McDevitt,	Schor,
Arnold,	Fitch,	McElroy,	Schrope,
Aukerman,	Flanagan,	McFall,	Shaw,
Baine,	Flannery,	McGee,	Shea,
Baker, F. T.,	Flinchbaugh,	McShane,	Shepard,
Balthaser,	Ganser,	Melchiorre,	Shoemaker,
Bierly,	Gerard,	Mellott,	Shugarts,
Blank,	Gorski,	Mihm,	Siegel,
Bohn,	Haberlen,	Moomaw,	Simon,
Boles,	Hagerty,	Mooney,	Smith, James A.,
Boltz,	Hamilton, F. P.,	Moran,	Smith, John A.,
Bradley,	Hamilton, R. S.,	Moul,	Stank,
Brancato,	Harkins,	Munley,	Thomas,
Brigerman,	Harmuth,	Murrin,	Thompson,
Broad,	Hays,	Nagel,	Toole,
Brown,	Hering,	O'Brien,	Tronzo,
Brownfield,	Hess,	O'Keefe,	Tumelty,
Burrows,	Hetrick,	Ominsky,	Valibus,
Caesar,	Hindman,	O'Neill,	VanSickle,
Caputo,	Hirsch,	Ostroff,	Vogt,
Coakley,	Holland,	Patterson, C. S.,	Wagner,
Cohen, H. B.,	Holmes,	Patterson, J. W.,	Walsh,
Cohen, R. E.,	Holstrom,	Pearson,	Weiss, D. H.,
Coleman,	Hontz,	Pershing,	Weiss, S. A.,
Coolahan,	Horting,	Piole,	Welliver,
Corrigan,	Jirolanio,	Powers,	Welsh,
Costanzo,	Keenan,	Preston,	Westrick,
Decker,	Kelso,	Readinger,	Whalen,
DeNote,	Kilroy,	Reese,	Whitenight,
Donohoe,	LaRue,	Reising,	Wright,
Dougherty,	Long,	Richter,	Yanoshat,
Downey,	Lovett,	Robinson,	Yourishin,
Dubbs,	Marino,	Rothenberger,	Zappala,
	Matthews, H. T.,	Ruffennach,	Furman,

NAYS—54.

Atkins,	Imbrie,	Royer,	Terry,
Baker, J. T.,	Kane,	Schrock,	Trout,
Boose,	Kline,	Schumacher,	Turner,
Boyer,	Leisey,	Serrill,	Van Allsburg,
Cadwalader,	Levy,	Skale,	Wall,
Chervenak,	Lewis,	Sloan,	Wampole,
Davies,	Lopresti,	Snyder,	Watkins,
Dickinson,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Spengler,	Weidemann,
Fiss,	McKinney,	Sprout,	Wilson,
Gillette,	Muir,	Stackpole,	Winner,
Habbyshaw,	O'Connor,	Stewart,	Wood,
Hall,	Peale,	Stockham,	Woodside,
Huntley,	Perry,	Strode,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2001.

An Act to amend section four hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further regulating the creation and abolition of wards

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend bill, page 2, by inserting after line 17 the following:

"Provided That if in townships wherein any ward shall be abolished as herein provided the number of wards shall be reduced to less than five then the commissioner in the ward or wards abolished shall continue in office for the term for which elected and shall become the commissioner or commissioners at large from such township as provided in this act with respect to townships having less than five wards.

Section 2. This act shall become effective immediately upon final enactment."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Hanbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Vallbus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffenach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanochat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yoursishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2010.

An Act to amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property own or regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" as amended by changing certain routes and adding certain new routes.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 5, by inserting between lines 24 and 25 the following new paragraph:

"Beginning at the intersection of Fourth and New Streets thence northerly over New Street to the intersection of New Street and Elizabeth Avenue in the City of Bethlehem a distance of about 1.55 miles"; also on page 8, by inserting between lines 24 and 25 the following new paragraph:

"Beginning at a point on Route 5 at the intersection of Ash Street and Wheeler Avenue thence in a southerly direction on Ash Street and continuing in a general southwesterly direction to a point on Route 35009 in the City of Scranton a distance of about 1.0 mile"; also on page 9, by inserting between lines 24 and 25 the following new paragraph:

"Beginning at a point on the Kingston Borough-Wilkes-Barre City line at North Street thence over North Street to the intersection of North and Washington Streets in the City of Wilkes-Barre Luzerne County a distance of about 0.5 mile".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Hanbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Vallbus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffenach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
	Matthews, H. T.,	Schumacher,	Woodside,

Dyson,	Matthews, J. F.,	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2012.

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" as amended by changing certain routes and adding certain new routes

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, line 16, by striking out after the word "about" the figures "35" and inserting in lieu thereof the figures ".33"; also same page, line 19, by striking out after the word 'Borough" the word "Fall" and inserting in lieu thereof the word "Fell"; also on page 13, line 21, by striking out after the word "and" the word "Pratt" and inserting in lieu thereof the word "Main"; also in line 22, by striking out after the word "at" the word "Pratt" and inserting in lieu thereof the word "Main"; in line 24, by striking out after the word "about" the figures 0.33" and inserting in lieu thereof the figures "0.9"; also on page 16, line 27, by striking out after the word "Route" the figures "165" and inserting in lieu thereof the figures "62"; also on page 17, line 5, by striking out after the word "Route" the figures "408" and inserting in lieu thereof the figures "406"; also on page 18, by inserting after line 10, the following new paragraph:

"East Mauch Chunk and Mauch Chunk Boroughs

Route 13046 Beginning at a point on Route 550 in the Borough of East Mauch Chunk thence extending in a westerly direction to the Borough of Mauch Chunk at the intersection of Routes 209 309 45 a distance of .1 of a mile more or less"; also same page, line 16, by inserting after the word "to" the word "South"; also in line 17, by inserting after the word "on" the word South"; also in line 18, by inserting after the word 'of" the word "South"; also on page 20, by inserting after line 16, the following new paragraph:

"CLARION COUNTY

St. Petersburg Borough

Route 16066 Extending Route 16066 Beginning at o point on the Richland Township-St. Petersburg Borough line thence over Emlenton Road Main Street to a point on Route 261 at Main Street and Foxburg Road in the borough of St Petersburg Clarion County a distance of about 0.36 of a mile"; also on page 22, by inserting after line 3, the following new paragraph:

"Route 20116 Extending Route 20116 Beginning at a point on the Oil Creek Township-Hydetown Borough line thence over Weed Street to a point on Route 271 at Weed and Main Streets in the borough of Hydetown Crawford County a distance of about 0.64 of a mile"; also same page, line 23, by striking out after the word "about" the figures "0.7" and inserting in lieu thereof the figures "0.3"; also on page 24, line 11, by striking out before the word "Extending" the figures "23115" and inserting in lieu thereof the figures "23114"; also same line, by striking out before the word "Beginning" the figures "23115" and inserting in lieu thereof the figures "32114"; also on page 26, line 8, by striking out after the word 'First" the word "Avenue" and inserting in lieu thereof the word "Street"; also on page 27, by inserting after line 17, the following new paragraph:

"Dawson Borough

Route 26124 Extending Route 26124 Beginning at a point on the Lower Tyrone Township-Dawson Borough line thence over Water Street to a point on Application 10 at Water and Laughlin Streets in the borough of Dawson Fayette County a distance of about 0.38 of a mile"; also same page, by inserting after line 18, the following new paragraph:

"Route 26129 Extending Route 26129 Beginning at a point on the Washington Township Fayette City Borough line thence over Cook Street to a point on Route 247 at Cook and Main Streets in the Borough of Fayette City Fayette County a distance of about 0.47 of a mile"; also on page 28, by inserting after line 7, the following new paragraph:

"Ohiopyle Borough

Route 26116 Extending Route 26116 Beginning at a point on the Stewart Township-Ohiopyle Borough line thence over Garfield Street to a point on Route 366 at Garfield and Commercial Streets in the borough of Ohiopyle Fayette County a distance of about 0.19 of a mile" also same page, by inserting after line 14 the following new paragraph:

"Vanderbilt Borough

Route 26122 Extending Route 26122 Beginning at a point on the Dunbar Township-Vanderbilt Borough line thence northerly on a borough street to a point on Route 247 in the borough of Vanderbilt Fayett County a distance of about 0.05 of a mile"; also on page 31, by inserting after line 2, the following new paragraph:

"Blakely and Olyphant Boroughs

Beginning at a point on Route 168 extension at Lackawanna Street and Susquehanna Avenue in Olyphant Borough thence in a northeasterly direction along Susquehanna Avenue and across the Lackawanna River thence along Brook Street in Blakely Borough to Route 322 in Lackawanna County a distance of about 1.4 miles" also same page, by inserting after line 9, the following new paragraphs:

"Jermyn and Archbald Boroughs

Route 25065 Beginning at a point at the intersection of Washington and Gibson Streets in the Borough of Jermyn and running thence in a westerly direction over Gibson Street through the Borough of Jermyn and the Borough of Archbald to an intersection with State Highway route 6 as relocated in Lackawanna County a distance of about 0.9 of a mile

Dickson City and Throop Borough

Beginning at a point on the county road at Main Street and Boulevard Avenue thence in a general southerly and southwesterly direction on Boulevard Avenue in the Borough of Dickson City to the Throop Borough line and continuing on Boulevard Avenue in the Borough of Throop to Sanderson Street in Lackawanna County a distance of about one mile"; also same page, line 18, by striking out before the word "at" at the end of the line, the figures "35035" and inserting in lieu thereof the figures "35055"; also in line 23, by striking out before the syllable 'Ex-" the figures "188" and inserting in lieu thereof the figures "168"; also on page 34, by inserting after line 1, the following new paragraph:

"Borough of Duryea

Route 40103 Spur Beginning at a point on Route 40103 station approximate 130 + 0 in the Borough of Duryea thence southerly over York Avenue to Main Street in the Borough of Avoca a distance of 1 mile

Route 35055 Spur Beginning at a point on Route 35055 approximate station 56 + 0 in Duryea Borough thence

southerly over Stephenson Street to Foote Avenue route 40103 station 117 a distance of .4 of a mile"; also same page, by inserting after line 14, the following new paragraphs:

"Kingston Borough

Route 40116 Beginning at a point on the Wilkes-Barre City-Kingston Borough line thence over Pierce Street to an intersection with Route 11 at Pierce Street and Wyoming Avenue in the borough of Kingston Luzerne County a distance of about 1.1 miles

"Luzerne Borough

Route 11 Spur Beginning at a point on Route 11 at the intersection of Bennett and Main Streets thence over Bennett Street to a point on Route 11 extension at Bennett and Kelley Streets in the borough of Luzerne Luzerne County a distance of about 0.3 of a mile"; also on page 25, by inserting after line 1, the following paragraph:

"Duboistown Borough

Route 41132 Extending Route 41132 Beginning at a point on the Armstrong Township-Duboistown Borough line thence over Susquehanna Street Edgewood Avenue Brook Street Valley Street and Riverside Drive to a point on Route 331 at Riverside Drive and Euclid Avenue in the borough of Duboistown Lycoming County a distance of about 1.39 miles"; also on page 38, by inserting after line 3, the following new paragraph:

"MIFFLIN COUNTY

Burnham Borough

Route 44024 Extending Route 44024 Beginning at a point on the Derry Township-Burnham Borough line thence over Dry Valley Road Fourth Street and Walnut Street to a point on Application 4262 at Walnut Street and Furnace Road in the borough of Burnham Mifflin County a distance of about 0.64 of a mile"; also same page, line 9, by striking out after the word "and" the word "Cumberland" and inserting in lieu thereof the word "Courtland"; also page 44, by inserting after line 14 the following new paragraph:

"Eagles Mere Borough

Route 56038 Extending Route 56038 Beginning at a point on the Shrewsbury Township-Eagles Mere Borough line about 1.0 miles south of Route 321 thence northeasterly over a borough street to a point on Route 321 in the borough of Eagles Mere Sullivan County a distance of about 1.2 miles"; also page 45, by striking out all of lines 13 to 29 inclusive and lines 1 to 18 inclusive on page 36 and inserting in lieu thereof the following:

"Blossburg Borough

Route 21 Spur Beginning at a point on Route 21 near the Blossburg State Hospital thence in an easterly direction on an unnamed street and across a bridge to the tracks of the Erie Railroad Company in the borough of Blossburg Tioga County a distance of about 0.08 of a mile

Elkland Borough

Route 58091 Extending Route 58091 Beginning at a point on Route 58091 on the Elkland Township-Elkland Borough line thence over South Buffalo Street to Route 103 at South Buffalo and East Main Streets in the borough of Elkland Tioga County a distance of about 0.7 of a mile

Knoxville Borough

Route 58089 Extending Route 58089 Beginning at a point on the Deerfield Township-Knoxville Borough line thence over Water Street to a point on Route 103 at Water and Main Streets in the borough of Knoxville Tioga County a distance of about 0.31 of a mile

Liberty Borough

Route 58053 Spur Beginning at a point on Route 58053 about 250 feet south of the Liberty Township-Liberty Borough line thence southerly on East Point Road to its intersection with Main Street Route 58054 in the borough of Liberty Tioga County a distance of about 0.4 of a mile

Mansfield Borough

Route 58088 Extending Route 58088 Beginning at a point on the Richmond Township-Mansfield Borough line thence over West Wellsboro Street to a point on Route 58045 at Wellsboro Street and River Avenue in the borough of Mansfield Tioga County a distance of about 0.49 of a mile

Wellsboro Borough

Route 58094 Extending Route 58094 Beginning at a point on the Delmar Township-Wellsboro Borough line thence northeasterly over Greenwood Avenue to an intersection with Application 472 at Greenwood and West Avenues in the borough of Wellsboro Tioga County a distance of about 0.4 of a mile

Route 21-Spur A Beginning at a point on Route 21-Spur at the intersection of Kelsey and Conway Streets thence easterly on Conway Street to its intersection with Berwart Street thence northerly on Berwart Street to Route 21-Spur at the intersection of Berwart Street and West Avenue in the borough of Wellsboro Tioga County a distance of about 0.4 of a mile"; also on page 48, by inserting after line 10, the following new paragraphs:

"Route 61045 Extending Route 61045 Beginning at a point on the Brokenstraw Township-Youngsville Borough line thence over Railroad Street to a point on Route 88 at Railroad and Main Streets in the borough of Youngsville Warren County a distance of about 0.43 of a mile

Clarendon Borough

Route 61046 Extending Route 61046 Beginning at a point on the Mead Township-Clarendon Borough line thence over Railroad Street to a point on Route 95 at Railroad and Main Streets in the borough of Clarendon Warren County a distance of about 0.32 of a mile

Warren Borough

Route 61048 Extending Route 61048 Beginning at a point on the Glade Township-Warren Borough line thence over Hemlock Street to a point on Route 95 at Hemlock Street and Pennsylvania Avenue in the borough of Warren Warren County a distance of about 0.38 of a mile"; also page 54, line 20, by striking out after the word "to" the words "a point on"; also in line 21, by striking out after the word "bridge" the words "at the western borough line"; also same page by inserting after line 23, the following new paragraph:

"WYOMING COUNTY

Meshoppen Borough

Route 65063 Extending Route 65063 Beginning at a point on the Meshoppen Township Meshoppen Borough line thence over Wells Street to a point on Route 316 at Wells and Auburn Streets in the borough of Meshoppen Wyoming County a distance of about 0.48 of a mile"

On the question,

Will the House agree to the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,

Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	LaRue,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	Levy,	Rothenberger,	Weiss, S. A.,
Davies,	Lewis,	Royer,	Welliver,
Decker,	Long,	Ruffennach,	Welsh,
DeNote,	Longaker,	Rush,	Westrick,
Dickinson,	Lopresti,	Sarraf,	Whalen,
Donohoe,	Lovett,	Scanlon,	Whitenight,
Dougherty,	Lyons,	Schor,	Wilson,
Downey,	Marino,	Schrock,	Winner,
Dubbs,	Matthews, H. T.,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Wright,
Eckels,	McArdle,	Serrill,	Yanoshat,
Elpern,	McCullough,	Shaw,	Yeakel,
Falkenstein,	McDermott,	Shea,	Yourishin,
Finnerty,	McDevitt,	Shepard,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,			

NAYS—2.

Hamilton, R. S., Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2040.

An Act to amend section fifty-nine as amended section one hundred ninety as added section two hundred four as amended and sections two hundred forty-seven and six hundred seventy-five of to add sections one hundred fifty and one-tenth and one hundred fifty-five to and to repeal section two hundred five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the provisions for filling vacancies in the office of coroner sheriff and district attorney providing for and prescribing the procedure for leasing of real property belonging to counties and providing for the filling of vacancies in the office of county treasurer and the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

Th SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, lines 1 to 3 inclusive, by striking out as follows: "Fifty-nine as amended section one hundred ninety as added section two hundred four as amended and sections two hundred forty-seven and"; also in line 4, by inserting after the word "of" the word "and"; also by striking out in lines 4 and 5 as follows: "sections one hundred fifty and one-tenth and" inserting in lieu thereof the word "Section"; also by striking out in lines 5 and 6 as follows: "and to repeal section two hundred five of"; also in lines 12 to 14 inclusive by striking out as follows: "by changing the provisions for filling vacancies in the office of coroner sheriff and district attorney"; also on page 2, line 2, by inserting after the word "counties" the words "and for the taxation of such property"; also same page, by striking out in lines 2 and 3 as follows: "the filling of vacancies in the office of county treasurer and",

Amend section 1, line 4, by striking out after the word "section the words "fifty-nine" and inserting in lieu thereof the following: "six hundred seventy-five"; also in lines 10 and 11 by striking out as follows: "ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401)" and inserting in lieu thereof the following: "twenty-first day of April one thousand nine hundred and thirty-seven (Act No. 92)"; also same page by striking out all of lines 13 to 23 inclusive; also page 3, by striking out all of lines 1 to 29 inclusive; also page 4, by striking out all of lines 1 to 20 inclusive.

Amend section 4, page 4, line 23, by inserting after the word "lease" the words "either as lessor or lessee".

Amend page 5, by striking out all of lines 16 to 25 inclusive.

Amend section 6, page 5, line 26, by striking out the figure "6" and inserting in lieu thereof the figure "2".

Amend bill, page 6, by striking out lines 10 and 11.

Amend section 8, page 6, line 12, by striking out the figure "8" and inserting in lieu thereof the figure "3".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Bosse,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendmnts were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2263.

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 4, by inserting after the word "hundred" the following: "eighty-four thousand two hundred dollars"; also in line 5, by striking out the figures "($8,300,000)" and inserting in lieu thereof the figures "($8,384,200)"; also page 2, line 19, by striking out the figures "15,000" and inserting in lieu thereof the figures "20,000"; also page 3, line 6, by striking out the figures "25,500" and inserting in lieu thereof the figures "26,000"; also in line 9, by striking out the figures "24,800" and inserting in lieu thereof the figures "28,000"; also in line 14, by striking out the figures "90,000" and inserting in lieu thereof the figures "95,000"; also in line 16, by striking out the figures "31,900" and inserting in lieu thereof the figures "34,000"; also in line 26, by striking out the figures "110,900" and inserting in lieu thereof the figures "121,000"; also page 4, line 4, by striking out the figures "67,900" and inserting in lieu thereof the figures "70,000"; also in line 7, by striking out the figures "15,900" and inserting in lieu thereof the figures "20,000"; also in line 9, by striking out the figures "38,100" and inserting in lieu thereof the figures "48,600"; also in line 15, by striking out the figures "11,300" and inserting in lieu thereof the figures "14,000"; also on page 5, line 6, by striking out the figures "9,000" and inserting in lieu thereof the figures "14,000"; also in line 9, by striking out the figures "20,500" and inserting in lieu thereof the figures "22,500"; also in line 19, by striking out the figures "12,600" and inserting in lieu thereof the figures "13,700"; also in line 26, by striking out the figures "38,200" and inserting in lieu thereof the figures "40,000"; also in line 29, by striking out the figures "120,000" and inserting in lieu thereof the figures "140,000"; also on page 6, line 4, by striking out the figures "31,000" and inserting in lieu thereof the figures "33,000"; also on page 7, line 20, by striking out the figures "60,000" and inserting in lieu thereof the figures "62,000"; also on page 8, line 7, by striking out the figures "75,000" and inserting in lieu thereof the figures "80,000."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill	Tronzo,
Brigerman	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2264.

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk will read the amendments as follows:

Amend section 1, page 1, line 4, by striking out after the word "hundred" the word "two" and inserting in lieu thereof the word "eight"; also same line, by striking out after the word "thousand" the words "one hundred"; also in line 5, by striking out the figures "($502,100)" and inserting in lieu thereof the figures "($508,000)"; also on page 2, line 7, by striking out the figures "15,000" and inserting in lieu thereof the figures "20,000"; also on page 4, line 18, by striking out the figures "4,600" and inserting in lieu thereof the figures "5,500."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,

Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Perry,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 99.

An Act to reenact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk will read the amendments as follows:

Amend Article III, section 306, page 26, line 16, by inserting after the word "period" the words "and in such additional amounts"; also same page, line 25, by inserting after the word "services" the words "(exclusive of the cost of hospital treatment and artificial appliances)"; also same line, by inserting after the word "supply" the words "during the aforesaid three months' period"; also section 320, page 49, line 17, by striking out the words "to have waived any of the right or remedy" and inserting in lieu thereof the words "is an amendment in the manner prescribed by."

Amend Article V, section 502, page 80, line 1, by striking out after the word "act" the word "and"; also same page, line 11, by inserting after the word "appropriation" the words "and until January first one thousand nine hundred thirty-eight the act reenacted and amended by this act"; also same page, by striking out in lines 22 to 24 inclusive, the following: "Th efirst assessment shall be for the fiscal year ending May thirty-first one thousand nine hundred thirty-eight"; also section 507, page 83, line 6, by striking out the word "This" and inserting in lieu thereof the words "The provisions of this"; also same page, line 8, by inserting at the end of said line after the word "eight" the following: "except the provisions of section 502 of this act which shall become effective immediately upon the nal enactment of this act and shall be retroactive to June first one thousand nine hundred thirty-seven."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. WILSON. Mr. Speaker, it will be remembered that when this bill in its original form was being considered by this House I was the only member to rise on my feet and oppose it in the form in which it then was. The amendments which have been placed in this bill by the Senate, after much deliberation and considerable time, greatly reduce the rates and the cost of the workmen's compensation bill which we are about to vote upon. The sponsor of the bill has very kindly furnished me with a little statement with regard to what this does. This statement was prepared by the Senate Committee and sent to the Governor of the Commonwealth, informing him as to what their work had been. There is this one point, however, that it does not cover, and I ask permission to interrogate the gentleman from Allegheny on that one point.

The SPEAKER. Will the gentleman from Allegheny, Mr. Weiss, permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. WILSON. Mr. Speaker, I desire to ask the gentleman if he has any figures as to what the percentage of increases over the old law this will be to the employers.

Mr. SAMUEL A. WEISS. Mr. Speaker, will the gentleman from Jefferson kindly repeat his question?

Mr. WILSON. Mr. Speaker, I desire to ask the gentleman from Allegheny if he has any figures in the line of an estimate by experts as to what the increased cost will be in percentage to the employers of the State.

Mr. SAMUEL A. WEISS. Mr. Speaker, this bill as amended by the Senate will increase the cost of compensation to the anthracite and bituminous operators approximately fifty-five percent. In all other industries of the Commonwealth the increase will be approximately twenty-two to thirty-five percent. Some figures have gone as high as seventy-five percent but those figures are not authentic.

Mr. WILSON. Mr. Speaker, I desire to ask the gentleman from Allegheny one more question. Is the gentleman from Allegheny convinced that this is about as much of an increase as could be secured safely at this time, taking into consideration all of the affairs of business in this State, and is he satisfied with these amendments made by the Senate?

Mr. SAMUEL A. WEISS. Mr. Speaker, I must agree with the statement just made by the gentleman from Jefferson. I believe it is fair both to industry and to the working men of this Commonwealth.

Mr. WILSON. Mr. Speaker and members of the House, just a brief statement, it will be remembered that I estimated the increased cost of workmen's compensation under House Bill No. 99 as two hundred and fifty-six percent. The gentleman from Allegheny has very kindly furnished an estimate by experts showing that the increased cost under the amendments made by the Senate would be anywhere from thirty to fifty-five percent, which is quite a material reduction. I feel that my opposition was justified, and I would not have taken the time of the House to make this statement if it had not been for the fact that I was alone and so few voted with me. There is quite a difference between fifty-five percent increase and two hundred and fifty-six percent increase I am going to vote for the amendments of the Senate, and I wanted to get right on the record. I thank you.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I want to briefly state that the concurrence of the House in the Senate amendments culminates the efforts of the Democratic party to give to the workingmen of Pennsylvania and their families a liberal workmen's compensation law which began in the 1935 session, when I introduced House Bill No. 1199, an almost identical measure. I want to say that this House Bill No. 99, with the amendment of the Senate, is not as liberal in its provisions as when it passed this House on March 9, 1937, but it definitely redeems a pledge of the Democratic party to liberalize the compensation law of this Commonwealth. The principle changes in House Bill No. 99, as amended in the Senate, are as follows:

(a) Increases maximum payments from $15.00 to $18.00 per week;

(b) Increases minimum payments from $7.00 to $12.00 per week. (This will effect over 60% of workmen who only earn approximately $18.00 per week);

(c) Gives increased benefits for loss of various organs of the body; for instance: hand, arm, foot, leg, eye, disfigurement, etc.;

(d) Gives the workman disability for the first seven days of injury if disability continues for four weeks or longer;

(e) Disability payments for life paid to workmen who are permanently disabled;

(f) Payments for life to widows;

(g) Provides for indefinite medical, surgical, dental treatment and hospitalization upon petition to the Board;

(h) Maximum payments to injured workmen increased from $6500 to unlimited amounts;

(i) Raises age limit of dependent children from 16 years to 18 years.

Most important of all, the bill as amended by the Senate and now before the House for concurrence, preserves the famous "Romig" decision—and basing earnings on a five and a half day week—and this alone means millions of dollars to the workmen of this Commonwealth.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Sollenberger,
Baine,	Habbyshaw,	Moomaw,	Spengler,
Baker, F. T.,	Haberlen,	Mooney,	Sproul,
Baker, J. J.,	Hagerty,	Moran,	Stackpole,
Balthaser,	Hall,	Moul,	Stank,
Bierly,	Hamilton, F. P.,	Muir,	Stewart,
Blank,	Hamilton, R. S.,	Munley,	Stockham,
Bohn,	Harkins,	Murrin,	Strode,
Bois,	Harmuth,	Nagel,	Terry,
Boltz,	Hays,	O'Brien,	Thomas,
Boose,	Hering,	O'Connor,	Thompson,
Boyer	Hess,	O'Keefe,	Toole,
Bradley	Hetrick,	Ominsky,	Tronzo,
Brancato,	Hindman,	O'Neill,	Trout,
Brigerman,	Hirsch,	Ostroff,	Tumelty,
Broad,	Holland,	Patterson, C. S.,	Turner,
Brown,	Holmes,	Patterson, J. W.,	Valibus,
Brownfield,	Holstrom,	Peale,	VanAllsburg,
Burrows,	Hontz,	Pearson,	VanSickle,
Cadwalader,	Horting,	Perry,	Wall,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Jirolanio,	Powers,	Walsh,
Coakley,	Kane,	Preston,	Wampole,
Cohen, H. B.,	Keenan,	Readinger,	Watkins,
Cohen, R. E.,	Kelso,	Reese,	Webster,
Coleman,	Kilroy,	Reising,	Weidemann,
Coolahan,	Kline,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—1

Snyder,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REASON FOR VOTE

Mr. McGEE filed the following reason for his vote.

I am voting "aye" on this bill, but would like to have seen its provisions more liberal.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1640.

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as amended and reenacted providing for the inclusion of occupational diseases within the scope thereof and pro-

viding definitions provisions and procedure related to such diseases and making an appropriation

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 5, page 5, line 12, by inserting after the word "caused" the word "exclusively"; also same page, line 14, by striking out the word "infection" and inserting in lieu thereof the words "tuberculosis or streptococcic infection of lung"; also same page, by striking out in lines 14 to 17 inclusive the following: "Silicosis anthraco-silicosis or asbestosis in any stage when accompanied by infection shall be deemed to be and shall be compensated as total disability" and inserting in lieu thereof the following: "the total liability of the employer unto the employee of his dependents under this section shall not exceed the sum of thirty-six hundred dollars ($3600)."

Amend section 10, page 9, by striking out in lines 20 to 28 inclusive the following:

"In all cases involving claims for the occupational disease listed in section 2 hereof except in those cases wherein there are no controverted medical issues between the parties the Workmen's Compensation Board or Referee may appoint and in all cases involving silicosis or anthraco-silicosis or asbestosis shall appoint one or more duly qualified impartial physicians or surgeons or experts in accordance with section 420 of the Workmen's Compensation Act to be selected"; also page 10, by striking out all of lines 1 to 29 inclusive and on page 11, by striking out all of lines 1 to 23 inclusive as follows: "from a panel to be submitted by the Secretary of Labor and Industry which panel shall be made up of names selected from lists submitted by the Deans of all legally recognized Medical Schools in the Commonwealth of Pennsylvania The Workmen's Compensation Board or Referee shall order the claimant to subject himself to such clinical pathological and Roentgen examinations as in the opinion of such physicians surgeons or experts may be necessary to determine whether or not the claimant has contracted or is suffering from the disease for which claim has been filed After examination the physicians surgeons or experts so appointed shall file with the Workmen's Compensation Board or Referee a written report setting forth their opinion with respect to the following medical questions

(a) Whether or not the claimant is disabled as the result of an occupational disease described in Section 2 hereof and in death cases whether or not death was caused by one of such occupational diseases

(b) If the claimant is disabled as the result of an occupational disease described in Section 2 hereof their opinion as to the extent of such injury

All proceedings for compensation shall be suspended upon the refusal of a claimant or claimants to submit to such clinical pathological and Roentgen examinations as may be ordered by the Workmen's Compensation Board or Referee

Upon the filing of a claim for compensation for death from an occupational disease where an autopsy is necessary accurately and scientifically to ascertain and determine the cause of death such autopsy shall be ordered by the Workmen's Compensation Board or Referee upon the written recommendation of the physicians surgeons or experts appointed in such case The Workmen's Compensation Board or Referee may designate in such case a duly licensed physician who is a specialist in such examinations to perform such autopsy or to attend such autopsy if made by any other public authority and to certify his findings thereon Such findings shall be filed with the Workmen's Compensation Board and a certified copy thereof shall be filed with the State Department of Public Health and shall be a public record

The reports and findings of the physicians surgeons or experts so appointed by the Workmen's Compensation Board or Referee shall be considered by the Workmen's Compensation Board or Referee as medical evidence in said cause together with any other medical evidence offered on behalf of the claimant or employer At the time of any hearing of said cause the physicians surgeons or experts so appointed by the Workmen's Compensation Board or Referee shall appear and be subject to examination and cross-examination by the parties to said cause" and inserting in lieu thereof the following: "Section 10 In all cases involving claims for the occupational diseases listed in Section 2 hereof except in those cases wherein there are no controverted medical issues between the parties the Workmen's Compensation Board or Referee shall appoint a Medical Advisory Board composed of one or more duly qualified impartial physicians or surgeons or experts in accordance with Section 420 of the Workmen's Compensation Act to be selected from a panel to be submitted by the Secretary of the Department of Health which panel shall be made up of names selected from lists submitted by the Deans of all legally recognized Medical Schools in the Commonwealth of Pennsylvania The Workmen's Compensation Board or Referee shall order the claimant to subject himself to such clinical pathological and Roentgen examinations as in the opinion of the Medical Advisory Board may be necessary to determine whether or not the claimant has contracted or is suffering from the disease for which claim has been filed After examination the Medical Advisory Board shall file with the Workmen's Compensation Board or Referee its written report setting forth its opinion with respect to the following medical questions

(a) Whether or not the claimant has contracted or is suffering from an occupational disease described in Section 2 hereof and in death cases whether or not death was caused by one of the occupational diseases described in Section 2 hereof

(b) If the claimant has contracted or is suffering from an occupational disease described in Section 2 hereof its opinion as to the extent of injury suffered by the claimant

The Workmen's Compensation Board or Referee shall mail a copy of such report and findings to the claimant and to the employer or his their or its insurers within twenty (20) days from the date of the filing thereof

The Workmen's Compensation Board or Referee shall order an autopsy to be made upon the decedent for the purpose of examination and tests to determine the cause of death in the following cases

(1) When the Workmen's Compensation Board or Referee upon the advice of the Medical Advisory Board deems such an autopsy to be necessary to determine the caus of death

(2) Upon application of the employer when the Medical Advisory Board recommends an autopsy to determine the cause of death

The findings resulting from such examinations and tests shall be filed with the State Department of Health and certified copies thereof shall be filed with the Workmen's Compensation Board or Referee and shall become public records in the case

The reports and findings of the physicians surgeons or experts so appointed by the Workmen's Compensation Board or Referee shall be considered by the Workmen's Compensation Board or Referee as prima facie evidence of findings therein contained and shall be considered together with any other medical evidence offered on behalf of the claimant or employer At the time of any hearing of said cause the physicians surgeons or experts so appointed by the Workmen's Compensation Board or Referee shall appear and be subject to examination and cross-examination by the parties to said cause if written request therefor shall be filed by either of said parties with the Referee or Board within ten (10) days after written notice of the filing said report and findings shall be mailed to the respective parties in interest

All the proceedings for compensation shall be suspended upon the refusal of a claimant or claimants to submit to such clinical pathological and Roetgen examinations as may be ordered by the Workmen's Compensation Board or Referee In death cases in the event that a claimant or claimants shall refuse to permit an autopsy to be

made upon the body of the decedent for a period of six months after death when ordered by the Workmen's Compensation Board or Referee then and in that event no compensation shall be payable and claim therefor shall be disallowed by the Workmen's Compensation Board or Referee"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. SCHOR. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 473.

An Act making an appropriation to the Department of Forests and Waters for the construction of a masonry weir across the Shenango River near the Chestnut Street Bridge at Sharon and the construction of a shelter house for recording devices near the weir.

HOUSE BILL No. 880.

An Act to prohibit the admission in criminal cases of evidence illegally secured or acquired.

HOUSE BILL No. 982.

An Act providing for the construction reconstruction maintenance and repair of sidewalks at dangerous places along State highways by the Department of Highways and making an appropriation from the Motor License Fund.

HOUSE BILL No. 1629.

An Act dedicating and setting aside certain lands in Lackawanna county as a public park and pleasure ground and imposing certain powers and duties in connection therewith on the Department of Forests and Waters.

HOUSE BILL No. 1921.

An Act to amend sections four and five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (P. L. 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" providing for uniform discount and uniform penalties making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date giving the taxpayers option of payment of taxes in quarterly installments.

HOUSE BILL No. 2047.

An Act to amend section two thousand five hundred fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended requiring fidelity bonds of deputies and clerks of city treasurers the premiums thereof to be paid jointly by the county city and school district.

HOUSE BILL No. 2379.

An Act to amend section two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation" by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale.

With the information that the Senate has passed the same without amendment.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 158.

Mr. LaRUE. Mr. Speaker, I desire to call up the second report of the Committee of Conference on House Bill No. 158, Printer's No. 1210.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 158, entitled: "An act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and acquatic life and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions; to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties and repealing certain acts," respectively submit the following bill as our report

FREDERICK T. GELDER,
WILLIAM B. RODGERS,
EDWARD J. THOMPSON,
Committee on the part of the Senate.

MAHLON F. LaRUE,
WILBERT D. IMBRIE,
JOSEPH A. SIMON.
Committee on the part of the House of Representatives

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts magistrates aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts

ARTICLE I

General Provisions and Public Policy

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" shall be construed to mean the Sanitary Water Board in the Department of Health or its duly constituted successor

"Establishment" shall be construed to include any industrial establishment mill factory tannery paper or pulp mill garage oil refinery oil well boat vessel mine quarry and each and every other industry or plant or works in the operation of which industrial wastes are produced

"Industrial waste" shall be construed to mean any liquid gaseous or solid substance not sewage resulting from any manufacturing or industry

"Institution" shall include healing preventative mental health educational correctional and penal institutions almshouses and county and city homes operated by the State or any political subdivisions thereof and whose sewage is not admitted to a public sewer system

"Municipality" or "municipal" shall be construed to include any county county authority municipal authority city borough town township school district and institution as above defined

"Person" shall be construed to include any person copartnership association or private corporation

"Pollution" shall be construed to mean noxious and deleterious substances rendering unclean the waters of the Commonwealth to the extent of being harmful or inimical to the public health or to animal or aquatic life or to the use of such waters for domestic water supply or industrial purposes or for recreation

"Sewage" shall be construed to include any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals

"Waters of the Commonwealth" shall be construed to include any and all rivers streams creeks rivulets lakes dammed water ponds springs and all other bodies of surface and underground water or parts thereof whether natural or artificial within or on the boundaries of this Commonwealth

Section 2 Interpretation of Act A The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

B Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Discharge of Sewage and Industrial Wastes Not a Natural Use The discharge of sewage or industrial waste or any noxious and deleterious substances into the waters of this Commonwealth which is or may become inimical and injurious to the public health or to animal or aquatic life or to the uses of such waters for domestic or industrial consumption or for recreation is hereby declared not to be a reasonable or natural use of such waters to be against public policy and to be a public nuisance

ARTICLE II

Sewage Pollution

Section 201 Prohibition Against Discharge of Sewage No person or municipality shall place or permit to be placed or discharge or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any sewage except as hereinafter provided in this act

Section 202 Extent of Applicability of Act to Existing Sewage Discharges Any municipality discharging sewage from any sewer system owned and maintained by the municipality and any person discharging sewage into or in such manner as to cause pollution of the waters of this Commonwealth without regard to the fact that such discharge began prior or subsequent to the twenty-second day of April one thousand nine hundred and five or whether such continued discharge has been by virtue of or without a permit issued by the Secretary of Health the Commissioner of Health or the Board in accordance with the provisions of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" shall discontinue the discharge of sewage into or in such manner as to cause pollution of the waters of this Commonwealth upon the order of the Board issued pursuant to the provisions of this act at such time as the Board shall be of opinion that such discharge of sewage is or may become inimical or injurious to the public health animal or aquatic life or to the use of the water for domestic or industrial consumption or recreation and on such notice any permit heretofore granted to such municipality or person for the discharge of sewage into the waters of the Commonwealth shall be deemed to be revoked and annulled Provided however That the discharge of sewage into a stream impregnated with acid coal mine drainings be permitted when the discharge of sewage does not create a condition inimical to the public interest

Section 203 Orders to Discontinue Existing Sewage Discharges Nuisances In the case of a municipality orders to discontinue existing discharges of sewage shall be by notice in writing (after investigation and hearing and an opportunity for all persons interested therein to be heard thereon) which notice shall be served personally or by registered mail on the corporate authorities of the municipality owning or maintaining and using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued shall be stated in the notice and shall in no case exceed two years

In the case of a person orders to discontinue existing discharges of sewage shall be by notice in writing served personally on such person or by registered mail addressed to the last known post office address of the person discharging the sewage and such notice shall specify a reasonable time not exceeding one year to be fixed by the Board within which the discharge of such sewage shall be discontinued

The continued discharge of sewage by persons or municipalities after the expiration of the time fixed in any such notice is hereby declared to be a nuisance and shall be abatable and punishable as provided in this act

Section 204 Penalty Any Person who shall continue to discharge sewage or permit the same to flow into the waters of the Commonwealth contrary to the preceding provisions of this act for or after the expiration of the time fixed in any notice from the Board to discontinue an existing discharge of sewage into the waters of the Commonwealth shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars and not exceeding one hundred dollars for each offense and a further fine of ten dollars for each day the offense is maintained and in default of the payment of such fine and costs the person or the member or members of any association or copartnership or the officer or officers of any corporation responsible for violation of this act shall be imprisoned in the county jail one day for each dollar of fine and costs unpaid

Section 205 Reports of Existing Municipal Sewers It shall be the duty of the corporate authorities having by law charge of the sewer system of each municipality in the Commonwealth from which sewage is being discharged into any of the waters of the Commonwealth to file with the Board from time to time upon the written demand of said Board a report of such sewer system which shall comprise such plans facts and information as the Board may require Such report shall be filed within a time specified by the Board in its written demand No municipal sewer system shall be exempt from the provisions of this act prohibiting the discharge of sewage into the waters of the Commonwealth for which a satisfactory report shall not be filed with the Board in accordance with this section The continued discharge of sewage from any such sewer system contrary to the provisions of this section is hereby also declared to be a nuisance and abatable as such

Section 206 Applications for Permits for the Discharge of Sewage Upon application duly made to the Board by the corporate authorities having by law the charge of the sewer system of any municipality or by any person the Board shall consider the case of any sewer system or the extension of any existing sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the Commonwealth and shall if it finds as a fact that the discharge of sewage is necessary and not injurious to the public health or animal or aquatic life or for use for domestic or industrial consumption or recreation stipulate in a permit the conditions and the time during which such discharge into the waters of the Commonwealth may be permitted Such permit before being operative shall be recorded in the office of the recorder

of deeds for the county wherein the outlet of said sewer system is located And in case the municipailty or person fails or neglects to record such permit the Board shall cause a copy thereof to be so recorded and shall collect the cost of recording from the municipality or person No such permit shall be construed to permit any act otherwise forbidden by any of the laws of the Commonwealth or by any decree order sentence or judgment of any court or by the ordinances of any municipality or by the rules and regulations of any water company supplying water to the public or by laws relative to navigation

Section 207 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the construction of any new sewer system or for the extension of any existing sewer system by a municipality or for the erection construction and location of any treatment works or intercepting sewers by a person or municipality shall be submitted to the Board for its approval before the same are constructed or erected or acquired Any such construction or erection which has not been approved by the Board by written permit or any treatment works not operated or maintained in accordance with the rules and regulations of the Board is hereby also declared to be a nuisance and abatable as herein provided

Section 208 Revocation or Modification of Permits Every such permit for the discharge of sewage from a sewer system or extension or for the erection and construction of any sewer system or treatment works or intercepting sewers under the provisions of sections two hundred six and two hundred seven of this act shall be revocable or subject to modification and change by the Board on due notice (after an investigation and hearing and an opportunity for all known to be interested therein to be heard thereon) being personally on or by registered mail addressed to the last known post office address of the corporate authorities of the municipality or the person owning maintaining or using the sewer system or the person or municipality operating the treatment works The length of time after the receipt of the notice within which the discharge of sewage or the treatment of sewage in such treatment works shall be discontinued shall be stated in the notice but in no case shall it exceed two years in the case of a municipality or a reasonable time not exceeding one year in the case of a person to be fixed by the Board

Section 209 Prohibition Against Discharge of Sewage Et Cetera After Revocation of Permit On the expiration of the period of time prescribed after the service of a notice of revocation modification or change of any such permit from the Board the discharge of sewage into any waters of the Commonwealth or treated sewage from treatment works shall cease and terminate and the prohibition of this act against such discharge or treatment shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided A continuation of the discharge of sewage or the treatment of sewage after revocation or in violation of any modification and change of any such permit it hereby also declared to be a nuisance and shall be punishable and abatable as herein provided

Section 210 Municipal Financing of Pollution Abatement Any municipality upon whom an order of the Board is served to abate its discharge of untreated or inadequately treated sewage shall unless said order to abate said discharge be reversed on appeal take steps for the acquisition or construction of a sewer or sewerage system or sewage treatment works or both or for the repair alteration extension or completion of an existing sewer sewerage system or sewage treatment works or both as may be necessary for the treatment of its sewage in compliance with the order of the Board The cost of the acquisition construction repair alteration completion or extension of the sewer sewerage system or sewage treatment works as may be necessary to comply with said order shall be paid out of funds on hand available for such purpose or out of the general funds of such municipality not otherwise appropriated If there be no sufficient funds on hand or unappropriated then the necessary funds shall be raised by the issuance of bonds such bond issue to be subject only to the approval of the Department of Internal Affairs If the estimated cost of the steps necessary to be taken by such municipality to comply with such order is such that the bond issue necessary to finance such project would not raise the total outstanding bonded indebtedness of such municipality in excess of the constitutional limit imposed upon such indebtedness by the Constitution of this Commonwealth then and in that event the necessary bonds may be issued as a direct obligation of such municipality and retired pursuant to general law governing the issue of such bonds if the electors of the municipality shall vote in favor of the increase in indebtedness where the consent of the electors is required If the amount of such bonds necessary to be issued would raise the total outstanding bonded indebtedness of such municipality above such constitutional limitation on such indebtedness or if the consent of the electors cannot be secured or if such municipality by its corporate authorities shall determine against the issuance of direct obligation bonds then such municipality shall be requested to issue non-debt revenue bonds and provide for the payment of the interest and principal of such bonds from funds to be raised by imposing a sewer rental or charge in accordance with and as authorized by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws twelve hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" or other legislation relating to the imposition and collection of such rentals and charges

The funds made available by the issuance of either direct obligation bonds or revenue bonds secured by rental charges as herein provided shall constitute a sanitary fund and shall be used for no other purpose than for carrying out such order or orders of the Board

The Attorney General at the instance of the Board may enforce this provision of the act by action of mandamus

Section 211 Revenue Bonds For the purpose of financing the cost and expense of its share of the cost and expense of constructing or acquiring or extending any sewer sewer system or sewage treatment works either singly or jointly with other municipalities a municipality may issue non-debt revenue bonds secured solely by a pledge in whole or part of the annual rentals or charges imposed for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upon and payable solely from the annual rentals or charges for the use of the sewer sewer system or sewage treatment works

Section 212 Issuance and Sale of Revenue Bonds Maturity Interest When a municipality shall issue any non-debt revenue bonds the corporate authorities thereof shall sell the same to the highest bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the municipality or the county in which the municipality is situated Where bonds shall be advertised for sale as herein provided and no bids shall have been received then it shall be lawful for such municipality to sell the same at private sale for not less than par and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and shall bear interest at a rate not exceeding six per centum per annum

Section 213 Other Methods of Financing Preserved Anything in this act to the contrary notwithstanding any municipality shall have power to issue bonds revenue certificates or other obligations to finance in whole or in part the carrying out of any order or direction of the Board without regard to the restrictions limitations or provisions of this act relating to the issuance of bonds revenue certificates or other obligations provided that such bonds revenue certificates or other obligations are issued by the municipality in accordance with the provisions of any other

law This act shall be construed to provide an alternative method for the issuance of bonds revenue certificates or other obligations by a municipality and not an exclusive method therefor

ARTICLE III

Industrial Wastes

Section 301 Prohibition Against Discharge of Industrial Wastes No person shall place or permit to be placed or discharged or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any industrial wastes except as hereinafter provided in this act

Section 302 Existing Industrial Wastes Discharges All persons who at the time of the passage of this act are discharging industrial waste into any of the waters of the Commonwealth shall discontinue the discharge of such industrial waste into said waters or into any municipal sewer system on notice from the Board when after due investigation the Board shall declare the discharge of such industrial waste is or may become inimical or injurious to the public health or to animal or aquatic life or prevent the use of waters for domestic industrial or recreational purposes provided that any discharge that is inimical and injurious to the public health or to animal or aquatic life or to the use of the water for domestic or industrial consumption or recreational purposes shall nevertheless be deemed unlawful and a nuisance whether the Board shall so declare or not

Section 303 Information as to Kind and Character of Discharge Every person who on the effective date of this act shall be discharging or permitting to be discharged or has an establishment temporarily closed which in the future may discharge or permit to be discharged any industrial waste into the waters of the Commonwealth shall file with the Board within ninety days after the effective date of this act on forms prepared and supplied by the Board such information under oath as the Board may require with regard to such industrial waste including the kind characteristics and rate of flow thereof and concerning the treatment works if any either in operation or in contemplation It shall be the duty of such persons to apply to the Board for the forms necessary to comply with this provision The falsity of any of the information thus supplied is hereby declared to be perjury and punishable as such

Section 304 Water Surveys The Board shall have power to make a complete survey of the waters of the Commonwealth in order to ascertain the extent of pollution in each of said waters and the remedies to be employed to purify said waters It shall have power to adopt prescribe and enforce such rules and regulations not inconsistent with this act as may be deemed necessary for the protection of the purity of the waters of the Commonwealth or parts thereof and to purify those now polluted and to assure the proper and practical operation and maintenance of treatment works approved by it A violation of which rules and regulations after notice shall also constitute a nuisance under this act

Section 305 Investigations and Research In addition to any powers now possessed the Board shall investigate and ascertain as far as practicable all facts in relation to the pollution of the waters of the Commonwealth by industrial waste Its agents may enter upon lands buildings and premises as may be necessary for its investigations It shall conduct scientific experiments and researches under its personal supervision or in colleges and universities for the purpose of ascertaining reasonable and practical means for the treatment of industrial waste so that when the same has been treated the effluent thereof when discharged into the waters of the Commonwealth shall not be injurious to the public health or to animal or aquatic life or prevent the use of the water for domestic industrial or recreational purposes

Section 306 Protection of Clean Waters After the effective date of this act no municipality or person shall ever discharge drain or permit to be washed into the clean waters of this State any sewage or industrial waste "Clean waters" are hereby defined to mean waters which are at the effective date of this act unpolluted and free from any discharge or drainage of industrial waste and from any authorized discharge or drainage of sewage but the Sanitary Water Board may permit discharge into such waters of sewage or industrial waste that has been completely treated

Section 307 Regulation of Establishments Erected or Opened or Re-opened in the Future No person shall hereafter erect construct or open or re-open or operate any establishment which in its operation results in the discharge of industrial wastes which would flow or be discharged into any of the waters of the Commonwealth and thereby cause a pollution of the same unless such person shall first provide proper and adequate treatment works for the treatment of such industrial wastes approved by the Board so that if and when flowing or discharged into the waters of the Commonwealth the effluent thereof shall not be inimical or injurious to the public health or to animal or aquatic life or prevent the use of water for domestic industrial or recreational purposes except when in the opinion of the Board such industrial waste is not inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and shall grant a permit for the discharge of such industrial waste into the waters of the Commonwealth But no permit shall ever be issued by the Board authorizing the discharge of untreated industrial waste into the clean waters of the State as above defined Public notice of every application for a permit under this section shall be given by notice published in a newspaper of general circulation published in the county where the permit is applied for once a week for four weeks But any such permit shall be revocable or subject to modification and change by the Board at any time thereafter upon reasonable notice served personally or by registered mail addressed to the last known post office address of the holder of the permit and the owner or operator of such establishment may be required to install treatment works approved by the Board for the treatment of such industrial waste or for the deposition of solids in such industrial waste in the manner and to the extent as the Board may require The discharge of industrial waste into any of the waters of the Commonwealth from any such establishment contrary to the provisions of this section or without a permit or after the time fixed in the notice of the Board when a permit is revoked or in violation of any modification thereof is hereby declared to be a nuisance and to be punishable and abatable as herein provided The provisions of this section shall not apply to establishments existing at the date of the approval of this act which may hereafter be temporarily closed for a period not exceeding six months

Section 308 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the erection and construction of treatment works by any person for the treatment of industrial wastes shall be submitted to the Board for its approval before the works are constructed or erected Any such construction or erection which has not been approved by the Board by written permit or by treatment works not maintained or operated in accordance with the rules and regulations of the Board is hereby declared a nuisance and to be punishable and abatable as herein provided

Section 309 Penalties Any person who shall discharge any industrial wastes into the waters of the Commonwealth after the Board shall have given notice to discontinue the same as provided in section three hundred two shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and a further fine of ten dollars per day for each day the offense is continued and in default of the payment of such fine and costs the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof may be imprisoned in the county jail for a period not exceeding sixty days

Any person who shall continue to discharge any in-

dustrial waste into any of the waters of the Commonwealth contrary to the provisions of this act after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the Court of Quarter Sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof may be imprisoned in the county jail for a period of not more than one year

Section 310 Acid Mine Drainage The provisions of this article shall not apply to acid mine drainage from coal mines until such time as in the opinion of the Sanitary Water Board practical means for the removal or reduction of the polluting properties of such drainage shall become known

ARTICLE IV

Petty Pollution

Section 401 Petty Pollutions Prohibited It shall be unlawful for any person to put or place into any of the waters of the Commonwealth any explosives or to put or to allow any substance of any kind or character injurious or inimical to the public health or to animal or aquatic life or to the uses of water for industrial purposes or for recreation to be turned into or to run or flow or wash or to be emptied into any of the waters of the Commonwealth

Any person violating the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the provisions of this section after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and such person or if such person be an association or copartnership then the members thereof or is such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year Each day during which this section is violated shall constitute a separate offence

Nothing contained in this section shall be construed to apply to any sewage or industrial waste the discharge of which is regulated or prohibited by the preceding sections of this act but this section shall apply to explosives and to all other substances injurious or inimical to the public health or animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and to any sewage or industrial waste the discharge of which is not regulated or prohibited by the preceding sections of this act This section shall not be construed to prohibit the use of explosives for engineering purposes when a written permit has been given therefor by proper national State or municipal authorities

Section 402 Abatement of Petty Pollutions The violation of any of the provisions of the preceding section of this act is hereby declared to constitute a nuisance and to be abatable as herein provided

Section 403 Powers of Board The Board shall have power to adopt and promulgate reasonable rules and regulations for the purpose of preventing petty pollutions and to provide for and regulate the installation and maintenance of septic tanks or other methods of treatment whenever deemed necessary by the Board

ARTICLE V

Domestic Water Supplies

Section 501 Protection of Domestic Water Supplies In addition to the powers and authority hereinbefore granted power and authority is hereby conferred upon the Board after due notice and public hearing to make adopt promulgate and enforce reasonable orders and regulations for the protection of any source of water approved by the Commissioner of Health or the Department of Health for present or future supply to the public and prohibiting the pollution of any such source of water so approved rendering the same inimical or injurious to the public health or objectionable for public water supply purposes

Section 502 Penalty Any person violating any of said orders and regulations of the Board or refusing or omitting to comply with any direction or stipulation of the Secretary of Health made in accordance with said orders and regulations after thirty days' notice thereof shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the orders and regulations of the Board or refuse or omit to comply with any direction or stipulation of the Secretary of Health after conviction in a summary proceeding as abov provided shall be guilty of a misdemeanor and upon conviction thereof in the Court of Quarter Sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year

Section 503 Public Nuisances A violation of the orders and regulations adopted by the Board pursuant to section five hundred and one of this act shall constitute a nuisance and whenever such a pollution shall be maintained or continued contrary to such orders and regulations the same may be abatable in the manner provided by this act

ARTICLE VI

Procedure

Section 601 Abatement of Pollutions All pollutions hereinbefore declared to be nuisances or maintained contrary to the provisions of this act shall be abatable in the manner now provided by law or equity for the abatement of public nuisances In addition suits to abate pollution of any of the waters of the Commonwealth may be instituted in equity or at law in the name of the Commonwealth upon relation of the Attorney General or upon relation of any district attorney of any county or upon relation of the solicitor of any municipality affected after notice has first been served upon the Attorney General of the intention of the district attorney or solicitor to so proceed Such proceeding may be prosecuted in the Court of Common Pleas of Dauphin County or in the Court of Common Pleas of the county where the nuisance has been or is being committed or of any county through which or along the borders of which flows the water into which such pollution has been discharged at any point above and to that end jurisdiction is hereby conferred in law and equity upon such courts provided however that no action shall be brought by such district attorney or solicitor against any municipality discharging sewage under a permit of the Board heretofore issued or hereafter issued under this act and provided further that except in cases of emergency where in the opinion of the court the exigencies of the cases require immediate abatement of said nuisances the court may in its decree fix a reasonable time during which the person or municipality responsible for the nuisances may make provision for the abatement of the same

Section 602 Preliminary Injunctions In cases where the circumstances require it or the public health is endangered a mandatory preliminary injunction or special injunction

may be issued upon the terms prescribed by the court notice of the application therefore having been given to the defendent in accordance with the rules of equity practice and in any such case the Attorney General the district attorney or the solicitor of any municipality shall not be required to give bond

Section 603 Summary Proceedings All summary proceedings under the provisions of this act may be brought before any magistrate alderman or justice of the peace of the county where the offense occured or the unlawful discharge of sewage industrial waste or pollution was maintained or in the county where the public is affected and to that end jurisdiction is hereby conferred upon said magistrates aldermen or justices of the peace subject to appeal by either party in the manner provided by law In the case of any appeal from any conviction in the manner provided by law for appeals from summary conviction it shall be the duty of the district attorney of the county to represent the interests of the Commonwealth

Section 604 Complaints Investigations Upon complaint made in writing by any responsible person to the Board it shall be the duty of the Board through its agents to investigate any alleged source of pollution of the waters of the Commonwealth and to institute appropriate proceedings under the provisions of this act to discontinue any such pollution if the offence complained of constitutes a violation of the provisions of this act

Section 605 Appeals Any order decision rule or regulation made by the Board shall be subject to appeal to the Court of Common Pleas of Dauphin County within thirty days from its entry by any person or municipality but in such appeal the decision rule or regulation of the Board shall be prima facie evidence of the correctness thereof and the burden to establish the incorrectness thereof shall be upon the appellant Said court may affirm or modify any such order decision rule or regulation if it be established by the appellant that the discharge of sewage or industrial waste or the erection maintenance or operation of any treatment works is not nor likely to become inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and if the court so finds it may set aside such order decision rule or regulation of the Board Any order (other than an order to discontinue the discharge or industrial waste) decision rule or regulation appealed from shall not be superseded by the appeal but shall be in force until the order of the court is made as above provided The setting aside of any order or decision of the Board by the court upon any such appeal shall not prevent or preclude said Board from again instituting subsequent proceedings against the same person or municipality when in its opinion the public health is endangered or animal or aquatic life destroyed or water rendered unfit for domestic industrial or recreational purposes subject to appeal as above provided

Section 606 Proceedings Where Waters Polluted from Many Sources Nothing contained in the laws of the Commonwealth shall estop the Board from proceeding under the provisions of this act against any particular municipality or person discharging sewage or industrial waste or other noxious or deleterious substance into the waters of the Commonwealth even though said waters are at the time polluted from other sources

Section 607 Public Records Evidence All papers records and documents of the Board and applications for permits pending before the Board shall be public records open to inspection during business hours and copies of all such public records and the rules and regulations of the Board certified by the Secretary of Health shall be received in evidence in all courts and elsewhere

Section 608 Existing Rules Regulations and Orders All rules and regulations heretofore adopted by the Board and all orders made and actions taken by the Board or the Secretary of Health under the provisions of law repealed by this act shall continue in force with the same effect as if such laws had not been repealed subject however to modification change or annulment as may be deemed necessary by the Board in order to comply with the provisions of this act

Section 609 Application and Permit Fees The Board is hereby authorized to fix and collect from persons and municipalities a reasonable filing fee for applications filed and for permits issued

ARTICLE VII

Scope and Purpose

Section 701 Existing Rights and Remedies Preserved The collection of any penalty under the provisions of this act shall not be construed as estopping the Commonwealth or any district attorney or solicitor of a municipality from proceeding in courts of law or equity to abate pollutions forbidden under this act or abate nuisances under existing law It is hereby declared to be the purpose of this act to provide additional and cumulative remedies to abate the pollution of the waters of this Commonwealth and nothing in this act contained shall in any way abridge or alter rights of action or remedies now or hereafter existing in equity or under the common law or statutory law criminal or civil nor shall any provision in this act or the granting of any permit under this act or any act done by virtue of this act be construed as estopping the Commonwealth persons or municipalities in the exercise of their rights under the common law or decisional law or in equity from proceeding in courts of law or equity to suppress nuisances or to abate any pollution now or hereafter existing or enforce common law or statutory rights

ARTICLE VIII

Repealer

Section 801 Repeal The following acts and parts of acts of Assembly are hereby repealed

Sections four five six seven eight nine ten and eleven of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health"

The act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred ninety-three) entitled "An act to preserve the purity of the sources of public water supplies hereafter approved authorizing the Advisory Board of the Department of Health to make orders and regulations therefor and the Commissioner of Health to enforce the same providing penalties for violation thereof and for abatement of nuisances by injunction"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McGee	Simon,
Alexander,	Flannery,	McKinney,	Skale,
Allen,	Flinchbaugh,	McShane,	Sloan,
Allmond,	Ganser,	Melchiorre,	Smith, James A
Arnold,	Gerard,	Mellott,	Smith, John A.,
Atkins,	Gillette,	Mihm,	Snyder,
Aukerman,	Gorski,	Moomaw,	Sollenberger,
Baine,	Habbyshaw,	Mooney,	Spengler,
Baker, F. T.,	Haberlen,	Moran,	Sproul,
Baker, J. J.,	Hagerty,	Moul,	Stackpole,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer,	Hess,	Ominsky,	Toole,
Bradley,	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,

Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Vallibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	LaRue,	Rothenberger,	Weiss, S. A.,
Costanzo,	Leisey,	Royer,	Welliver,
Davies,	Levy,	Ruffennach,	Welsh,
Decker,	Lewis,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.,	Schumacher,	Woodside,
Dyson,	Matthews, J. F.,	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,	Siegel,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 965.

Mr. TOOLE. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on House Bill No. 965, Printer's No. 1184.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 965, entitled: "An act to further amend the act approved the sixteenth day of April, one thousand nine hundred and twenty-five, (Pamphlet Laws 244), entitled 'An act applying to third class counties only, and regulating the selection, drawing and summoning of all jurors and talesmen, and defining their qualifications in such counties; * * * *,' by abolishing the jury board and transfering its powers and duties to the jury commissioners," respectfully submit the following bill as our report:

LEO C. MUNDY
JOHN H. DENT
(Committee on the Part of the Senate.)

THOMAS A. TOOLE
ROBERT E. DOUGHERTY
(Committee on the part of the House of Representatives.)

An Act to further amend the act approved the sixteenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 244) entitled "An act applying to third class counties only and regulating the selection drawing and summoning of all jurors and talesmen and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors for the array and regulating the procedure if array is quashed repealing all acts or parts of acts inconsistent therewith" by abolishing the jury board and transferring its powers and duties to the jury commissioners

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the sixteenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 244) entitled "An act applying to third class counties only and regulating the selection drawing and summoning of all jurors and talesmen and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a check to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to jurors prescribing the time of challenging jurors or the array and regulating the procedure if arary is quashed repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section of Jurors for Jury List

Section 3 On or before the tenth day of October of each year each [member of the jury board] jury commissioner shall deliver to the clerk a list containing the names of said [member's] commissioner's proportionate share of the number of qualified jurors required for jury service for the ensuing year as established by the Court of Common Pleas in its last order filed on the subject and in addition thereto fifty names of other persons qualified for jury service The clerk shall eliminate from said lists any duplicate names and the persons from whose lists said duplicates have been eliminated shall furnish substitutes therefor All of these lists be published in two newspapers of general circulation in the county if the court so orders The clerk shall combine these lists into one complete list arranged alphabetically and shall deliver a copy of this complete list to each [member of the jury board] jury commissioner or on before October fifteenth Between the fifteenth and thirtieth days of November in each year at a date and hour to be [fixed by the president judge of wihch the other members of the board shall have due notice the jury board] agreed on by them the jury commissioners shall meet [in the office of the president judge] and shall select from the complete list the jurors for the official jury list hereinafter referred to [By a vote of a majority of the members of the jury board any names not exceeding three hundred in number may be stricken from the complete list or by a vote of all the members of the jury board less one any] Any number of names may be stricken from said list If so many names are stricken from the complete list that there will be a deficiency of jurors for the ensuing year the jury [board shall by a vote of at least all members of the board less one] commissioners shall select qualified substitutes Substitutes shall be proposed by the [members of the jury board in rotation] jury commissioners alternately The names of persons approved for jury service as herein provided with their addresses and occupations shall be typewritten by the clerk upon a list to be known as the official jury list alphabetically according to the jurors' surnames and shall be numbered consecutively beginning with number one This list shall be in duplicate and shall be signed by the jury commissioners [by at least two judges of the Court of Common Pleas] and by the clerk to the jury [board] commissioners One copy of this list shall be filed in the office of the prothonotary and shall be open to inspection by order of the court and the other copy shall be delivered to the president judge of the Court of Common Pleas and be open to inspection by any judge of said court At any time before the names on said list are placed in the jury wheel any names on said list may be stricken off by [a vote equaling that of all the members of the jury board less one and by

same vote] the jury commissioners and other names may be substituted thefor [if the board desires to do so]

Section 2 Section four of said act is hereby amended to read as follows

Placing Names in Jury Wheel

Section 4 The names occupations addresses and numbers on said official jury list shall be typewritten by the clerk upon separate and uniform slips of paper and shall be folded so as to conceal the names on these slips and be placed by the clerk in the jury wheel in the presence of the jury commissioners [and at least one judge of the Court of Common Pleas] This shall be done at a time fixed by order of the president judge soon after the last drawing from the wheel during the current calendar year The court may by order filed prescribe the form of the jury wheel and its lock and the care and custody of said wheel and the keys thereto The wheel shall be emptied and its contents destroyed after the last drawing of jurors in the calendar year Within ten days after the approval of this act the jury commissioners and the sheriff of each county of the third class shall deliver to the president judge of the Court of Common Pleas the jury wheel and the keys thereto

Section 3 Section five of said act as amended by section one of the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 495) is hereby further amended to read as follows

Drawing of and Notices to Jurors

Section 5 The isuing of writs commanding the impaneling of jurors to serve as jurors in the trial of any issue triable by a jury in the several courts of the counties affected by this act and to serve as grand jurors shall be as now provided by law except the appropriate writs shall be directed [not as heretofore] to the sheriff and commissioners [but to the jury board] commanding [it] them to impanel and summon such jurors as required under the law or by order or praecipe of any of the several courts of the respective third class counties affected by this act [After the jury boards as herein provided for are organized all] All drawings of jurors and the procedings incident to said drawings shall be as follows At least thirty days before each term of court ther shall be drawn from the jury wheel nameslips equaling the number of jurors which the jury [board has] commissioners have been directed to impanel and summon for each week of said term of court and at least thirty days before the commencement of the grand jury there shall be drawn from said wheel twenty-four nameslips of jurors to be summoned for said grand jury The names occupations addresses and numbers of the persons so drawn for jury service shall be typewritten upon a list and the list shall be posted in the office of the prothonotary and clerk of the court at least twenty-five days before the fisrt day of the week of court or the session of grand jury for which said jurors are chosen These lists shall be signed by [at least two of the judges of the Court of Common Pleas and by at least two] both of the jury commissioners and also by the clerk of the jury [board] commissioners The jurors so chosen shall at least twenty days before the first day of the week of court or session of the grand jury for which they have been drawn for service be notified to appear for service at the proper time by card duly mailed to the proper address and signed by the sheriff with a postage-prepaid return-card attached to said notice setting forth that notice to appear at the hour and date therein stated is accepted This return card shall be addressed to the sheriff The citizens to whom cards have been mailed and from whom return-cards have not been received five days after the cards were mailed to them shall be served personally by the sheriff of the county or his deputies with notice to appear for jury service at the proper time These summonses for jury services whether by card duly mailed or by personal service shall be deemed summonses of the court and disobedience to them shall be considered the same as disobedience to any other summons of the court The sheriff shall be entitled to charge the county on his fee account one dollar and mileage for each person summoned and shall be paid all the necessary expenses incurred by him or his deputies or clerks for serving such jury notices by mail or personally.

Section 4 Section six of said act is hereby amended to read as follows

Method of Drawing Jurors

Section 6 All drawings of all jurors [after the organization of the jury board] shall take place in one of the court rooms [selected by the chairman of the board] at a time fixed by [him of which time and place the other members of the jury board shall have at least three days' notice] the jury commissioners The clerk shall announce or advertise the time and place of said drawing of jurors in two newspapers of general circulation all of which shall be located in the county seat of the county not more than ten days nor less than three days before the time of said drawing The drawing shall be [in the presence of at least one jury commissioner and at least one judge of the Court of Common Pleas and shall be] open to the public The nameslips shall be drawn singly from the wheel by any person whom the [judge or judges present at the drawing] jury commissioners may there appoint for that purpose The name number address and occupation as the same appear on the nameslips shall be read by any person there appointed for that purpose [by the judge or judges present] and shall be compared by the clerk of the jury board with the corresponding name number address and occupation on the official jury list If the name number address and occupation correspond the clerk shall immediately copy the same in a book called the "jury book" After the nameslips have been copied in the jury book and the jury book entry compared and found to be correct the nameslips shall be immediately sealed in an envelope by the clerk and on said envelope and in said jury book the specific week or weeks of jury service for which said jurors whose names are on said slips are drawn shall be entered These nameslips shall be held for safekeeping as the court shall direct until the end of the year when they shall be destroyed unless the court shall order otherwise

Section 5 Section ten of said act is hereby amended to read as follows

Proceedings if Array is Quashed

Section 10 When the array of jurors returned at any court shall be quashed by reason of any fault or irregularity in the selection of said array of jurors the court shall forthwith order another public drawing of jurors in the manner provided in this act to take the place of the jurors on the quashed array and said jurors shall be legal jurors for the week for which the jurors in said quashed array were drawn The court shall prescribe what notice shall be given of the names occupations and addresses of the persons thus drawn so as to conform as nearly as may be practicable under the circumstances to the notice of and to jurors drawn as prescribed by sections five and six of this act If there has been any fundamental irregularity in filling the jury wheel the Court of Common Pleas may upon satisfactory proof of said irregularity order the wheel emptied and then refilled with names of persons qualified for jury service Said names shall be selected by the jury [board] commissioners and as nearly as possible according to the procedure prescribed in this act except that the same shall be done within a time to be prescribed by the court.

Section 6 Section one of said act is hereby repealed

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,

Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1330.

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the Courts of Common Pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 19, page 15, line 5, by striking out the words "District Attorney" and inserting in lieu thereof: "City Controller".

Amend section 32, page 24 line 1, by inserting after the figures "32" the letter "A"; also same page, by inserting after line 20, the following new paragraph:

"B The term of the present Chief Magistrate shall end as of the effective date of this act and the Chief Magistrate shall deliver to his successor in office all dockets books bonds and other papers connected with his office as Chief Magistrate".

Amend section 37, page 27, line 12, by striking out after the word "chief" the word "city"; also same page, line 16, by striking out after the word "chief" the word "city"; also same page, line 23, by striking out after the word "chief" the word "city".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—153

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Bois,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	LaRue,	Readinger,	Westrick,
Decker,	Levy,	Reese,	Whalen,
DeNote,	Lewis,	Reising,	Whitenight,
Dickinson,	Long,	Richter,	Wright,
Donohoe,	Lopresti,	Robinson,	Yanoshat,
Dougherty,	Lovett,	Rothenberger,	Yourishin,
Downey,	Marino,	Ruffennach,	Zappala,
Dubbs,	Matthews, H. T.,	Rush,	Furman,
Dyson,			

NAYS—51

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	VanAllsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,

Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 892.

An Act concerning children under six years of age with defective hearing imposing duties on the Department of Health the Department of Public Instruction on parents guardians nurses and physicians and placing certain costs on school districts

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendment the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendment as follows:

Amend the title, page 1, line 5, by inserting after the word "districts" the words "and making an appropriation."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Eipem,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 309.

An Act to amend sections three and seven as amended and section nine of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by changing the personnel of the governing body fixing the quorum thereof and clarifying the powers of the Department of Property and Supplies

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 309.

An Act to amend sections three and seven as amended and section nine of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by changing the personnel of the governing body fixing the quorum thereof and clarifying the powers of the Department of Property and Supplies

SENATE BILL No. 815.

An Act relating to motor vehicles new and used creating a Motor Vehicle Dealers' Commission establishing its jurisdiction powers and duties and creating and providing for approved motor vehicle appraisers establishing their powers and duties Regulating the sale trade-in allowance appraisals and information furnished the Commonwealth on motor vehicles new and used and establishing regulations concerning speedometers authorizing the Commission to establish perodical prices for used motor vehicles either sold or traded in establishing the appraisal value of motor vehicles new or used either for sale or used trade-in allowances providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers and the payment of fees therefor authorizing examination of the business papers and affairs of and requiring the filing of reports by licensees authorizing and empowering the Commission to hold hearings and to issue rules and orders and the issuance of subpoena by the Commission or its agents and conferring jurisdiction upon the Courts to punish contempts or to prohibit violations of orders of the Commission providing for appeals to the Courts from decisions of the Commission imposing penalties and making appropriation

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

APPROPRIATION BILLS MADE SPECIAL ORDER.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that all appropriation bills on third reading and final passage be made special orders of business in their order immediately upon the adoption of this motion.

The motion was agreed to.

BILL ON FINAL PASSAGE
SPECIAL ORDER.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2482, (Senate Bill No. 556), as follows:

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand dollars ($20,000) is hereby specifically appropriated to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia, Pennsylvania, for the two fiscal years beginning June first one thousand nine hundred and thirty-seven.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

NAYS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Vallbus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2362, (Senate Bill No. 1238), entitled:

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,

Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2328, (Senate Bill No. 1166), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2413, (Senate Bill No. 1113), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Edinboro State Teachers College to acquire certain tracts of land for the use of said college and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,

Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2369, (Senate Bill No. 514), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2366, (Senate Bill No. 166), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley	Kane,	Preston	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,

Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2331, (Senate Bill No. 32), entitled:

An Act making an apprpriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2335, (Senate Bill No. 207), entitled:

An Act making an apprpriation to the Trustees of the Pennsylvania State College for the use of the School of Engineering.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,

Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2381, (Senate Bill No. 83), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2383, (Senate Bill No. 561), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania Philadelphia Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boltz,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2382, (Senate Bill No. 127), entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McGee	Simon,
Alexander,	Flannery,	McKinney,	Skale,
Allen,	Flinchbaugh,	McShane,	Sloan,
Allmond,	Ganser,	Melchiorre,	Smith, James A.,
Arnold,	Gerard,	Mellott,	Smith, John A.,
Atkins,	Gillette,	Mihm,	Snyder,
Aukerman,	Gorski,	Moomaw,	Sollenberger,
Baine,	Habbyshaw,	Mooney,	Spengler,
Baker, F. T.,	Haberlen,	Moran,	Sproul,
Baker, J. J.,	Hagerty,	Moul,	Stackpole,
Balthaser,	Hall,	Muir,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Bois,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer	Hess,	Ominsky,	Toole,
Bradley	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	LaRue,	Rothenberger,	Weiss, S. A.,
Costanzo,	Leisey,	Royer,	Welliver,
Davies,	Levy,	Ruffennach,	Welsh,
Decker,	Lewis,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Lopresti,	Scanlon,	Whitenight,
Donohoe,	Lovett,	Schor,	Wilson,
Dougherty,	Lyons,	Schrock,	Winner,
Downey,	Marino,	Schrope,	Wood,
Dubbs,	Matthews, H. T.,	Schumacher,	Woodside,
Dyson,	Matthews, J. F.,	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,	McFall,	Siegel,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 786, (Senate Bill No. 147), entitled:

An Act making an appropriation to the Department of Agriculture to compensate land owners for cedar trees destroyed to prevent damage to apple orchards by cedar apple rust.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer	Hess,	O'Keefe,	Thompson,
Bradley	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2277, (Senate Bill No. 430), entitled:

An Act making an appropriation to the Department of Health for the prevention of blindness in infants.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2421, (Senate Bill No. 1225), entitled:

An Act making an appropriation out of The State Stores Fund to the Department of Property and Supplies for the acquisition of land (with or without buildings thereon) and for the erection construction and equipment of an office building thereon for the use of the Pennsylvania Liquor Control Board

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2388, (Senate Bill No. 860), entitled:

An Act supplementing the act of July twenty-second

one thousand nine hundred and thirty-six (Pamphlet Laws seventy) and authorizing the Governor directly or through such agency as he may designate to provide plan prepare supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing the Signing the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39 and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2337, (Senate Bill No. 406), as follows:

An Act making an appropriation to the Local Government Commission to continue its work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) together with the unexpended balance of the moneys appropriated for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-seven or so much thereof as may be necessary are hereby specifically appropriated and re-appropriated to the local Government Commission created by the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws 244) entitled "An act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation" for the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven to continue the work of said commission and for the payment of the expenses of the members of said commission for the compensation and expenses of the secretary and other appointees of the commission for printing for postage supplies telephone telegraph and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of said act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,

Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection House Bill No. 2455, Senate Bill No. 879, Printer's No. 807, was passed over at the request of Mr. TURNER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2165, (Senate Bill No. 516), as follows:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby appropriated to the Department of Health for the two fiscal years beginning June first one thousand nine hundred and thirty-seven for the purpose of purchasing and distributing vitamin products among children suffering from malnutrition as may be provided by law and for administration expenses in connection therewith The Department of Property and Supplies shall have power also to draw its requisition on the appropriation made by this act for the purpose of paying for all vitamin products purchased by it as purchasing agent of the Department of Health and for the payment of incidental expenses incurred in advertising for bids and letting contracts for such purchases

Any moneys appropriated by this act shall be deemed available for the purpose of securing for the Commonwealth the benefit of any funds made available by the Federal Government for any of the purposes provided by thie act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Feale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.	Schumacher	Woodside,
Eckels,	Matthews, H. T.	Scott,	Wright,
Elpern,	McArdle,	Shaw,	Yanchulat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2336, (Senate Bill No. 387), as follows:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to carry into effect the act of Congress approved July second one thousand eight hundred and sixty-two granting public land to the several states for educational purposes and subsequent acts of Congress related thereto and the act of the Legislature of Pennsylvania approved April first one thousand eight hundred and sixty-three and subsequent acts of the Legislature of Pennsylvania accepting the provisions and conditions of said acts of Congress and pledging the faith of the State to carry the same into effect the sum of four million two hundred and fifty thousand dollars ($4,250,000) is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-seven to the Trustees of the Pennsylvania State College for the following purposes

For the general maintenance of instruction research and extension in the School of Agriculture the School of Engineering the School of the Liberal Arts the School of Mineral Industries the School of Chemistry and Physics the School of Education the Graduate School the School of Physical Education and Athletics for the general maintenance of other schools departments offices and

services including repairs and improvements to the grounds and buildings service of light heat power water and sewage disposal salaries and wages materials supplies equipment books and periodicals insurance and interest and such other expenditures as the trustees may deem necessary and practicable including any payments becoming due under a cooperative agreement between the Commonwealth and the trustees for the joint use of the facilities of the Pennsylvania State Forest School at Mont Alto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection House Bill No. 2410, Senate Bill No. 881, Printer's No. 435, was passed over at the request of Mr. TURNER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2476, (Senate Bill No. 1298), entitled:

An Act to amend sections one and two of the act, approved the seventh day of August, one thousand nine hundred thirty-six, (P. L. 126), entitled: "An act making an appropriation to the Department of Property and Supplies for increasing the capacity of overcrowded State institutions; eliminating fire and other hazards to safety at State institutions; providing for the purchase of safety and other equipment; the erection and construction of new buildings and repairs, alterations, and additions to and replacement of existing buildings and equipment," authorizing the use of said appropriation to remove hazards to health.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL PASSED OVER

There being no objection House Bill No. 2409, Senate Bill No. 880, Printer's No. 434, was passed over at the request of Mr. TURNER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2438, (Senate Bill No. 1048), entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2492, (Senate Bill No. 1299), entitled:

An Act making an appropriation to the Department of Property and Supplies for sewer purpose in connection with the East Stroudsburg State Teachers' College

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2273, (Senate Bill No. 232), entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Meichiorre,	Smith, John A.,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2404, (Senate Bill No. 376), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Kutztown State Teachers College to acquire certain tracts of land for the use of said college and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2493, (Senate Bill No. 1310), entitled:

An Act to amend sections two and four of the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (Act No. 127), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commision to make a report of its findings to the Governor, together with its recommendations, as to such regulatory legislation as may be needfull to correct any abuses and evils connected with such industry, which are prejudicial to the interests of the citizens of this Commonwealth; authorizing the commission to employ counsel and employes; and making an appropriation." by authorizing the several Courts of Common Pleas, upon application, to adjudge persons, refusing to comply with subpoenas of the commission in contempt of court; and by increasing the appropriation to the commission.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2511, (Senate Bill No. 1415), entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-seven and such time as the funds provided by the General Appropriation Act become available

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2512, (Senate Bill No. 1417), entitled:

An Act making an appropriation out of the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Alexander,	Flanagan,	McFall,	Siegel,
Acterman,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILLS PASSED OVER

There being no objection House Bill No. 2512, Senate Bill No. 1418, Printer's No. 773, was passed over at the request of Mr. TURNER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2514, (Senate Bill No. 1429), as follows:

An Act making an appropriation to the Department of Welfare for pensions for the blind

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred forty-five thousand seven hundred dollars ($345,700.00) is hereby appropriated out of the General Fund to the Department of Welfare for the month of June one thousand nine hundred thirty-seven for the payment of pensions for the blind in the manner provided by law

Section 2 Any unexpended balance remaining in the appropriation made by Section 1 of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending the thirty-first day of May one thousand nine hundred thirty-nine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,

Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2515, (Senate Bill No. 1430), as follows:

An Act making an appropriation to the Department of Welfare for Mother's Assistance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred eleven thousand eight hundred fifty dollars ($211.850.00) is hereby specifically appropriated out of the General Fund to the Department of Welfare for allocation and expenditure during the month of June one thousand nine hundred thirty-seven for Mothers' Assistance (including local administration costs in the manner provided by law)

Section 2 Any unexpended balance remaining in the appropriation made by section one of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Osiroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Vallbus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2516, (Senate Bill No. 1431), as follows:

An Act making an appropriation to the Department of Welfare for old age assistance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million eighteen thousand three hundred fifty dollars ($1,018,350.00) is hereby specifically appropriated out of the General Fund to the Departemnt of Welfare for expenditure during the month of June one thousand nine hundred thirty-seven for old age assistance in the manner provided by law

Section 2 Any unexpended balance remaining in the appropriation made by Section 1 of this act on the thirtieth day of June one thousand nine hundred thirty-seven shall be transferred and credited to the appropriation to the Department of Public Assistance for public assistance for the biennium ending the thirty-first day of May one thousand nine hundred thirty-nine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,

Baine	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the uqestion was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS PASSED OVER

There being no objection House Bill No. 2450, Senate Bill No. 846, Printer's No. 711, was passed over at the request of Mr. TUMELTY.

There being no objection House Bill No. 2502, Senate Bill No. 1259, Printer's No. 612, was passed over at the request of Mr. TURNER.

ANNOUNCEMENT

There will be a Democratic Caucus immediately in the House Caucus Room.

There will be a meeting of the Committee on State Boards immediately in Room 101.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8:30 p. m. Are there objections? The Chair hears none and declares a recess until 8:30 p. m.

AFTER RECESS

The House reconvened at 8:30 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

REPORTS FROM COMMITTEES

Mr. LONG, from the Committee on State Boards, reported as amended, House Bill No. 2504, (Senate Bill No. 341), entitled.

An Act to reenact and further amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practice in connection with and transactions in such geverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing additional filing fees and increasing fees for certain perimts and providing for the disposition thereof further regulating the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the juridiction of courts and local option procedure prohibiting certain interlocking business and providing penalties.

Mr. LONG, from the Committee on State Boards, reported as committed, House Bill No. 2505, (Senate Bill No. 342), entitled

An Act to reenact and amend the act approved the nineteenth day of February one thousand nine hundred twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery re-use holding in bond holding storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further regulating the manufacture sale use and traffic in alcohol and alcoholic liquids conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing filing fees changing the method of calculating certain license fees providing for the use of the word "license" instead of "permit" regulating and providing the procedure for the granting suspension and revocation of licenses and for compromises in certain cases providing for the disposition of fees compromise penalties and forfeitures regulating the jurisdiction of courts and providing penalties.

Mr. LONG, from the Committee on State Boards, reported as amended, House Bill No. 2506, (Senate Bill No. 343), entitled

An Act to reenact and further amend the title and the act approved the third day of May one thouasnd nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice authoritie of political subdivisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licensees application for licenses and sales by licensees and fixing fees for amusement permits regulating the granting suspension revocation and transfer of licenses and the procedure therefor and conferring jurisdiction of certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the disposition of application license permit fees forfeitures and penalties and providing penalties.

SENATE MESSAGES

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1757.

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business" by further defining real estate brokers and real estate salesmen and further providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 4, line 28, by inserting a light faced bracket before the word "nor"; also same page, at the end of line 29, by inserting a light faced bracket after the word "the"; also page 5, at the beginning of line 1, by inserting a light faced brackets before and after the word "peace".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL No. 1801.

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, line 27, by striking out the word "two" and inserting in lieu thereof the figures ".25"; also page 4, line 3, by inserting a light-faced bracket before the word "the"; also same line by inserting a light-faced bracket after the word "Road"; also page 7, by inserting after line 14, the following new paragraphs:

"Route 06097 Beginning at a point on the Chester-Berks County line about 12.41 3.0 miles northeast of its intersection with the Robeson-Union Township line thence northerly through Union Township to a point [of road in-

tersection about .1 of a mile north of Hopewell Furnace thence northeasterly and northerly through Union Township to a point] on Route 147 near Monacacy Station of the Pennsylvania Railroad in Berks County a distance of about [4.6] 4.0 miles

Route 09017 Beginning at Oxford Valley at intersection of Route 281 and Route 09022 in Falls Township and extending in a southeasterly direction through Falls Middletown and Bristol Townships crossing Route 09013 and Route 09012 [to the northern end of State-aid Application 48] to a point on Route 152 about 1.0 mile southeast of Route 09113 in Bucks County a distance of about [0.75 mile] 4.65 miles

Route 09032 Beginning at a point [of intersection on the Oxford Valley Road at the Joseph Kish Farm in Lower Makefield Township] on Route 09022 about 0.3 of a mile north of the Falls-Lower Makefield Township line thence northerly through lower Makefield Township to a point [of road intersection opposite the property of Joseph Heacock Company florists] on Route 09021 about .3 of a mile southeast of [Woodside] Route 252 Spur in Bucks County a distance of about [.7 of a mile] 1.5 miles

Route 09046 Beginning at a point on a road at Jacksonville in Northampton Township thence northwesterly through Northampton Warwick and Doylestown Townships via Jamison Crossing Route 155 [near Station 414 to a point on Route 151 near Station 800 near the County Poor House in Doylestown Township] and Route 09041 to a point on the New Britain Borough line in Bucks County a distance of about [5.8] 9.2 miles

Route 09052 Beginning at a point on [a road about 1.2 miles southwest of Wrightstown in Wrightstown Township] Route 362 about 0.5 of a mile northeast of Route 09042 thence northeasterly and easterly through Northampton Wrightstown and Upper Makefield Township crossing Route 152 [near Station 559] at Wrightstown to a point on Route 500 [near Station 40] about .3 of a mile east of Taylorsville in Upper Makefield Township in Bucks County a distance of about [7.3] 9.5 miles

Route 09060 Beginning at a point on [a road known as the Aquatong Road about 0.2 of a mile southeast of the tracks of the Philadelphia and Reading Railroad in Solebury Township] Route 326 about 0.3 of a mile north of the Solebury-Upper Makefield Township line thence northwesterly through Solebury Plumstead Bedminster Townships via Aquatong Peters Corner Carversville Wismer Crossing Route 155 [near Station 890 crossing] and Route 657 [near Station 75] to a point on Route 156 [near Station 445] at Pipersville in Bedminster Township in Bucks County a distance of about [11.0] 13.9 miles"

also same page, by inserting after line 22, the following paragraphs:

"Route 09085 Beginning at a point [of road intersection at Loux's Corner about .6 of a mile southwest of Mt Airy School and near the corner of the property of James Rude] on Route 09129 about 0.5 of a mile south of Tohickon Creek thence northwesterly and northerly through East Rockhill Haycock and Richland Townships to a point on the southeastern boundary of Richland Borough in Bucks County a distance of about [1.5] 2.9 miles

Route 09086 Beginning at a point the intersection of the northern boundary of Quakertown Borough with the road known as the California Road thence northerly through Richland [Township] and Springfield Townships to a point [of road intersection of California] on Route 386 about 0.6 of a mile north of the Richland-Springfield Township line in Bucks County a distance of about [2.5] 4.9 miles" also page 9, by striking out all of lines 23 to 29 inclusive; also page 10, by striking out lines 1 to 6 inclusive as follows:

"Route 15041 - ginning at a point of road intersection about .5 of a mile west of the Pennsylvania-Delaware State line and .5 of a mile northwest of its intersection through Kennett Township about .3 of a mile to a point with the Pennsburg-Kennett Township line thence westerly of road intersection thence northerly through Kennett Township to a point of road intersection at Rosedale Station thence northeasterly and easterly through Kennett and Pennsbury [Township] Townships to a point on Route [134 near Station 490] 15044 about 0.7 of a mile southwest of its intersection with Route 131 in Chester County a distance of about [3.2] 5.3 miles" also page 11, by inserting after line 20, the following paragraph:

"Route 15184 Beginning at a point on Route 15097 at Kirkland Station and extending in a northerly direction through West Whiteland Township to a point on Route 15095 thence again from a point on Route 15095 in a general northwesterly direction through West Whiteland Township to a point on Route 142 about 0.65 of a mile north of Ship Road Station of the Pennsylvania Railroad thence continuing in a northwesterly direction through West Whiteland and Uwchlan Townships to a point on Route 147 about 0.5 of a mile north of the Uwchlen-West Whiteland Township line in Chester County a distance of about [1.5] 4.6 miles" also page 12, line 22, by inserting a light face bracket before the letter "L": also same line, by inserting a light face bracket after the letter "C"; also page 16, line 5, by inserting light faced brackets before and after the word "intersection": also page 20, line 15, by striking out the word "McClellandstown" and inserting in lieu thereof the word "McClellandtown"; also page 23, by inserting after line 4, the following paragraph:

"Route 32125 Beginning at a point on Route 32033 at Luciusboro thence in a northeasterly and easterly direction through Center and Brush Valley Township to a point on Route [32019] 337 about [0.2] 0.7 of a mile [west of its intersection with Route 337] southeast of Mechanicsburg in Indiana County a distance of about [3.6] 4.5 miles" also same page, line 18, by inserting after the word "southeast" the words "and southwest": also same page, line 19, by inserting light faced brackets before and after the word "via": also page 24, by inserting after line 16, the following paragraphs:

"Route 36099 Beginning at an intersection with Route 36005 [at the Cedar Grove Schoolhouse and extending in a southwesterly and northwesterly direction through Martic Township to an intersection with the terminus of Route 344 in Lancaster County a distance of about 2.3 miles] about 0.2 of a mile north of its intersection with Route 344 thence in a northeasterly direction through Martic Township to a point on Route 36008 about 0.5 of a mile southwest of its intersection with Route 36105 in Lancaster County a distance of about 3.2 miles

Route 36105 Beginning at a point on [State aid Application 582] about 0.2 of a mile south of Cedar Hill School] Lancaster County a distance of about [1.2] 2.4 miles:" also page 27, by striking out all of lines 23 to 29 inclusive as follows:

"Route 41104 Beginning at a point on Route 19 about 0.25 of a mile northeast of Tivoli thence in a northerly direction [through Shrewsbury Township] along Fox Run to a road intersection thence easterly and southeasterly through Shrewsbury Township to a point on Route 41057 about 0.3 of a mile north of its intersection with Route 19 in Lycoming County a distance of about [2.25] 4.35 miles:" also page 30, line 26, by inserting after the word "northeasterly" the words "through Lehman Township": also page 33, by striking out all of lines 16 to 28 inclusive and on page 34, by striking out lines 1 to 5 inclusive as follows:

"Route 58084 Beginning at a point on Route 58041 about two miles northeast of Cherry Flats thence in a southerly and easterly direction through Covington [Township] to the Covington Township] and Putman [Borough line] Townships to a point on Application 421 in Tioga County a distance of about [4.8] 4.33 miles

Route 58090 Beginning at the end of Route 58072 thence in an easterly and northerly direction through Tioga and Jackson Townships to a point on Route 567 [approximately 0.2 of a mile] southwest of Jackson Summit in Tioga County a distance of about [5.4] 4.4 miles

Route 59091 Beginning at a point on Route 58029 approximately 0.5 of a mile north of Farmington Center near a church thence in a northerly and northeasterly direction through Farmington [and] Osceola and Elkland

Townships to a point on the [Osceola-Elkland Township line] Elkland Borough line in Tioga County a distance of about [2.2] 2.9 miles" and inserting in lieu thereof the following:

"Route 59037 Beginning at a point on Route [24] 59016 about [1.5] 1.2 miles south of Lewisburg in East Buffalo Township thence east to the Susquehanna River thence north along river road to the South Lewisburg Borough line in Union County a distance of approximately [1.3] 2.4 miles;" also page 37, line 14, by inserting after the word "at" the following: "[the]"; also page 38, by inserting after line 4, the following paragraph:

"Route 65046 Beginning at a point on [township road approximately sixteenth of a mile southwest of Masson Brook in Forkston Township] the Sullivan-Wyoming County line about 2.3 miles southwest of the North Branch-Forkstone Township line thence easterly northeasterly and northerly through Forkston Township intersecting State Highway Route 217 at Forkston thence northwesterly through Forkston Township thence northeasterly through Forkston and Windham Townships to a point where it intersects Route 65045 approximately one-quarter miles southwest of Jenningsville Windham Township in Wyoming County a distance of about [8.87] 14.87 miles;" also same page, by striking out all of lines 5 to 11 inclusive as follows:

"Route 65052 Beginning at a point on [former State Highway Route 316 on] the northerly borough line of Meshoppen Borough thence in a northeasterly and northerly direction through Meshoppen Township [for a distance of one and one-half miles] to the Wyoming-Susquehanna County line in Wyoming County a distance of about [1.5] 1.7 miles"

Amend section 2, page 42, line 25, by striking out the figures "288" and inserting in lieu thereof the figures "228"; also page 49, line 27, by striking out the word "Murdockville" and inserting in lieu thereof the word "Murdocksville"; also same page, line 28, by striking out the word "Township" and inserting in lieu thereof the word "Town- "southeasterly" and inserting in lieu thereof the word "northeasterly"; also page 60, by striking out in lines 26 to 29 inclusive, and on page 61, by striking out all lines 1 and 2 as follows:

"Beginning at a point on Route 08013 about 0.2 of a mile southwest of Cumiskey thence in a northwesterly direction through Wilmot and Albany Townships to a point on Route 08010 about 0.5 of a mile north- 07012 at the south end of bridge over the Pennsylvania Railroad in Blair County a distance of about 0.1 of a mile" and inserting in lieu thereof the following:

"Beginning at a point on Route 08123 about 1.0 mile south of Alba Borough thence in an easterly direction through Canton and Granville Townships to a point on Route 08042 about 1.0 mile south of the intersection of Routes 08042 and 08041 in Bradford County a distance of about 2.3 miles;" also page 61, line 18, by striking out the word "northwest" and inserting in lieu thereof the word "south"; also same page, by striking out in lines 26 to 29 inclusive and on page 62, by striking out all of lines 1 and 2 as follows:

"Route 08163 Beginning at a point on Route 08093 about 0.7 of a mile north of Burlington thence in a northerly and westerly direction through Burlington and Smithfield Townships to a point on Route 08074 about 1.6 miles south of its intersection with Route 08073 in Bradford County a distance of about 3.7 miles" and inserting in lieu thereof the following:

"Beginning at a point on Route 13 about 0.7 of a mile southeast of Macedonia thence in a northerly and southwesterly direction through Asylum Township to a point on Route 13 about 0.6 of a mile northwest of MaMcedonia in Bradford County a distance of about 2.6 miles"

also page 62, line 12, by striking out the figures "08046" and inserting in lieu thereof the word and figures "Application 441"; also page 63, by striking out in lines 9 to 19 inclusive the following:

"Beginning at a point on Route 241 about 1.0 mile northwest of its intersection with Route 08026 thence in a northeasterly direction through Standing Stone Township to a point on Route 08026 about 0.7 of a mile south of its intersection with Route 08106 in Bradford County a distance of about 1.0 mile

Route 08171 Beginning at a point on Route 08023 at Standing Stone thence in a northwesterly and northeasterly direction through Standing Stone Township to a point on Route 241 at its intersection with Route 08106 in Bradford County a distance of about 1.8 miles" and inserting in lieu thereof the following:

"Beginning at a point on Route 08039 about 0.2 of a mile west of Troy Borough thence in a general northwesterly direction through Troy and Columbia Townships to a point on Route 212 about 0.7 of a mile east of Sylvania Borough in Bradford County a distance of about 3.1 miles" also same page, line 20, by striking out the figures "08172" and inserting in lieu thereof the figure "08171"; also same page, line 26, by striking out the figures "08173" and inserting in lieu thereof the figures "08172"; also page 64, line 3, by striking out the figures "08174" and inserting in lieu thereof the figures "08173" also same page, line 9, by striking out the figures "08175," and inserting in lieu striking out the figures "08176" and inserting in lieu thereof the figures "08175"; also same page, line 17, by striking out the word "Masherville" and inserting in lieu thereof the word "Mosherville"; also same page, line 19 by striking out the figures "08177" and inserting in lieu thereof the figures "08176"; also same page, by striking out in lines 25 to 28 inclusive and on page 65, by striking out lines 1 and 2 as follows:

"Route 08178 Beginning at a point on Route 08028 about 0.5 of a mile east of Hamets Ferry thence in a northwesterly direction through Wyalusing Township to a point on Route 241 about 0.3 of a mile northwest of its intersection with Route 08028 in Bradford County a distance of about 3.3 miles" and inserting in lieu thereof the following:

"Route 08177 Beginning at a point on Route 08054 about 2.0 miles northeast of East Smithfield thence southeasterly through Smithfield Township about 1.1 miles to a road intersection thence northeasterly through Smithfield and Ulster Townships to a point on Route 08054 about 0.4 of a mile west of Milan in Bradford County a distance of about 5.2 miles" also page 65, line 3, by striking out the figures "08179" and inserting in lieu thereof the figures "08178"; also same page, line 9, by striking out the figures "08180" and inserting in lieu thereof the figures "08179;" also same page, line 14, by striking out the figures "08181" and inserting in lieu thereof the figures "08180"; also same page, line 20, by striking out the figures "08182" and inserting in lieu thereof the figures "08181"; also same page, line 25, by striking out the figures "08183" and inserting in lieu thereof the figures "08182"; also page 66, line 3, by striking out the figures "08184" and inserting in lieu thereof the figures "08183"; also same page, by striking out all of lines 10 to 29 inclusive and on page 67, by striking out all of lines 1 to 16 inclusive as follows:

"Route 09141 Beginning at a point on Route 09109 about 1.0 mile west of its intersection with Route 09105 thence in a southeasterly direction through Milford Township to a point on Route 09111 about 2.0 miles southwest of the borough of Trumbauersville in Bucks County a distance of about 2.0 miles

Route 09142 Beginning at a point on Route 09097 near Licking Creek and about 1.5 miles southwest of Steinsburg thence in an easterly direction through Milford Township to a point on a county road about 1.5 miles southeast of Steinsburg in Bucks County a distance of about 1.3 miles

Route 09143 Beginning at a point on Application 356 about 0.5 of a mile northeast of Telford Borough thence in a general northwesterly direction through West Rockhill Township to a point on Route 386 about 1.0 mile east of its intersection with Route 09011 in Bucks County a distance of about 2.9 miles

Route 09144 Beginning at a point on Application 356 about 0.5 of a mile south of Sellersville Borough thence in an easterly direction through West Rockhill Township to a point on the West Rockhill-Hilltown Township line about 0.1 of a mile east of Route 153 in Bucks County a distance of about 0.4 of a mile

Route 09145 Beginning at a point on Route 153 about 0.5 of a mile southeast of its intersection with Route 09112 thence in a northeasterly direction through Hilltown Township to a point on Route 919 about 0.5 of a mile north of the Hilltown-New Britain Township line in Bucks County a distance of about 0.9 of a mile

Route 09146 Beginning at a point on Route 658 about 0.3 of a mile northeast of its intersection with Route 919 thence in a general northeasterly direction through Hilltown Township to a point on Route 09078 at its intersection with Route 09119 in Bucks County a distance of about 1.0 mile" and inserting in lieu thereof the following:

"Route 09141 Beginning at a point on Route 09139 about 1 mile north of Route 09099 thence southeasterly through Tinicum Township to a point on Route 09099 about 0.5 of a mile northeast of [Workmanville] Wormansville in Bucks County a distance of about 1.3 miles

Route 09142 Beginning at a point on Route 484 about 0.1 of a mile southwest of Route 252 thence northwesterly through Bensalem Township to a point on Route 09125 about 0.1 of a mile east of the Philadelphia County line in Bucks County a distance of about 1.25 miles

Route 09143 Beginning at a point on Route 09007 about 0.1 of a mile southwest of Route 252 thence southeasterly and southwesterly through Bensalem Township to a point on the Philadelphia County line in Bucks County a distance of about 1.3 miles

Route 09144 Beginning at a point on Route 918 about 0.1 of a mile south of Route 362 thence easterly through Northampton Township to a point on Route 09043 about 0.7 of a mile south of Route 09042 in Bucks County a distance of about 1.7 miles

Route 09145 Beginning at a point on Route 09080 about 0.5 of a mile north of Richlandtown Borough thence easterly through Richlandtown Township to a point on Route 386 in Bucks County a distance of about 0.6 of a mile" also page 67, line 17, by striking out the figures "09147" and inserting in lieu thereof the figures "09146"; also same page, line 19, by striking out the word "Township" and inserting in lieu thereof the words "and Bedminster Townships"; also same page, lines 20 and 21, by striking out the words and figures "09088 about 0.2 of a mile south of its intersection with"; and inserting in lieu thereof the words and figures "09090 about 0.3 of a mile northwest of"; also same page, line 22, by striking out the figures "1.5" and inserting in lieu thereof the figures "3.2"; also same page, by striking out all of lines 23 to 28 inclusive and on page 68, by striking out all of lines 1 to 28 inclusive and on page 69, by striking out all of lines 1 to 29 inclusive, and on page 70, by striking out all of lines 1 to 8 inclusive as follows:

"Route 09148 Beginning at a point on Route 658 at the Chalfont Borough line thence in a northwesterly directio through New Britain Township to a point on Route 09074 about 1.0 mile northeast of its intersection with Route 09073 in Bucks County a distance of about 0.6 of a mile

Route 09149 Beginning at a point on Route 09074 at New Galena thence in a general southeasterly direction through New Britain and Doylestown Townships to a point on Route 09070 about 0.2 of a mile northwest of its intersection with Route 09069 in Bucks County a distance of about 1.8 miles

Route 09150 Beginning at a point on Route 150 Spur about 0.3 of a mile southwest of its intersection with Route 09006 thence in a southeasterly direction through Bensalem Township to a point on the Bensalem-Bristol Township line in Bucks County a distance of about 0.3 of a mile

Route 09151 Beginning at a point on Route 09152 about 0.2 of a mile southeast of its intersection with Route 150 Spur thence in a northerly direction through Bensalem Township to a point on Route 150 Spur about 0.1 of a mile southwest of its intersection with Route 09006 in Bucks County a distance of about 0.2 of a mile

Route 09152 Beginning at a point on Route 152 about 1.5 miles north of Bristol Borough thence in a southeasterly and southerly direction through Bristol Township to a point on the Bristol Township-Bristol Borough line in Bucks County a distance of about 1.0 miles

Route 09153 Beginning at a point on Route 09068 about 0.5 of a mile southeast of its interesction with Route 09127 thence in a general northerly direction through Haycock and Springeld Townships to a point on Route 09137 about 2.0 miles east of Route 386 in Bucks County a distance of about 3.2 miles

Route 09154 Beginning at a point on Route 09082 about 0.8 of a mile northeast of Route 09085 thence in a general northerly direction through Haycock Township to a point on Roue 09128 about 1.0 mile east of the Haycock-Richland Township line in Bucks County a distance of about 0.9 of a mile

Route 09155 Beginning at a point on Route 09089 about 0.3 of a mile east of Route 153 thence in a southeasterly direction through Richland Township to a point on Route 09086 about 0.3 of a mile southwest of Route 09089 in Bucks County a distance of about 1.1 miles

Route 09157 Beginning at a point on Route 09039 line of Richlandtown Borough about 0.1 of a mile south of Route 386 thence in an easterly direction to a road intersection in a general northerly direction through Richland Township to a point on Route 09127 in Bucks County a distance of about 2.2 miles

Route 09156 Beginning at a point on the east borough about 0.5 of a mile east of its intersection with Route 156 thence in a southeasterly directino through Nockamixon Bridgeton and Tinicum Townships to a road intersection in Tinicum Township about 0.1 of a mile from the point common to the Nockamixon Bridgeton and Tinicum Township lines in Bucks County a distance of about 3.8 miles

Route 09158 Beginning at a point on Route 386 about 0.2 of a mile east of Route 09061 thence in a southeasterly direction through Durham Township to a point on Route 09057 about 0.1 of a mile west of Route 156 in Bucks County a distance of about 1.7 miles

Route 09159 Beginning at a point on Route 09039 about 0.5 of a mile south of its intersection with Route 326 thence in a southeasterly direction through Bridgeton Township to a point on Route 09037 about 126 miles southwest of Route 326 in Bucks County a distance of about 1.0 mile" and inserting in lieu thereof the following:

"Route 09147 Beginning at a point on Route 09044 about 0.1 of a mile southwest of the Northampton-Lower Southampton Township line thence northeasterly through Lower Southampton and Northampton Townships to a point on Route 326 at its intersection with Route 09043 beginning again on Route 326 about 0.1 of a mile south of Route 09043 thence southeasterly through Northampton Township to a point on Route 252 Spur in Bucks County a distance of about 1.5 miles

Route 09148 Beginning at a point on Route 09111 about 0.1 of a mile south of Trumbauersville thence southeasterly and northeasterly through Milford Township to a point on the Trumbauersville Borough line in Bucks County a distance of about 0.4 of a mile

Route 09149 Beginning at a point on Route 09046 about 0.5 of a mile northwest of Route 09047 thence northeasterly through Warwick and Buckingham Townships crossing Route 09048 to a point on Route 09049 near its intersection with Route 09133 in Bucks County a distance of about 3.3 miles

Route 09150 Beginning at a point on Route 09138 about 0.5 of a mile northwest of Route 09098 thence in a general northerly direction through Tinicum and Bridgeton Townships to a point on Route 09037 about 1 mile southwest of Bridgeton in Bucks County a distance of about 4.9 miles

Route 09151 Beginning at a point on the Yardley Borough line about 0.1 of a mile east of Route 09025 thence northwesterly through Lower Makefield and Upper Makefield Townships to a point on Route 500 near Taylorsville in Bucks County a distance of about 3.5 miles" also page 70, line 9, by striking out the figures "09160" and inserting in lieu thereof the figures "09152"; also same page, by striking out all of lines 15 to 29 inclusive, and on page 71, by striking out all of lines 1 to 7 inclusive as follows:

"Route 09161 Beginning at a point on Route 09138 about

2.5 miles northeast of intersection with Route 156 thence in a northwesterly direction through Tinicum Township to a point on the Tinicum-Nockamixon Township line in Bucks County a distance of about 0.8 of a mile

Route 09162 Beginning at a point on Route 09098 about 1.5 miles northeast of Sundale thence in a northwesterly direction through Tinicum Township to a point on Route 09138 about 1.5 miles northwest of its intersection with Route 09098 in Bucks County a distance of about 1.2 miles

"Route 09163 Beginning at a point on Route 09169 about 0.5 of a mile north of its intersection with Route 09098 thence in a northeasterly directino through Tinicum Township to a point on Route 09138 about 0.7 of a mile northwest of its intersection with Route 09098 in Bucks County a distance of about 0.6 of a mile

Route 09164 Beginning at a point on Route 09098 at Sundale thence in a southeasterly direction through Tinicum Township to a point on Route 326 about 1.3 miles south of its intersection with Route 09099 in Bucks County a distance of about 2.6 miles;" also page 71, line 8, by striking out the figures "09165" and inserting in lieu thereof the figures "09153"; also same page, line 14, by striking out the figures "09166" and inserting in lieu thereof the figures "09154"; also same page line 16, by striking out the figures "09172" and inserting in lieu thereof the figures "09153"; also same page, by striking out all of lines 19 to 29 inclusive and on page 72 by striking iut all of lines 1 to 16 inclusive as follows:

"Route 09167 Beginning at a point on the northern line of Sellersville Borough thence through East Rockhill West Rockhill and Richland Townships to a point on the southern line of Quakertown Borough in Bucks County a distance of about 4.25 miles

Route 09168 Beginning at the intersection of Routes 153 and 153 Spur thence easterly through Richland Township to a point on the Quakertown Borough line in Bucks County a distance of about 0.13 of a mile

Route 09169 Beginning at a point on Route 09056 about 0.6 of a mile northwest of the intersection of the Buckingham Upper Makefield and Lower Makefield Township lines thence in a northwesterly direction along the Buckingham-Solebury Township line to a point on Route 09066 at Cottageville in Bucks County a distance of about 61.1 miles

Route 09170 Beginning at a point on Route 09083 about 0.4 of a mile southwest of its intersection with Route 09114 thence in an easterly direction through Richland Township to a point on Route 09114 about 0.3 of a mile south of its intersection with Route 09083 in Bucks County a distance of about 0.3 of a mile

Route 09171 Beginning at a point on Route 326 near Point Pleasant thence southeasterly through Tinicum Township to the bridge over the Delaware River leading to Byram New Jersey in Bucks County a distance of about 0.1 of a mile;" also page 73, line 20, by striking out the figures "3.5" and inserting in lieu thereof the figures "2.9"; also page 79, line 17, by striking out the figures "11095" and inserting in lieu thereof the figures "11059"; also page 87, line 3, by striking out the figures "15018" and inserting in lieu thereof the figures "15108"; also page 89, line 1, by striking out the words "and northerly"; also same page, by striking out in lines 3 and 4, the words and figures "133 about 0.9 of a mile east of its intersection with Route 143 and"; also same page, line 5, by striking out the figures "2.85" and inserting in lieu thereof the figures "1.8"; also same page, by inserting after line 29 the following paragraph:

"Route 15230 Beginning at a point on Route 15097 near the West Goshan-West Whiteland Township line thence in a northwesterly direction through West Whiteland Township to a point on Route 15095 at the intersection of Route 15095 and Route 15184 in Chester County a distance of about 0.45 of a mile;" also page 90, line 2, by striking out the figures "128" and inserting in lieu thereof the figures "218"; also page 98, line 2, by striking out the figures "18007" and inserting in lieu thereof the figures "58"; also page 105, line 20, by striking out the figures "4.3" and inserting in lieu thereof the figures "3.8"; also page 109 line 21, by striking out the figures "21022" and inserting in lieu thereof the figures "21002"; also page 111, line 5, by striking out the figures "22022" and inserting in lieu thereof the figures "2202"; also page 124, line 14, by striking out the word "east" and inserting in lieu thereof the word "west"; also same page, line 20, by striking out the word "Green" and inserting in lieu thereof the word "Greene"; also same page, line 26, by striking out the word "Green" and inserting in lieu thereof the word "Greene"; also page 131, by striking out all of lines 15 to 29 inclusive and on page 132, by striking out all of lines 1 to 21 inclusive as follows:

"Route 32145 Beginning at the terminus of Application 527-B at the B & O R R crossing about 0.8 mile north of White Township-Indiana Borough Line thence in a northerly direction through White and Rayne Townships to intersection with Route 63 Spur in Indiana County a distance of about 3.5 miles

Route 32146 Beginning at a point on Route 32100 about 0.8 mile east of its intersection with Route 32105 thence in a general southeasterly direction through Canoe Banks and Montgomery Townships to an intersection with Route 32086 in the Village of Gipsy in Indiana County a distance of about 4.4 miles

Route 32147 Beginning at a point on Route 32032 near Nesbit Run Junction thence in a northerly direction through Young Township via Reed Junction to an intersection with Route 188 and Route 32047 in the Village of West Lebanon in Indiana County a distance of about 4.0 miles

Route 32148 Beginning at a point on Route 32054 about 0.9 mile northeast of its intersection with Route 32058 thence in a southeasterly direction through Cherryhill Township via Grace Church to Application 4597 in the Village of Penn Run in Indiana Couty a distance of about 3.4 miles

Route 32149 Beginning at a point on Route 262 about 1.1 miles east of Purchase Line thence in an easterly northeasterly and southeasterly direction through Green and Montgomery Townships to a point on Route 631 about 0.5 of a mile west of Uniontown in Indiana County a distance of about 5.0 miles

Route 32150 Beginning at a point on Route 32101 about 0.2 of a mile southeast of Smicksburg Boro thence in a northerly easterly and northeasterly direction through West Mahoning Township to a point on Route 32111 about 0.2 of a mile south of its intersection with Route 32143 in Indiana County a distance of about 4.8 miles" and inserting in lieu thereof the following:

"Route 32145 Beginning at a point on Route 32086 in the village of Gipsy thence in a northwesterly direction Montgomery Township 0.7 of a mile to a point on the Montgomery-Banks Township line thence in a northwesterly idrection in Banks Township 0.4 of a mile to a road intersection thence in a northeasterly direction 0.95 of a mile to a point on Route 32086 in Indiana County a distance of about 2.05 miles

Route 32146 Beginning at a point on Route 32072 in the village of Five Points thence in a general northwesterly direction through Washington Township to a point on the Washington-Cowanshannock Township line in Indiana County a distance of about 2.0 miles

Route 32147 Beginning at a point on Route 32063 about 0.3 of a mile east of Kintersburg thence in a northerly direction through Rayne Township to a point on Route 32075 about 0.5 of a mile south of the Rayne-East Mahoning Township line in Indiana County a distance of about 2.9 miles

Route 32148 Beginning at a point on Route 32042 about 0.75 of a mile west of its intersection with Route 68 thence in a northerly direction through White Township to a point on Route 228 about 0.4 of a mile southwest of its intersection with Route 32044 in Indiana County a distance of about 1.4 miles

Route 32149 Beginning at a point on the Indiana-Armstrong County line about 1.5 miles southwest of Route 319 thence in an easterly direction through Armstrong Township to a point on Route 32048 in Indiana County a distance of about 2.25 miles

Route 32150 Beginning at a point on Route 32021 about 1.0 mile north of Rexis thence in a southwesterly direction through Buffington Township to a point on Route 32123 about 1.25 miles south of its intersection with Route 32027

in Indiana County a distance of about 1.4 miles" also page 132, by striking out all of lines 27 to 29 inclusive and on page 133, by striking out all of lines 1 to 28 inclusive and on page 134 by striking out all of lines 1 to 20 inclusive as follows:

"Route 32152 Beginning at a point on Route 32081 near Georgeville thence in a general southeasterly direction through East Mahoning Township via Gilgal Church to Route 32095 near its intersection with Route 63 in Indiana County a distance of about 3.4 miles

Route 32153 Beginning at a point on Route 337 about 0.3 of a mile south east of Mechanicsburg thence in an easterly and southeasterly direction through Brushvalley and Buffington Townships via McFarland School to a point on Route 32020 about 1.4 of a mile south of Croft in Indiana County a distance of about 4.7 miles

Route 32154 Beginning at a point on Route 54 about 0.2 of a mile southwest of its intersection with Route 32015 thence in a northwesterly and northeasterly direction through Pine Township to a point on Route 54 about 0.2 of a mile south of the Village of Pineton in Indiana County a distance of about 3.0 miles

Route 32155 Beginning at the intersection of Route 961 and 32011 about 1.1 miles south of Germany School thence easterly through West Wheatfield Township via Gambol School to a point on Route 32012 about 1.9 miles north of Centerville in Indiana County a distance of about 2.3 miles

Route 32156 Beginning at a point on Route 228 in the village of Aultman thence in a westerly direction through Center Township to a road intersection in Indiana County a distance of about 0.9 of a mile

Route 32157 Beginning at a point on Route 32072 about 0.3 of a mile east of the intersection with Route 32069 thence in a northerly direction through Washington and South Mahoning Townships to the South Mahoning Township-Plumville Borough line in Indiana County a distance of about 4.8 miles

Route 32158 Beginning at a point on Route 32004 in the village of Lewisville thence in a northeasterly and easterly direction through Conemaugh Young and Blacklick Townships to a point on Route 902 about 1.6 miles north of its intersection with Route 434 in Indiana County a distance of about 3.6 miles

Route 32159 Beginning at a point on Route 32033 about 0.6 of a mile North of Jacksonville Borough-Young Township Line thence in a northerly direction through Young and Armstrong Townships via Uncapher School to a point on Route 188 near Laney School in Indiana County a distance of about 3.7 miles

Route 32160 Beginning at a point on Route 32089 about 1.0 mile southwest of its intersection with Route 32003 thence in a general northwesterly direction through East Mahoning Township to a point on Route 32090 about 0.1 of a mile south of its intersection with Route 63 in Indiana County a distance of about 2.8 miles" and inserting in lieu thereof the following:

"Route 32152 Beginning at a point on Route 32125 about 0.75 of a mile northeast of the Brush Valley-Center Township line thence in a northwesterly direction through Brush Valley Township to a point on Route 337 about 0.1 of a mile east of the Brush Valley-Center Township line in Indiana County a distance of about 1.0 mile

Route 32153 Beginning at a point on Route 32022 about 1.0 mile southeast of its intersection with Route 32028 thence in a northeasterly direction through Blacklick and Center Townships to a point on Route 32024 about 0.2 of a mile north of the Blacklick-Center Township line in Indiana County a distance of about 1.7 miles

Route 32154 Beginning at a point on Route 902 aobut 0.75 of a mile north of Blacklick Creek thence in a northeasterly direction through Blacklick Township to a point on Route 32120 beginning again on Route 32120 thence in a general northeasterly direction through Blacklick Township to a point on Route 32022 about 1.5 miles southeast of its intersection with Route 32023 in Indiana County a distance of about 5.7 miles

Route 32155 Beginning at a point on Route 32120 about 0.7 of a mile west of its intersection with Route 32016 thence in a northerly direction through Blacklick Township to a point on Route ——— in Indiana County a distance of about 1.1 miles

Route 32156 Beginning at a point on Route 902 about 0.25 of a mile north of Blacklick Creek thence in an easterly direction through Blacklick Township to a point on Route 32120 about 1.0 mile west of its intersection with Route 32016 in Indiana County a distance of about 1.1 miles

Route 32159 Beginning at a point on the Armstrong-Indiana County line thence in an easterly direction through Washington Township via Advance to a point on Route 32060 about 1.75 miles north of the Armstrong-Washington Township line in Indiana County a distance of about 2.7 miles

Route 32160 Beginning at a point on Route 262 about 0.1 of a mile south of the Grant-Green Township line thence in an easterly direction through Green and Montgomery Townships to a point on Route 32065 about 0.2 of a mile south of the Montgomery-Green Township line in Indiana County a distance of about 2.3 miles

Route 32161 Beginning at a point on Route 435 about 0.3 of a mile northwest of the East Mahoning-Grant Township line thence in an easterly direction through East Mahoning and Canoe Townships to a point on Route 32099 about 0.4 of a mile northwest of its intersection with Route 435 in Indiana County a distance of about 0.7 of a mile

Route 32162 Beginning at a point on Route 32095 about 0.1 of a mile east of its intersection with Route 32077 thence in a southeasterly and northeasterly direction through Grant and Montgomery Townships to a point on Route 32095 about 0.6 of a mile west of its intersection with Route 32086 in Indiana County a distance of about 2.05 miles

Route 32163 Beginning at a point on Route 32103 about 0.7 of a mile east of its intersection with Route 32102 thence in a northeasterly direction through Banks Township to a point on Route 17007 at the Clearfield County line in Indiana County a distance of about 1.4 miles

Route 32164 Beginning at a point on Route 32065 about 0.75 of a mile northeast of its intersection with Route 631 thence in a northerly direction through Green Township to a point on Route 32160 about 0.3 of a mile east of its intersection with Route 262 in Indiana County a distance of about 1.8 miles

Route 32165 Beginning at a point on Route 188 at West Lebanon thence in a southerly and easterly direction through Young Township to a point on Route 32033 about 0.3 of a mile north of Route 32032 in Indiana County a distance of about 3.6 miles

Route 32166 Beginning at a point on Route 32032 at Nesbit Run Junction thence in a northeasterly direction through Young Township to a point on Route 32165 in Indiana County a distance of about 3.0 miles

Route 32168 Beginning at a point on Route 32119 near the Young Township line thence northerly through Armstrong Township to a point on Route 32149 in Indiana County a distance of about 0.7 of a mile

Route 32169 Beginning at a point on Route 54 near its intersection with Route 32064 thence easterly through Green Township to a point on Route 32065 about 1.0 mile west of Cookport in Indiana County a distance of about 2.3 miles

Route 32170 Beginning at a point on Route 32039 about 1.0 mile northeast of Croft thence in a general southeasterly direction through Buffington Township to a point on Route 32027 near its intersection with Route 32029 in Indiana County a distance of about 2.5 miles" also Page 134, by striking out all of lines 22 to 29 inclusive and on page 135, by striking out all of lines 1 to 29 inclusive and on page 136, by striking out all of lines 1 to 11 inclusive as follows:

"Route 33068 Beginning at a point on Route 33015 about 0.8 of a mile south of its intersection with Route 357 thnce in a southeasterly direction through Perry Township to a point on Route 33024 about 0.4 of a mile north of its intersection with Route 33056 in Jefferson County a distance of about 2.5 miles

Route 33039 Beginning at a point on Route 33024 about 1.3 mile northwest of the Young Township-Punxsutawney Borough Line thence in a southeasterly and easterly direction through Young Township to a point on Route 63

about 0.1 of a mile south of its intersection with Route 521 in Jefferson County a distance of about 2.2 miles

Route 33070 Beginning at a point on Route 436 near its intersection with Route 33036 thence in a northwesterly direction through Bell Township to a point on Route 189 about 0.7 of a mile east of the Bell Township-Young Township line in Jefferson County a distance of about 1.9 miles

Route 33071 Beginning at a point on Route 33003 about 0.2 of a mile south of its intersection with Route 33010 thence in a northeasterly direction through Ringgold Township to the Ringgold Township-Worthville Borough line in Jefferson County a distance of about 2.1 miles

Route 33072 Beginning at a point on Route 63 about 0.3 of a mile north of Route 33018 thence in a northeasterly and northwesterly direction through Oliver and Knox Townships to a point on Route 33020 about 0.3 of a mile west of Ramsaytown in Jefferson County a distance of about 3.4 miles

Route 33073 Beginning at a point on Route 33036 in the Village of Desire thence in a northwesterly direction through Henderson and McCalmont Townships to a road intersection near Eleanor Mines in Jefferson County a distance of about 1.4 miles

Route 33074 Beginning at a point on Route 33036 about 0.6 of a mile northeast of its intersection with Route 33061 thence in a southeasterly northeasterly and easterly direction through McCalmont and Henderson Township to a point on Route 33051 about 0.2 of a mile north of Zufall School in Jefferson County a distance of about 1.7 miles

Route 33075 Beginning at a point on Route 33051 about 0.5 of a mile north of its intersection with Route 33040 thence in an easterly and southeasterly direction through Winslow Township to the Winslow Township-Sykesville Borough Line in Jefferson County a distance of about 1.6 of a mile also page 136, line 12, by striking out the figures "33076" and inserting in lieu thereof the figures "33068"; also same page, by striking out all of lines 17 to 29 inclusive and on page 137, by striking out all of lines 1 to 27 inclusive as follows:

"Route 33077 Beginning at a point on Route 33042 about 0.1 of a mile north of Hormtown thence in a northeasterly and southeasterly direction through Washington and Winslow Townships via Hormtown School to a point on Route 33029 near Sandy Valley School in Jefferson County a distance of about 3.2 miles

Route 33078 Beginning at a point on Route 33062 about 0.9 of a mile east of its intersection with Route 33003 at Thomas School thence in an easterly direction through Beaver Township to a point on Route 33010 about 0.5 of a mile south of the Beaver Township-Rose Township Line in Jefferson County a distance of about 0.9 of a mile

Route 33079 Beginning at a point on Route 33010 about 1.2 miles north of the village of Baxter thence in a northwesterly direction through Clover and Union Townships to a point on Route 64 about 0.1 of a mile west of Hazel Dell School in Jefferson County a distance of about 2.4 miles

Route 33080 Beginning at a point on Route 237 about 0.2 of a mile north of Coder thence in a northerly direction through Rose Township to a point on Route 64 about 0.5 of a mile east of the Union Township-Rose Township line in Jefferson County a distance of about 1.9 miles

Route 33081 Beginning at a point on Route 33064 about 0.3 of a mile east of Rockdale School thence in an easterly direction through Washington Township to a point on Route 33038 about 1.0 mile south of its intersection with Route 33064 in Jefferson County a distance of about 0.6 of a mile

Route 33082 Beginning at a point on Route 2248 in the Village of Howe thence in an easterly direction through Eldred Township to a road intersection in Jefferson County a distance of about 1.4 miles

Route 33083 Beginning at a point on Route 33008 about 0.2 of a mile south of St. Domonce's Catholic Church thence in a northwesterly direction through Eldred Township to a point on Route 33009 near Stone School in Jefferson County a distance of about 1.6 miles"; also page 137, line 28, by striking out the figures "33084" and inserting in lieu thereof the figures "33069"; also page 133, by inserting after line 3, the following new paragraphs:

"Route 33070 Beginning at a point on Route 33035 about 1.5 miles northeast of its intersection with Route 436 thence in an easterly direction through Gaskill Township to the Jefferson-Clearfield County line in Jefferson County a distance of about 1.0 miles

"Route 33071 Beginning at a point on Route 33020 about 1.0 mile east of the village of Stanton thence in a southerly and easterly direction through Rose Township to the Rose-Knox Township line thence in a southeasterly and southerly direction through Knox Township to the Knox-Oliver Township line thence in a southerly direction through Oliver Township to a point on Route 63 about 0.5 of a mile north of the village of Cool Spring in Jefferson County a distance of about 4.3 miles

Route 33072 Beginning at a point on Route 33036 about 0.6 of a mile south of Trout Run School thence in an easterly direction through Bell and Henderson Townships to the Big Run Borough line in Jefferson County a distance of about 2.8 miles

Route 33073 Beginning at a point on Route 63 at McGarey thence a northwesterly direction through Rose and Clover Townships to a point on Route 33011 at Content in Jefferson County a distance of about 2.7 miles

Route 33074 Beginning at a point on Route 435 about 0.25 of a mile east of the Punxsutawney Borough line thence northerly through Bell Township in Jefferson County a distance of about 0.23 of a mile

Route 33075 Beginning at a point on Route 33051 about 0.5 of a mile north of Route 33040 thence in an easterly and southeasterly direction through Winslow Township to the Sykesville Borough line in Jefferson County a distance of 1.6 miles

Route 33076 Beginning at a point on Route 357 about 1.0 mile east of Grange thence northerly through Perry and Oliver Townships to a point on Route 33016 about 1.5 miles southeast of Sprankle Mills in Jefferson County a distance of about 2.3 miles

Route 33077 Beginning at a point on Route 33017 about 1.5 miles south of Norena thence northeasterly through Oliver Township to a point on Route 63 about 0.7 of a mile northwest of Coolspring in Jefferson County a distance of about 1.2 miles

Route 33078 Beginning at a point on Route 63 about 0.3 of a mile south of the Punxsutawney Borough line thence easterly and northeasterly through Young and Bell Townships to a road intersection thence northerly and westerly to a point on the Punxsutawney Borough line in Jefferson County a distance of about 1.85 miles

Route 33079 Beginning at a point on Route 63 near its intersection with Route 521 thence westerly through Young Township to the village of Sportsburg in Jefferson County a distance of about 1.2 miles

Route 33080 Beginning at a point on Route 33011 near Ohl School thence northerly through Rose Township to a point on Route 33012 in Jefferson County a distance of about 1.9 miles

Route 33081 Beginning at a point on Route 248 about 0.6 of a mile north of Howe thence easterly through Eldred and Warsaw Townships to a point on Route 33030 near Richardsville in Jefferson County a distance of about 6.1 miles

Route 33082 Beginning at a point on Route 33014 near its intersection with Route 33008 thence in a general southeasterly direction through Eldred Township to a point on Route 248 about 0.3 of a mile south of Howe in Jefferson County a distance of about 2.9 miles

"Route 33083 Beginning at a point on Route 60 Spur about 0.5 of a mile southeast of the Village of Soldier thence in an easterly direction through Winslow Township to a point on Route 338 about 0.1 of a mile north of the borough of Sykesville in Jefferson County a distance of about 1.4 miles

Route 33084 Beginning at a point on Route 33033 about 0.5 of a mile west of the Clearfield County line thence in a northerly direction through Henderson Township to the Sykesville Borough line in Jefferson County a distance of about 0.7 of a mile;" also page 139, line 22, by striking out the figures "33056" and inserting in lieu thereof the figures "35056"; also same page, line 27, by striking

out the figures "363" and inserting in lieu thereof the figures "365"; also page 140, by striking out all of lines 10 to 28 inclusive and in page 141 by striking out all of lines 1 to 26 inclusive as follows:

"Route 36133 Beginning at a point on Route 36103 at Mt. Pleasant School thence in a northwesterly direction through Bart Eden Paradise and Strasburg Townships to a point on Application 5821 about 0.1 of a mile west of the Paradise-Strasburg Township line in Lancaster County a distance of about 3.5 miles

Route 36134 Beginning at a point on Route 36081 about 0.1 mile southeast of Nine Points thence in an easterly direction through Bart and Sadsbury Townships to a point on Route 36098 near the Chester County line in Lancaster County a distance fo about 2.0 miles

"Route 36135 Beginning at a point on Route 36011 about 0.1 of a mile northwest of the Eden-Strasburg Township line thence in an easterly and northeasterly direction through Strasburg and Eden Townships to a point on Route 36133 at its intersection with Route 36105 in Lancaster County a distance of about 1.3 miles

Route 36136 Beginning at a point on Route 36005 at its intersection with Route 36100 thence in a northeasterly direction through Martic Township to a point on Route 36008 about 0.4 of a mile southwest of its intersection with Route 36015 in Lancaster County a distance of about 3.2 miles

Route 36137 Beginning at a point on Route 36005 about 1.25 miles west of Chestnut Level thence in a northerly and northeasterly direction through Drumore Township to a point on Route 36007 about 0.2 of a mile northwest of its intersection with Route 36080 in Lancaster County a distance of about 2.0 miles

Route 36138 Beginning at a point on Route 36080 about 0.2 of a mile northeast of its intersection with Route 36010 thence in an easterly direction through Drumore Township to a point on Route 36007 about 0.3 of a mile southeast of its intersection with Route 36010 in Lancaster County a distance of about 0.7 of a mile

Route 36139 Beginning at a point on Route 36007 about 0.2 of a mile north of Pleasant Grove thence in a northeasterly direction through Fulton Township to a point on Route 136 at its intersection with Route 36077 in Lancaster County a distance of about 2.0 miles

Route 36140 Beginning at a point on Route 608 at Oak Run thence in a northerly direction through Little Britain Township to a point on Route 36093 about 1.25 miles northwest of its intersection with Route 345 in Lancaster County a distance of about 1.4 miles" and inserting in lieu thereof the following:

"Route 36133 Beginning at a point on Route 36007 near Pleasant Grove thence northwesterly through Fulton Township to a point on Route 36010 about one mile west of McSparran in Lancaster County a distance of about 2.6 miles

Route 36134 Beginning at a point on Route 36020 about

"Route 36134 Beginning at a point on Route 36020 about 0.1 of a mile east of Kirks thence northerly through Little Britain Township to a point on Route 345 at Little Britain in Lancaster County a distance of about 2 miles

Route 36135 Beginning at a point on Route 36005 about 1.5 miles west of Chestnut Level thence northeasterly through Drumore and East Drumore Township via Drumore Center to a point on Route 36017 in Lancaster County a distance of about 3.5 miles

Route 36136 Beginning at a point on Route 332 about 0.4 of a mile southwest of Pequea Station thence easterly through Martic Township to a point on Route 36005 about 0.5 of a mile south of Martic Forge in Lancaster County a distance of about 3.5 miles

Route 36137 Beginning at the interesection of Routes 332 and 332 Spur thence easterly in Pequea Township to a point on Route 36008 in Lancaster County a distance of about one mile

Route 36138 Beginning at a point on Route 36011 about one-half mile north of Strasburg thence easterly in Strasburg Township to a point on Route 36028 in Lancaster County a distance of about 1.4 miles

Route 36139 Beginning at a point on Route 698 about one-half mile east of Lampeter thence northerly in West Lampeter Township to a point on Route 36035 in Lancaster County a distance of about 0.9 of a mile

Route 36140 Beginning at a point on Route 623 at Conestoga Center thence in a general northerly direction in Conestoga Township to a point on Route 36008 in Lancaster County a distance of about 3.1 miles"; also page 142, by striking out all of lines 20 to 29 inclusive and on page 143, by striking out all of lines 1 and 2 as follows:

"Route 36144 Beginning at a point on Route 36034 about 0.6 of a mile north of its intersection with Route 136 thence in an easterly direction through West Lampeter Township to a point on Route 36027 about 0.25 of a mile north of its intersection with Route 36035 in Lancaster County a distance of about 1.0 mile

Route 36145 Beginning at a point on Route 36027 about 0.75 of a mile west of its intersection with Route 136 thence in a northwesterly direction through West Lampeter Township to a point on Route 136 about 0.4 of a mile west of its intersection with Route 36034 in Lancaster County a distance of about 1.3 miles" and inserting in lieu thereof the following:

"Route 36144 Beginning at a point on Route 36075 about one mile northeast of Camargo thence northerly and easterly in Eden Township to a point on Route 36011 in Lancaster County a distance of about 2.1 miles

Route 36145 Beginning at the intersection of Routes 344 and 36081 thence easterly through Bart and Sadsbury Township to a point on Route 36079 at Coopersville in Lancaster County a distance of about 2.3 miles"; also page 143, by inserting after the figures "36124" at the end of line 22, the following: "about 0.6 of a mile south of its intersection with"; also page 145, by striking out all of lines 24 to 27 inclusive and on page 146, by striking out all of lines 1 to 8 inclusive as follows:

"Route 36160 Beginning at a point on Route 215 about 0.3 of a mile southeast of Route 36024 thence in a northeasterly direction through East Lampeter Township to a point on Route 142 about 0.1 of a mile west of its intersection with Route 36011 in Lancaster County a distance of about 1.8 miles

Route 36161 Beginning at a point on Route 36162 about 0.8 of a mile northeast of its intersection with Route 215 thence in a northerly direction through East Lampeter Township to a point on Route 142 about 0.7 of a mile east of its intersection with Route 148 in Lancaster County a distance of 0.4 of a mile" and inserting in lieu thereof the following:

"Route 36160 Beginning at a point on Route 136 about one mile south of Martinsville thence northeasterly in Strasburg Township to a point on Route 36051 in Lancaster County a distance of about 1.7 miles"

also page 146 line 9, by striking out the figures "36162" and inserting in lieu thereof the figures "36161"; also same page, line 15, by striking out the figures "36163" and inserting in lieu thereof the figures "36162"; also same page, line 21, by striking out the figures "36164" and inserting in lieu thereof the figures "36163"; also same page, line 27, by striking out the figures "36165" and inserting in lieu thereof the figures "36164"; also page 147, line 4, by striking out the figures "36166" and inserting in lieu thereof the figures "36165"; also same page, line 9, by striking out the figures "36167" and inserting in lieu thereof the figures "36166"; also at the end of the same line, by striking out the figures "36168" and inserting in lieu thereof the figures "36165"; also same page, line 16, by striking out the figures "36168" and inserting in lieu thereof the figures "36167"; also same page, line 21, by striking out the figures "36169" and inserting in lieu thereof the figures "36168"; also same page, line 26, by striking out the figures "36170" and inserting in lieu thereof the figures "36169"; also page 148, line 3, by striking out the figures "36171" and inserting in lieu thereof the figures "36170"; also same page, line 9, by striking out the figures "36172" and inserting in lieu thereof the figures "36171"; also same page, by striking out all of lines 15 to 20 inclusive as follows:

"Route 36173 Beginning at a point on Route 36102 about 0.5 of a mile southeast of its intersection with Route 36017 thence in a northeasterly direction through East

Drumore Township to a point on Route 136 about 1.0 mile southeast of its intersection with Route 36016 in Lancaster County a distance of about 1.2 miles"

also same page, line 21, by striking out the figures "36174" and inserting in lieu thereof the figures "36172"; also same page, line 27, by striking out the figures "36175" and inserting in lieu thereof the figures "36173"; also page 149, line 4, by striking out the figures "36176" and inserting in lieu thereof the figures "36174"; also same page, line 10, by striking out the figures "36177" and inserting in lieu thereof the figures "36175"; also same page, line 16, by striking out the figures "36178" and inserting in lieu thereof the figures "36176"; also same page, line 22, by striking out the figures "36179" and inserting in lieu thereof the figures "36177"; also same page, line 28, by striking out the gures "36180" and inserting in lieu thereof the figures "36178"; also page 159, by inserting after line 7 the following paragraph:

"Route 40117 Beginning at a point on the south borough line of Wyoming at Eighth Street thence southeasterly through Jenkins Township to a point on Route 5 in Luzerne County a distance of about 0.1 of a mile" also page 161, by striking out all of lines 1 to 6 inclusive as follows:

"Route 41120 Beginning at a point on Route 41025 about 0.8 of a mile northeast of Larrysville thence northerly westerly and northerly through Piatt and Mifflin Townships to a point on the southern line of Salladasburg Borough in Lycoming County a distance of about 3.6 miles"

and inserting in lieu thereof the following:

"Route 41120 Beginning at a point on the south line of Salladasburg Borough thence southerly and easterly through Mifflin Township to a road intersection in Lycoming County a distance of about 1.7 miles"; also same page, by striking out all of lines 12 to 17 inclusive as follows:

ing County a distance of about 1.7 miles"

also same page, by striking out all of lines 12 to 17 inclusive as follows:

"Route 41122 Beginning at a point on Route 41044 about 2.0 miles northwest of Warrensville thence in a general northwesterly direction through Eldred and Gamble Townships to a point on Route 41047 about 2.2 miles south of Route 467 in Lycoming County a distance of about 4.7 miles" and inserting in lieu thereof the following:

"Route 41122 Beginning at a point on Route 21 about 0.4 of a mile north of Route 41109 thence easterly and northerly through Jackson Township to a point on Route 41043 about 0.4 of a mile south of the Tioga-Lycoming County line in Lycoming County a distance of about 3.7 miles" also page 162, line 1, by striking out the figures "84" and inserting in lieu thereof the figures "86"; also same page, line 3, by striking out the figures "185" and inserting in lieu thereof the figures "353"; also same page, line 12, by striking out the word 'Oral" and inserting in lieu thereof the' word "Oval"; also same page, by inserting after line 26. the following paragraphs:

"Route 41130 Beginning at a point on Route 41043 about 0.1 of a mile south of the Tioga County line thence southeasterly through Jackson Township to a point on Route 41043 about 3.0 miles west of the McIntyre Township line in Lycoming County a distance of about 2.9 miles

"Route 41131 Beginning at a point on Route 106 near the Tioga-Lycoming County line thence southeasterly through Pine Township to a road intersection in the Village of Texas in Lycoming County a distance of about 2.0 miles

"Route 41132 Beginning at a point on Route 331 about 0.3 of a mile west of Duboistown Borough thence northeasterly through Armstrong Township to a point on the Duboistown Borough line in Lycoming County a distance of about 0.3 of a mile" also same page, by striking out lines 28 and 29 and on page 163 by striking out lines 1 and 2 as follows:

"Route 42040 Beginning at a point on Route 42039 about 0.7 of a mile south of Bradford thence southeasterly through Bradford Township in McKean County for a distance of about 1.5 miles" and inserting in lieu thereof the following:

"Route 42040 Beginning at a point on Route 97 near the Lafayette-Hamlin Township line thence southeasterly and northeasterly through Lafayette and Hamlin Townships via Ritersville to a point on Route 42005 at its intersection with Route 42036 in McKean County a distance of about 3.6 miles"; also page 170, by striking out all of lines 1 to 7 inclusive as follows:

"Route 45081 Beginning at a point on State Highway Route 220 about 2 miles north of Marshalls Creek thence in a northerly and westerly direction through Middle Smithfield Township over present township route 558 to the intersection with Rural Route 45017 about 0.1 of a mile south of the Monroe-Pike County line in Monroe County a distance of about 6.6 miles" and inserting in lieu thereof the following new paragraphs:

"Route 45081 Beginning at a point on Application 3759 about 1.0 miles southwest of Route 45024 thence in an easterly and northeasterly direction through Pocono Township to a point on Route 45025 about 1.0 mile southeast of Route 45023 in Monroe County a distance of about 5.9 miles

Route 45082 Beginning at a point on Route 45059 about 0.3 of a mile southeast of Route 167 thence in a southeasterly direction through Smithfield Township to a point on Route 461 W about 1.0 mile southeast of Marshalls Creek in Monroe County a distance of about 0.6 of a mile" also page 174, line 21, by striking out the word "southwesterly" and inserting in lieu thereof the word "southeasterly"; also page 181, line 19, by striking out the figures "0.2" and inserting in lieu thereof the figures "0.1"; also same page, line 20, by striking out the figures "49094" and inserting in lieu thereof the figures "49059"; also page 183, lines 22 and 23, by striking out the words "west of" and inserting in lieu thereof the word "near"; also page 195, line 12, by striking out the figures "269" and inserting in lieu thereof the figures "317"; also page 197, by striking out all of lines 15 to 28 inclusive and on page 198 by sriking out all of lines 1 to 15 inclusive as follows:

"Route 56037 Beginning at a point on Route 19 about 0.2 of a mile south of the village of Sonestown thence in a general northwesterly direction through Davidson and Shrewsbury Townships to a point on Route 321 near its intersection with Route 56003 in Sullivan County a distance of about 3.7 miles

Route 56038 Beginning at a point on Route 321 about 0.7 of a mile south of its intersection with Route 56001 Spur E thence extending in a northeasterly direction through Davidson Township to a point on Route 19 about 0.5 of a mile south of the village of Sonestown in Sullivan County a distance of about 3.3 miles

Route 56039 Beginning at a point on Route 17 near the village of Ringdale thence northwesterly about 1.4 miles thence northerly about 0.6 of a mile through Laporte Township thence northwesterly through Cherry Township to a road intersection in Sullivan County a total distance of about 2.7 miles

Route 56040 Beginning at a point on Route 56024 about 0.9 of a mile west of its intersection with Route 17 thence southwesterly about 0.3 of a mile thence northwesterly through Cherry Township to a road intersection in Sullivan County a distance of about 1.2 miles

Route 56041 Beginning at a point on Route 56024 about 0.9 of a mile southwest of its intersection with Route 56012 thence northeasterly through Cherry Township to a point on Route 56024 about 0.5 of a mile west of its intersection with Route 17 in Sullivan County a distance o fabout 1.0 mile" and inserting in lieu thereof the following:

"Route 56037 Beginning at a point on Route 321 about 0.1 of a mile north of Route 56003 thence southeasterly through Shrewsbury Township to a point on the Shrewsbury-Davidson Township line in Sullivan County a distance of about 1.2 miles

Route 56038 Beginning at a point on Route 321 about 0.4 of a mile south of Route 56005 thence northeasterly through Shrewsbury Township to a point on the Eagles Mere Borough line in Sullivan County a distance of about 0.7 of a mile

Route 56039 Beginning at a point on Route 472 about 1.5 miles east of the Forks-Cherry Township line thence easterly and southerly through Cherry Township about

1.8 miles to a road intersection thence easterly and northerly to a point on Route 56024 about 0.9 of a mile west of Route 17 in Sullivan County a distance of about 4.5 miles

Route 56040 Beginning at a point on Route 56023 near Harringtons School thence northeasterly southeasterly and easterly through Cherry Township to a point on Route 895 about 1.0 mile north of Dushore in Sullivan County a distance of about 4.0 miles

Route 56041 Beginning at a point on Route 56026 about 1.0 mile south of South Branch of Loyalsock Creek thence southeasterly through Cherry Township to a point on the Sullivan-Wyoming County line in Sullivan County a distance of about 0.9 of a mile"; also page 202, by striking out all of lines 2 to 6 inclusive as follows:

"Route 58093 Beginning at a point on the southeast line of Roseville Borough thence in a southeasterly directio nthrough Rutland Township to a point on the Bradford County line about 1.3 miles south of Route 58069 in Tioga County a distance of about 2.8 miles" and inserting in lieu thereof the following:

"Route 58093 Beginning at a point on Route 58013 about 0.4 of a mile south of Route 102 thence southeasterly and easterly to a point on the Delmar Township-Wellsboro Borough line in Tioga County a distance of about 2.2 miles"; also page 203, by striking out all of lines 9 to 14 inclusive as follows:

"Route 58099 Beginning at a point on Route 103 about 0.3 of a mile east of Westfield Borough thence in a southeasterly and northerly direction through Westfield Township to a point on Route 292 about 2.0 miles south of Phillips in Tioga County a distance of about 4.9 miles" and inserting in lieu thereof the following:

"Route 58099 Beginning at a point on Route 21 Spur about 0.1 of a mile northeast of Route 58015 thence northwesterly and northeasterly through Delmar Township to a point on the Delmar Township-Wellsboro Borough line in Tioga County a distance of about 3.0 miles"; also page 204, by striking out all of lines 10 to 21 inclusive as follows:

"Route 58104 Beginning at a point on the Blossburg Borough line about 0.5 of a mile east of Route 21 thence in a northeasterly southerly and southeasterly direction through Covington and Hamilton Townships to a point on Route 58057 at Morris Run in Tioga County a distance of about 4.7 miles

Route 58105 Beginning at a point on Route 58053 at East Point thence in a general northerly direction through Liberty and Hamilton Townships to a point on Route 58056 about 0.3 of a mile southeast of its intersection with Route 58057 in Tioga County a distance of about 5.5 miles" and inserting in lieu thereof the following:

"Route 58104 Beginning at a point on Route 58082 about 0.5 of a mile northwest of its intersection with Route 20 Spur thence extending in a northeasterly and easterly direction through Union Township to a point on the Tioga-Bradford County line about 1.2 miles south of the Union-Ward Township line in Tioga County a distance of about 1.2 miles

Route 58105 Beginning at a point on Route 58053 about 1.3 miles west of the Tioga-Bradford County line near a school house thence extending in a northeasterly direction through Union Township to a point on Route 20 Spur about 0.7 of a mile east of its intersection with Route 58082 in Tioga County a distance of about 1.7 miles" also same page, line 24, by striking out the figures "58107" and inserting in lieu thereof the figures "58053"; also same page, lines 24 and 25, by striking out the words and figures "about 0.1 of a mile northwest of"; also same page, by striking out all of lines 27 to 29 inclusive and on page 205, by striking out all of lines 1 to 4 inclusive as follows:

"Route 58107 Beginning at a point on Route 58055 about 2.1 miles southeast of Route 58053 thence in a northwesterly direction through Union and Liberty Townships to a road intersection thence southerly through Liberty and Union Townships to a point on the Lycoming County line about 0.1 of a mile east of the Liberty-Union Township line in Tioga County a distance of about 2.8 miles" and inserting in lieu thereof the following:

"Route 58107 Beginning at a point on Route 58055 near the bridge over French Lick Run thence extending in a northerly and westerly direction through Union Township to another point on Route 58055 about 0.4 of a mile south of its intersection with Route 58053 in Tioga County a distance of about 3.2 miles

Route 58108 Beginning at a point on Route 58081 about 2.0 miles southeast of East Point thence extending in an easterly and northeasterly and easterly direction through Liberty and Union Townships to a point on Route 58055 about 2.2 miles south of Route 58053 in Tioga County a distance of 2.4 miles

Route 58109 Beginning at a point on Route 58098 about 0.9 of a mile east of Route 58081 thence southerly through Liberty and Union Townships to a point on the Tioga-Lycoming County line about 0.2 of a mile east of the Liberty-Union Township line in Tioga County a distance of about 1.2 miles

Route 58110 Beginning at a point on Route 58053 about 0.8 of a mile northeast of Liberty Borough thence northerly through Liberty Township to a road intersection about 1.9 miles east of Sebring in Tioga County a distance of about 1.9 miles

Route 58111 Beginning at a point on the Tioga-Lycoming County line about 1.8 miles east of the Pine-Jackson Township line thence northeasterly through Liberty Township to a point on Route 58031 about 1.3 miles northwest of its intersection with Route 58079 in Tioga County a distance of about 0.8 of a mile

Route 58112 Beginning at a point on Route 58012 at Stony Fork thence in an easterly direction through Delmar Township to a point on Route 106 at Knapp about 0.1 of a mile south of its intersection with Route 58015 in Tioga County a distance of about 2.8 miles

Route 58113 Beginning at a point on the Tioga Borough-Tioga Township line thence northwesterly through Tioga Township to a road intersection about 0.7 of a mile west of Brookton in Tioga County a distance of about 1.1 miles

Route 58114 Beginning at a point on Route 58022 about 0.4 of a mile north of the Clymer-Westfield Township line thence westerly northerly and northwesterly through Westfield Township to a point on Route 103 about 0.4 of a mile northeast of Westfield Borough in Tioga County a distance of about 3.6 miles;" also page 205, by sriking out all of lines 18 to 23 inclusive as follows:

"Route 59044 Beginning at a point on Route 59014 about 0.5 of a mile north of its intersection with Route 59012 thence in a general easterly direction through Buffalo and East Buffalo Townships to a point on Route 59013 about 0.9 of a mile north of its intersection with Route 59012 in Union County a distance of about 2.6 miles" and inserting in lieu thereof the following:

"Route 59044 Beginning at a point on Route 59016 about 1.0 mile south of Route 26 thence southwesterly and northwesterly through East Buffalo Township to a point on Route 24 about 0.7 of a mile south of Route 26 in Union County a distance of about 1.3 miles;" also same page, by inserting after line 29, the following paragraph:

"Route 59046 Beginning at a point on Route 59013 about 1.0 mile north of Route 59012 thence extending in an easterly direction through East Buffalo Township to a point on Route 59016 about 1.0 mile south of Linntown in Union County a distance of about 1.5 miles;" also page 215, by inserting after line 9, the following new paragraph:

"Route 63103 Beginning at a point on Route 63011 in the village of Lake Ariel thence extending in a northerly direction through Lake Township to an intersection with Route 63011 north of the High School in Wayne County a distance of about 0.2 of a mile

Route 63104 Beginning at a point on Route 63012 in the village of Lake Ariel near the Erie Railroad thence extending in a westerly and northerly direction through Lake Township to another point on Route 63012 in Wayne County a distance of about 0.4 of a mile

Route 63105 Beginning at a point on Route 945 about 0.1 of a mile southwest of Route 63045 thence in a southwesterly direction through Damascus Township to a road intersection in Wayne County a distance of about 2.9 miles;" also page 217, by striking out all of lines 3 to 9 inclusive as follows:

"Route 65067 Beginning at a point on Route 65023 about 0.1 of a mile southeast of its intersection with Route 65060 near West Nicholson thence in a northeasterly southeasterly and northeasterly direction through Nicholson Township to a point on Route 65027 about 0.5 of a mile southeast of the Susquehanna-Wyoming County line in Wyoming County a distance of about 2.4 miles"; also same page, by striking out all of lines 24 to 28 inclusive and on page 18, by striking out all of lines 1 to 5 inclusive as follows:

"Route 65070 Beginning at a point on Route 232 near Hill Top In nthence southerly and northeasterly through Falls Township to a point on Route 232 about 1.0 mile northewest of Falls in Wyoming County a distance of about 2.4 miles

Route 65071 Beginning at a point on Route 592 near Vernon thence northwesterly through North Moreland and Eaton Townships to a road intersection about 0.5 of a mile south of Jenks in Wyoming County a distance of about 2.3 miles"; also page 218, by strikin gall of lines 14 to 17 inclusive as follows:

"Route 65074 Beginning at a point on Route 65056 about 1.3 miles south of Falls thence northeasterly through Falls Township to a point on Route 65009 in Wyoming County a distance of about 1.5 miles;" also page 219, ilne 26, by inserting before the word "Bridgeville" the word "New"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Auterman,	Gorski,	Mihm,	Snyder,
Beine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Bois,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brancato,	Hirsch,	Ostroff,	Tronzo,
Brigerman,	Holland,	Patterson, C. S.,	Trout,
Broad,	Holmes,	Patterson, J. W.,	Tumelty,
Brown,	Holstrom,	Peale,	Turner,
Brownfield,	Hontz,	Pearson,	Vaiibus,
Burrows,	Horting,	Perry,	Van Allsburg,
Cadwalader,	Huntley,	Pershing,	VanSickle,
Caesar,	Imbrie,	Piole,	Vogt,
Caputo,	Jirolanio,	Powers,	Wagner,
Chervenak,	Kane,	Preston,	Wall,
Coakley,	Keenan,	Readinger,	Walsh,
Cohen, H. B.,	Kelso,	Reese,	Wampole,
Cohen, R. E.,	Kilroy,	Reising,	Watkins,
Coleman,	Kline,	Richter,	Webster,
Coolahan,	LaRue,	Robinson,	Weidemann,
Corrigan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Ruffennach,	Welliver,
Decker,	Long,	Rush,	Welsh,
DeNote,	Longaker,	Sarraf,	Westrick,
Dickinson,	Lopresti,	Scanlon,	Whalen,
Donohoe,	Lovett,	Schor,	Whitenight,
Dougherty,	Lyons,	Schrock,	Wilson,
Downey,	Marino,	Schrope,	Winner,
Dubbs,	Matthews, H. T.,	Schumacher,	Wood,
Dyson,	Matthews, J. F.,	Serrill,	Wright,
Eckels,	McArdle,	Shaw,	Yanoshat,
Elpern,	McCullough,	Shea,	Yeakel,
Falkenstein,	McDermott,	Shepard,	Yourishin,
Finnerty,	McDevitt,	Shoemaker,	Zappala,
Fiss,	McElroy,	Shugarts,	Furman,
Fitch,			

NAYS—3.

Habbyshaw,	Muir,	Woodside.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 99.

An Act to re-enact and amend the title and the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "Workmen's Compensation Act of 1915," by making the present schedules of compensation compulsory upon all employers; changing, adding to and increasing the schedules of compensation; prescribing and changing certain presumptions and rules of evidence; increasing the requirements to be met by employers desiring to be self-insurers; conferring certain powers and duties upon the Department of Labor and Industry; imposing additional duties and liabilities upon employers and insurance carriers, including the cost of administering the workmen's compensation system including the rehabilitation of employes; providing for the payment of compensation for certain second injuries and for the rehabilitation of injured employes, and for the payment of re-opened cases after a certain lapse of time, by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents; imposing new and changing certain existing penalties; and generally amending, clarifying and changing the provisions of said act.

HOUSE BILL No. 1000.

An Act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECONSIDERATION OF HOUSE BILL No. 2037

Mr. LEVY. Mr. Speaker, I move that the vote by which House Bill No. 2037, Printer's No. 1167, entitled

An Act to re-enact a part of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" providing for the removal and dismissal of policemen in cities of the second class

was defeated on final passage on Tuesday, June 1, 1937, be reconsidered

Mr. SKALE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Levy, vote on the final passage of this bill?

Mr. LEVY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Skale, vote on the final passage of this bill?

Mr. SKALE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House,

this is the bill which was defeated the other evening and which applies to Allegheny county. You will recall the question of the trial of the police and firemen in that county. Under the present system, as the gentleman from Allegheny told us the other night and which I have since confirmed, it provides a fair and equitable means for the men on the force to be tried before an impartial court by the selection of twenty-five men of equal rank or higher, who are drawn from a panel as a trial by a jury, and finally gets down to a Board of three. Under the provisions of this bill this would provide that they would have to be tried by a board selected by the Director of Public Safety. It would mean that the Director might be the judge and the jury and the accuser all at one time; it might be a board of only one member. The Director might pick out only one man. It seems to me, in fairness to the men in that city, they they ought to have the right to retain a system that I understand has worked satisfactorily for a number of years.

Mr. O'KEEFE. Mr. Speaker and members of the House, the act that is before you at the present time is an act to repeal the act that we had prior to 1937. Under the act that is in force today it is impossible for a trial board to be picked to try inspectors or lieutenants. The present act requires that from a panel of twenty the board shall be picked or the jury shall be picked, which makes it impossible for a jury to be picked to try lieutenants or inspectors. Prior to 1931 this act was in effect and worked satisfactorily. However, the city of Pittsburgh, in trying to find a new solution and in trying to work out what may be a better bill, introduced the present act. After having had the prior act for seven years we found that it was not satisfactory. Council and the Mayor of the City of Pittsburgh, who for the past year have been carrying on a program to increase the efficiency of the police in the City of Pittsburgh, are favorable to this act and believe it will increase the efficiency, and I ask the members of the House to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—110

Alexander,	Flinchbaugh,	McShane,	Schrope,
Arnold,	Ganser,	Melchiorre,	Shaw,
Baine,	Gerard,	Mellott,	Shea,
Baker, J. J.,	Gorski,	Mihm,	Shepard,
Balthaser,	Hamilton, F. P.,	Moomaw,	Shoemaker,
Bierly,	Harkins,	Mooney,	Shugarts,
Blank,	Hays,	Moran,	Siegel,
Bohn,	Hering,	Moul,	Simon,
Boltz,	Hindman,	Murrin,	Skale,
Bradley,	Hirsch,	O'Brien,	Smith, James A.,
Brancato,	Holmes,	O'Keefe,	Smith, John A.,
Caesar,	Holstrom,	Ominsky,	Spengler,
Caputo,	Hontz,	O'Neill,	Stank,
Chervenak,	Keenan,	Ostroff,	Thomas,
Coakley,	Kelso,	Patterson, C. S.,	Tronzo,
Cohen, H. B.,	Kilroy,	Patterson, J. W.,	Tumelty,
Cohen, R. E.,	LaRue,	Pearson,	Valibus,
Coleman,	Levy,	Pershing,	Vogt,
Corrigan,	Lewis,	Piole,	Wagner,
Costanzo,	Long,	Powers,	Weiss, D. H.,
Decker,	Lovett,	Richter,	Welliver,
DeNote,	McArdle,	Robinson,	Westrick,
Donohoe,	McCullough,	Ruffennach,	Whitenight,
Dougherty,	McDermott,	Rush,	Wright,
Dubbs,	McElroy,	Sarraf,	Yanoshat,
Dyson,	McFall,	Scanlon,	Zappala,
Fitch,	McGee,	Schor,	Furman,
Flanagan,			

NAYS—63

Atkins,	Hetrick,	Readinger,	Van Allsburg,
Baker, F. T.,	Holland,	Reese,	Wall,
Boose,	Huntley,	Reising,	Wampole,
Broad,	Imbrie,	Rothenberger,	Watkins,
Cadwalader,	Kane,	Royer,	Webster,
Davies,	Kline,	Schrock,	Weidemann,
Dickinson,	Leisey,	Sloan,	Weiss, S. A.,
Eckels,	Longaker,	Snyder,	Welsh,
Elpern,	Lopresti,	Sproul,	Whalen,
Fiss,	Lyons,	Stewart,	Wilson,
Flannery,	Marino,	Stockham,	Winner,
Habbyshaw,	Matthews, J. F.,	Strode,	Wood,
Haberlen,	McKinney,	Toole,	Woodside,
Hall,	O'Connor,	Trout,	Yeakel,
Hamilton, R. S.	Peale,	Turner,	Yourishin,
Hess,	Perry,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2430, (Senate Bill No. 776), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions empowering the Department of Welfare to enfroce compliance with its orders to remedy unfavorable conditions in State and supervised institutions eliminating the office of business manager in State institutions under the Department of Welfare authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and

to make periodical surveys of the buildings equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects making further provision for bid performance bonds of bidders for State contracts extending the scope of the work of the State Park Commission further regulating purchases made directly by departments boards and commissions requiring counties to pay compensation and expenses of special attorneys in criminal cases authorizing the Governor to grant commissions to State pilots providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth providing for the promulgation of rules and regulations by and enlarging the powers of the Department of Forests and Waters and the Water and Power Resources Board further regulating the maximum price that may be paid for land acquired for State forestry purposes prescribing the membership and powers and duties of the State Park Commission creating and prescribing the powers and duties of Regional State Park Boards eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor the Pennsylvania Game Commission eliminating the Public Service Commission of the Commonwealth of Pennsylvania and extending the provisions of the Code to its successor the Pennsylvania Public Utility Commission transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue and the State Board of Undertakers from the Department of Public Instruction to the Department of Health eliminating the State Aeronautics Commission the Pennsylvania Alcohol Permit Board and the Board of Trustees of Cumberland Valley State Institution for Mentla Defectives and the Anatomical Board and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 201 202 203 210 221 222 301 303 401 427 31 448 507 508 511 522 701 709 712 906 907 1402 1802 1804 1806 2110 2304 2307 2311 2312 2315 2318 2319 2402 2403 2404 2405 2406 2407 2408 2409 and 2414 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers College abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commisions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretray of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies and Department of Revenue and by the following independent administratvie boards and commissions [Board of Game Commissioners] Pennsylvania Game Commission Board of Fish Commissioners and the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State
State Employes' Retirement Board
In the Department of Justice
Board of Pardons
Board of Commissioners on Uniform State Laws
In the Treasury Department
Board of Finance and Revenue
In the Department of Internal Affairs
Board of Property
[State Aeronautics Commission]
In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children Before They Are o School Age which shall hereater be known as Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion, State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
[State Board of Undertakers]

State Board of Veterinary Medical Examiners
State Board for the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers
In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailers' Home
[State Athletic Commission]
In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission
In the Department of Agriculture
State Farm Product Show Commission
In the Department of Forests and Waters
Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
[Anatomical Board]
State Board of Undertakers
In the Department of Labor and Industry
Workmen's Compensation Board
Workman's Compensation Referees
State Workmen's Insurance Board
The Industrial Board
In the Department of Welfare
State Council for the Blind
[Pennsylvania Alcohol Permit Board]
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Fairview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
[Board of Trustees of Cumberland Valley State Institution for Mental Defectives]
Board of Trustees of Selinsgrove State Colony for Epileptics
In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Revenue
State Athletic Commission

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act "

Section 203 Advisory Boards and Commissions The following advisory boards and commissions are placed in and made parts of the respective administrative departments as follows

In the Department of Military Affairs
State Military Reservation Commission
State Veterans Commission
In the Department of Forests and Waters
State Forest Commission
State Parks Commission
Bushy Run Battlefield Commission
Regional State Park Boards
In the Department of Health
Advisory Health Board
In the Department of Labor and Industry
Industrial Board
In the Department of Welfare
State Welfare Commission
In the Department of Property and Supplies
General Galusha Pennypacker Monument Commission

Section 210 Compensation of Members of Administrative Boards and Commissions (a) Annual salaries shall be payable in equal semi-monthly installments as follows

To the Commissioner of Fisheries six thousand dollars

To the Chairman of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission ten thousand five hundred dollars as provided by law

To the members of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission other than the chairman each ten thousand dollars as provided by law

(b) The members of the [Board of Game Commissioners] Pennsylvania Game Commission and of the Board of Fish Commissioners other than the Commissioner of Fisheries shall not receive any compensation

(c) Except as in this act otherwise provided the members of departmental administrative boards and commissions and of advisory boards and commissions shall serve without compensation

Section 221 Office Hours All administrative offices of the State Government shall be open for the transaction of public business at least eight hours each day except Saturdays Sundays and legal holidays [On Saturdays when not legal holidays such offices shall be open for business for at least three hours] The hours when such offices shall open and close shall from time to time be determined by the Executive Board

Section 222 Work-Hours and Vacations Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission if employed for continuous service shall work during such hours as the head of the department or the board or commission shall require but not less than [thirty-eight] thirty-five hours per week Such employe shall be entitled during each calendar year to fifteen days' leave of absence with full pay and in special and meritorious cases where to limit the annual leave to fifteen days in any one calendar year would work peculiar hardships the extent of such leave with pay may in the discretion of the head of the department or of the board or commission be extended but any such extension shall not be for more than fifteen days except with the approval of the Executive Board in the case of employes of departments or of independent administrative boards or commissions and in the case of employes of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the granted leave regardless of his or her continuation thereafter upon the rolls of the department board or commission The annual leave of absence with

pay shall be exclusive of Saturdays Sundays and legal holidays

Section 301 [Board of Game Commissioners The Board of Game Commissioners shall consist of eight competent citizens of this Commonwealth no two of whom shall be from the same senatorial district The board shall annually elect a president and a vice-president from among its members It shall also appoint to serve at its pleasure and with the approval of the Governor fix the compensation of an executive secretary who need not be a member of the board and who shall attend to the administrative work of the board

Five members of the board shall constitute a quorum

Members of the board shall be appointed to serve for terms of six years] Pennsylvania Game Commission The Pennsylvania Game Commission shall consist of eight competent citizens of this Commonwealth who shall be so appointed that they shall fairly represent the several geographical sections of the Commonwealth and shall be well informed on the subject of wild life conservation and restoration The commission shall annually elect a president and a vice-president from among its members It shall also appoint to serve at its pleasure and with the approval of the Governor fix the compensation of an executive director who shall attend to the administrative work of the commission No member of the commission nor anyone who has served as a member thereof within one year shall be eligible for appointment as executive directors

Five members of the commission shall constitute a quorum

The members of the Board of Game Commissioners in office on the effective date of this act shall constitute the Pennsylvania Game Commission and shall hold their offices as members of the Pennsylvania Game Commissions until their successors are appointed as provided by law The original members of the commission shall be appointed for such terms as are prescribed by law and subsequent appointments of commissioners shall be for terms of eight years and shall be staggered as provided by law

Section 303 [The Public Service Commission of the Commonwealth of Pennsylvania The Public Service Commission of the Commonwealth of Pennsylvania shall consist of seven members who shall have the qualifications and be appointed as now provided by law

A member designated by the Governor as now provided by law shall be the chairman of the commission during such member's term of office When present the chairman shall preside at all meetings but in his absence the member who has served on the Commission for the longest period of time shall preside and shall exercise for the time being all of the powers of the chairman In addition to the authority now conferred by law the chairman shall have power as often as he may deem the work of the commission requires (a) to designate the time and place for the conducting of investigations inquiries and hearings (b) to assign cases to a commissioner or commissioners for hearing investigation inquiry study or other similar purpose (c) to assign cases to special agents or examiners for the taking and receiving of evidence and (d) to direct and designate officers and employes of the commission to make investigations inspections inquiries studies and other like assignments for report to the commission

The commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine He shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall possess for the time so designated the powers of the secretary of the commission

The terms of the members of the commission shall be ten years

The offices of counsel of marshall and of investigator of accidents as they exist under The Public Service Company Law are hereby retained appointments thereto to be made as now provided by law The compensation of counsel marshal and investigator of accidents shall be fixed by the commission with the approval of the Governor] Pennsylvania Public Utility Commission The Pennsylvania Public Utility Commission shall consist of five members who shall have the qualifications and be appointed in the manner and for such terms as now provided by law

A member designated by the Governor as now provided by law shall be the chairman of the commission during such member's term of office

The commission may appoint a secretary to hold office at its pleasure as now provided by law

Section 401 Boards fo Trustees of State Institutions The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members and the head of the department having supervision over the institution ex officio

The terms of the members of each such board shall be four years and until their successors are qualified

Five members of any such board shall constitute a quorum

Each such board shall annually elect a president and vice-president from among its members and a secretary and treasurer who need not be members of the board The secretary and treasurer may be the same person This section shall apply to

Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldier's Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers College
Board of Trusteees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital

Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Penhurst State School
Board of Trustees of Polk State School
[Board of Trustees of Cumberland Valley State Institution of Mental Defectives]
Board of Trustees of Selinsgrove State Colony for Epileptics

Section 427 State Athletic Commission The State Athletic Commission shall consist of three members who shall be appointed for terms of two years and the [Adjutant General] Secretary of Revenue ex officio

Each member of the commission except the [Adjutant General] Secretary of Revenue shall receive a salary of five thousand dollars per annum

Two members of the commission shall constitute a quorum and the concurrence of at least two members of the commission shall be necessary to render valid any action by the commission

The commission may appoint such number of deputies as shall be approved by the Executive Board whose compensation shall be fixed by the commission with the approval of the Governor

The commission may with the approval of the [Adjutant General] Secretary of Revenue appoint a secretary who shall receive a salary to be fixed by the commission with the approval of the Governor

Section 431 Water and Power Resources Board The Water and Power Resources Board shall consist of five members four of whom shall be the Secretary of Forests and Waters the Secretary of Health the Commissioner of Fisheries and a member of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission to be designated by the Governor The fifth member shall be an engineer and shall receive [compensation for his services at such rate per diem as shall be fixed by the other members of the board but such compensation shall not exceed] salary of three thousand dollars per annum

The Secretary of Forests and Waters shall be chairman of the Board

Three members of the board shall constitute a quorum

Any investigation hearing or other proceeding which the board has power to undertake or hold may be undertaken or held by or before any member of the Board or by or before any official of the board designated by the board for such purpose provided all actions and orders shall be approved by a majority thereof

The board shall have authority to make and adopt rules and regulations for its procedure acts and orders not inconsistent with this act

Interim permits and orders may be issued and made by the chairman of the board or by any official of the board designated for such purpose by the board but such interim permits and orders shall be subject to subsequent approval or confirmation by the board

Section 448 Advisory Boards and Commissions The advisory boards and commissions within the several administrative departments shall be constituted as follows

(a) The State Military Reservation Commission shall consist of the Governor the Major General commanding the National Guard of Pennsylvania any Major General who commands has commanded or shall hereafter command the National Guard of Pennsylvania any Major General who from the service subsequent to the first day of January one thousand nine hundred and thirty-three regardless of such retirement the Adjutant General the Brigadier General commanding brigades the Chief of Staff of the Twenty-eighth Division and two other members to be appointed by the Governor

The commission shall elect from among its members a chairman and a secretary

(b) The State Veterans' Commission shall consist of the Adjutant General ex-officio and five members all of whom shall have served in the armed forces of the United States while a state of war existed between the United States of America and another sovereign power and shall be members in good and regular standing of a Pennsylvania branch post lodge or club of a recognized national veterans organization active in this Commonwealth

Three members of the commission shall constitute a quorum

The commission shall select from its number a chairman and a secretary

(c) The State Forest Commission shall consist of four persons and the Secretary of Forests and Waters ex-officio who shall be chairman thereof

(d) The State Parks Commission shall consist of the Secretary of Forests and Waters the Secretary of Highways the Executive Director of the Pennsylvania Game Commission the Commissioner of Fisheries the Chairman of the several Regional State Park Boards and the chairman of the Pennsylvania Historical Commission [and four other citizens]

[Four] A majority of the members of the commission shall constitute a quorum

The State Parks Commission shall annually elect from among its members a chairman and vice-chairman

(e) Bushy Run Battlefield Commission The Bushy Run Battlefield Commission shall consist of the Secretary of Forests and Waters and the chairman and Secretary of the Pennsylvania Historical Commission ex-officio and six other members residing in the vicinity of the Bushy Run Battlefield State Park and having a knowledge of and interest in the history of the locality wherein said park is situated

The members of the commission shall annually elect a chairman and a secretary

Five members of the commission shall constitute a quorum

(f) The Advisory Health Board shall consist of the Secretary of Health and six members a majority of whom shall be physicians graduates of legally constituted medical colleges and of at least ten years' experience in the practice of their profession and one of whom shall be a civil engineer The Secretary of Health shall be chairman of the board

Three members of the board together with the Secretary of Health shall constitute a quorum

(g) The Industrial Board shall consist of the Secretary of Labor and Industry and four additional members one of whom shall be an employer of labor one a wage earner and one a woman The Secretary of Labor and Industry shall be a chairman of the board

Three members of the board shall be a quorum

The members of the Industrial Board other than the chairman shall receive fifteen dollars per day while in the performance of their official duties

(h) The State Welfare Commission shall consist of the Secretary of Welfare ex-officio and eight other members The Secretary of Welfare shall be chairman of the board The Secretary of Welfare and four other members of the board shall constitute a quorum

(i) The General Galusha Pennypacker Monument Commission shall consist of the Secretary of Property and Supplies the president of the Pennsylvania Academy of Fine Arts of Philadelphia and three other persons The Commission shall annually elect a president and secretary

Three members of the commission shall constitute a quorum

(j) The Regional State Park Boards shall consist of the Secretary of Forests and Waters and five other members three of whom shall reside in the region where the particular board of which they are members functions

Each Regional State Park Board shall annually elect from its membership a chairman and a vice-chairman

The Secretary of Forests and Waters shall appoint a secretary for each Regional State Park Board

Four members of a Regional State Park Board shall constitute a quorum

Section 507 Purchases It shall be unlawful for any administrative department other than the Department of Property and Supplies or for any independent administra-

tive board or commission or for any departmental administrative body board or commission or for any advisory board or commission to purchase or contract for the purchase of any stationery paper printing binding ruling lithographing engraving envelopes or other printing or binding supplies or any fuel supplies furniture furnishings or equipment except

(a) Any departments boards or commissions which by law are authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by them or out of the moneys appropriated to them by the General Assembly Provided That every such department board and commission shall make its purchases through the Department of Property and Supplies as purchasing agency and all such purchases shall conform to the effective supplies contracts of the Department of Property and Supplies unless in any case the Board of Commissioners of Public Grounds and Buildings shall specificially authorize a departure from such effective supplies contracts

(b) Any department board or commission having charge of a State institution which may purchase perishable foodstuffs [and fuel] for such institution directly and may purchase any article directly if it can after competitive bidding purchase the same f o b the institution for a price [equal to or] less than the Department of Property and Supplies can furnish it f o b the institution but all articles purchased directly hereunder shall conform to the specification contained in the effective supply contracts of the Department of Property and Supplies or if the article be not included in the effective supply contracts then to the standard specification if any adopted by the Department of Property and Supplies for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification

In all other cases such departments boards or commissions shall make purchases through the Department of Property and Supplies as purchasing agency and all purchases made by the Department of Property and Supplies as purchasing agency hereunder shall conform to the specifications contained in the effective supply contracts of the department or if the article be not included in the effective supply contracts then to the standard specifications if any adopted by the department for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supply contracts or specifications

(c) Any department board or commission which shall have been authorized in writing by the Department of Property and Supplies to make purchases in the field not exceeding a specified amount but records of all such purchases shall be transmitted periodically to the Department of Property and Supplies in such form as it may require In so far as practicable purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies and shall be in accordance with applicable specifications in such contracts otherwise such purchases shall be made from the lowest of at least two bidders

Section 508 Erection Repairs or Alterations of and Additions to Buildings (a) No administrative department except the Department of Property and Supplies and no administrative board or commission shall except as in this act otherwise specifically provided erect or construct or contract for the erection or construction of any new building or make or contract for making any alterations or additions to an existing building involving an expenditure of more than [ten thousand dollars ($10,000)] one thousand dollars ($1,000) and in any case in which any other department or any board or commission is by this act authorized to erect or construct buildings or make alterations or additions such erection or construction shall be under the [general] complete supervision and shall be the responsibility of the Department of Property and Supplies

[(b) All repairs to or alterations of existing buildings of the Commonwealth involving expenditures of more than one thousand dollars ($1,000) shall be subject to inspection by and the general supervision of the Department of Property and Supplies which shall be notified thereof at least ten days prior to the execution of the contract or if the work is not to be done under contract then at least ten days prior to the commencement of the work and all plans and specifications for repairs to or alterations of buildings under the control of the departmental administrative boards and commission shall be subject to approval by the departments with which such boards or commissions are respectively connected]

(b) The Department of Property and Supplies shall make at least once every two fiscal years a survey of all buildings equipment land improvements connected with and comprising each State institution After making and survey the Department of Property and Supplies shall prepare a report setting forth in detail the results of the survey including the needs of such institution with respect to the maintenance of and repairs improvements laterations and additions to its buildings lands and equipment The Department of Property and Supplies shall file a copy of such report with the Governor and the department or departmental administrative board having supervision or control of the institution Such reports shall be used so far as practical as a guide in formulating the biennial budgetary requests for appropriations for the maintenance of any repairs improvements alterations and additions to the buildings lands and equipment of State institutions

(c) All plans and specifications for new buildings and for alterations or additions to existing buildings shall be subject to the approval of the Department of Property and Supplies and in addition thereto shall also be subject to the approval of the department board or commission using or intending to use the building being erected or constructed or to which an alteration or addition is being made [and in] with respect to the type and general character of the proposed building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared In the case of buildings used by or for the use of departmental administrative boards or commissions the plans and specifications shall also be approved with respect to the above mentioned matters by the department with which the board of commission is connected

(d) Buildings may be erected or constructed or alterations or additions made wholly or partially by the labor of employes or inmates or patients of State institutions if in the judgment of the agency responsible for the management of such institutions and of the Department of Property and Supplies the work can be properly and safely done by such employes inmates or patients In such cases the Department of Property and Supplies [or such agency of the State Government] or outside supervising engineer or engineering concern as it may approve shall have full and direct [supervision] responsibility for the management of the work and [in all cases the Department of Property and Supplies shall have the right to inspect and generally supervise the work] the department board or commission using or intending to use the building shall have complete charge of such employes inmates or patients

Section 511 Sale and Transfer of Surplus Products All departments boards and commissions may sell for the best price obtainable but not less than the current market price for similar products any surplus products of the soil meats live stock timber or other materials raised or grown upon or taken from property of the Commonwealth administered by such departments boards or commissions or their by-products respectively Transfers may be made of such products by and between State institutions under the control and management of such departments boards or commissions

As used in this section "surplus" shall mean products meats live stock timber or other materials or their by-products respectively which cannot conveniently and economically be used in connection with the proper maintenance of the institution park or other property administered by the department board or commission involved but under no circumstances shall live trees be cut

for sale unless and until the Department of Forests and Waters has approved the cutting of such trees and no sales or transfers shall be made under this section by any departmental administrative board or commission without the approval of the department with which such board or commission is connected

The proceeds of the sale of any products of the soil meats live stock timber or other materials sold by any department board or commission under the provisions of this section shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund unless the expenses of such department board or commission are paid wholly or mainly out of a special fund in which case such proceeds shall be credited to the proper special fund Any questions arising hereunder shall be determined by the Governor and his decision shall be certified to the Department of Revenue and the Treasury Department

Every department board or commission which sells or transfers any product of the soil meats live stock timber or other materials under the provisions of this section shall keep an accurate record of the dates quantities and prices of all sales or transfers which records shall at all times be subject to audit by the Department of the Auditor General

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made under this section

Section 522 Wage Specifications in Contract for Public Works The specifications upon which contracts are entered into by the Commonwealth for the construction alteration or repair of any public work shall as far as possible contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed in such public work and such laborers or mechanics shall be paid not less than such minimum wage or wages and shall not be required to refund directly or indirectly any part of such wage or wages The contractor shall submit to the Commonwealth certified detailed payrolls giving names classifications hours worked rates per hour and total paid on each pay day The contractor shall also certify that he is not receiving or requiring or will not receive or require directly or indirectly from any employe any refund of any such minimum wage or wages

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications Every officer or person designated as inspector of the work to be performed under any such contract or to aid in the enforcing of the fulfillment thereof shall upon observation or investigation report to the department board or commission which made the contract award all violations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid less than that prescribed by the specifications and the day or days of such violation All such penalties shall be withheld and deducted for the use of the Commonwealth from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor whether the violation of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors

Section 701 The Governor The Governor shall have the power and it shall be his duty

(a) To take care that the laws of the Commonwealth shall be faithfully executed

(b) To act as Commander-in-Chief of the Army and Navy of the Commonwealth and of the Militia except when they shall be called into active service by the United States Government

(c) To cause to be published through the Department of Property and Supplies from time to time for the information of the public bulletins of the work of the State Government

(d) To prescribe and require the installation of a uniform system or systems of bookkeeping accounting and reporting for the several administrative departments boards and commissions except for the Department of the Auditor General and the Treasury Department but before prescribing and requiring such installation the Governor shall consult with the Department of the Auditor General

(e) To prescribe forms for accounts and financial records reports and statements for the several administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department but before prescribing such forms the Governor shall consult with the Department of the Auditor General

(f) To approve or disapprove all investments by departments boards or commissions of funds administered by such departments boards or commissions

(g) To submit to the General Assembly a State budget

(h) After each biennial appropriatio nto the Department of Property and Supplies (1) for the purchase of stationery paper printing binding ruling lithographing color printing engraving paper envelopes and other printing and binding supplies (2) for fuel supplies furniture furnishings repairs alterations and improvements (3) for automobiles and (4) for rentals of branch offices after making proper deductions for the needs of the legislative and judicial departments to allocate and from time to time to re-allocate to the several administrative departments boards and commissions such portions of such appropriations as will fairly represent the needs of the departments boards and commissions for the biennium taking into consideration the right of any such department board or commission to pay its necessary expenses or purchase furniture materials or supplies out of fees or other moneys received by or moneys specifically appropriated to it

Every administrative department board or commission shall be limited to its right to make requisition upon the Department of Property and Supplies to the amount allocated to it unless the Governor shall subsequently permit the Department of Property and Supplies to honor requisitions in excess of such amount

(i) To do all other acts make all appointments fill all vacancies exercise all the powers vested in him and perform all the duties imposed upon him as provided and required by the Constitution and laws of this Commonwealth

(j) To grant to pilots engaged in the aeronautical work of the Department of Revenue commissions of such grades as the Governor may prescribe

Section 709 Executive Board The Executive Board shall have the power

(a) To standardize the qualifications for employment and all titles salaries and wages of persons employed by the administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the service is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments other than the Department of the Auditor General and the Treasury Department and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given to approve or disapprove recommendations of department heads or of independent administrative boards or commissions for the bonding of officers or employes of their departments or members or officers or employes of departmental administrative boards or commissions or officers or employes of independent administrative boards or commissions to fix the amounts of the bonds of all such members officers or employes required to give bond and to require any bond or bonds to be executed by a surety or sureties even though the Commonwealth may have established its own indemnity fund as elsewhere in this act provided

(h) To approve or disapprove the establishment of branch offices outside of the Capital city by or for administrative departments boards or commissions

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth and State officers and employes arising out of the operation of State automobiles by such officers and employes

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies acting either on its own behalf or as purchasing agency for any other department except the Department of the Auditor General and the Treasury Department or for any board or commission and to make rules and regulations for the use of State automobiles by State officers and employes except the Department of the Auditor General and the Treasury Department

(k) To approve or disapprove requests for and to direct the disposal of files of correspondence reports records or other papers which are not needed for the current or anticipated future operations of any administrative department board or commission

Section 712 The Pennsylvania State Police Force The various members of the Pennsylvania State Police are hereby authorized and empowered

(a) To make arrests without warrant for all violations of the law which they may witness and to serve and execute warrants issued by the proper local authorities They shall have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class and upon constables of the Commonwealth

(b) To act as game protectors and as forest fish or fire wardens and for the better performance of such duties

(1) Seize all guns boats decoys traps dogs game fish shooting paraphernalia or hunting or fishing appliances or devices used taken or had in possession contrary to the laws of this State Any article so seized shall be held subject to such disposition as the Commissioner of Fisheries or the [Secretary of the Board of Game commissioners] Executive Director of the Pennsylvania Game Commission or the Secretary of Forests and Waters may respectively determine

(2) Seize and take possession of all birds animals or fish which have been taken caught or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to any law of this State

(3) Search without warrant any boat conveyance vehicle or receptacle when there is good reason to believe that any law has been violated the enforcement or administration of which is imposed on or vested in the Board of Fish Commissioners or the [Board of Game Commissioners] Pennsylvania Game Commission or in the Department of Forests and Waters

(4) Serve subpoenas issued for any examination investigation or trial had pursuant to any law as aforesaid

(5) Purchase game or fish for the purpose of securing evidence

Section 906 Deputy Attorneys General In addition to such deputy attorneys general as may be appointed to assist in the conduct of the regular work of the department the Attorney General with the approval of the Governor shall have power

(a) To appoint and fix the compensation of such special deputy attorneys general as may be required to represent and advise the Workmen's Compensation Board and any other departments boards and commissions which may require the services of counsel to such an extent as to render it reasonably necessary to assign deputy attorneys general exclusively to their work Provided That the office of counsel to the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission shall be retained such counsel to be appointed by the Attorney General as now provided by law The Attorney General as now provided by law may also from time to time with the approval of the Governor appoint such assistant counsel to the [Public Service Commission] Pennsylvania Public Utility Commission as may be required for the proper conduct of its work The compensation of the counsel and assistant counsel of the [Public Service Commission] Pennsylvania Public Utility Commission shall be fixed by the commission with the approval of the Governor as now provided by law

(b) From time to time appoint and fix the compensation of special deputy attorneys general and special attorneys to represent the Commonwealth or any department board or commission thereof in special work or in particular cases

(c) To appoint and fix the compensation of deputy attorneys general to represent the Commonwealth and the several departments boards and commissions thereof in all legal matters arising in any city or county other than the State capital except as otherwise provided in this act Provided That the same deputy attorney general may be assigned to two or more cities or counties in the discretion of the Attorney General

Section 907 Special Attorneys in Criminal Cases When the president judge in the district having jurisdiction of any criminal proceedings before any court of oyer and terminer general jail delivery or quarter sessions in this Commonwealth shall request the Attorney General to do so in writing setting forth that in his judgment the case is a proper one for the Commonwealth's intervention the Attorney General is hereby authorized and empowered to retain an employ a special attorney or attorneys as he may deem necessary properly to represent the Commonwealth in such proceedings and to investigate charges and prosecute the alleged offenders against the law Any attorney so retained and employed shall supersede the district attorney of the county in which the case or cases may arise and shall investigate prepare and bringto trial the case or cases to which he may be assigned He shall take the oath of office required by law to be taken by district attorneys and shall be clothed with all the powers and subject to all the liabilities imposed upon them by law The compensation for services rendered and necessary expenses incurred by such attorney or attorneys shall be fixed by the Attorney General and shall be paid by the county in which the case arose

Section 1402 Pennsylvania National Guard The Department of Military Affairs has the power and its duty shall be

(a) To keep in its custody all books and accounts and military property of the Commonwealth issued by it pertaining to the Pennsylvania National Guard

(b) To distribute all orders from the Commander-in-Chief and perform such other duties as the Commander-in-Chief shall direct

(c) To make returns periodically as required of the Pennsylvania National Guard and report of their arms uniforms accoutrements and ammunition according to such forms as may be prescribed by the Secretary of War of the United States and to forward a copy thereof to the Secretary of War of the United States

(d) To pay the troops and make all other disbursements authorized by law by requisition presented to the Auditor General in the usual way

(e) To supply to all officers of the Pennsylvania National Guard such copies of drill regulations manuals of

rifle practice service manuals and military publication forms and books prescribed for use of the United States Army as the Governor as Commander-in-Chief may designate

(f) To supply to all organizations of the Pennsylvania National Guard all necessary military stores arms and equipment

(g) With the approval of the Governor as Commander-in-Chief to sell or exchange from time to time such military stores belonging to the Commonwealth as are found to be unserviceable or in state of decay or which it may be deemed for the best interests of the Commonwealth to sell or exchange but if the department is unable to obtain a bid for the property it may be demolished or destroyed The destruction of the property shall be witnessed by three disinterested officers of the Pennsylvania National Guard and their certificate shall constitute proper authority to issue a voucher for marking off the property All moneys received for stores so sold shall be paid into the State Treasury through the Department of Revenue

(h) To audit and adjust all claims incident to the organization training discipline maintenance and service of the Pennsylvania National Guard other than fixed allowances and to pay such claims when audited and adjusted but all claims paid thereunder shall be subject to audit by the Department of the Auditor General

(i) Subject to the approval of the Governor as Commander-in-Chief to procure and issue from time to time to the Pennsylvania National Guard such flags standards and guidons as may be necessary which shall however as far as practical be similar in style to those of the United States Army

(j) Appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries to persons or damages to property arising out of accident or negligence and incident to the organization training discipline maintenance and service of the Pennsylvania National Guard and upon the recommendation of the board so appointed to adjust and pay such claims for damages Provided however That each such claim shall be in an amount not exceeding two hundred and fifty dollars ($250) And provided further however That all claims paid hereunder shall be subject to audit by the Department of the Auditor General

Section 1802 Forest Powers and Duties The Department of Forests and Waters shall have the power and its duty shall be

(a) With the approval of the State Forest Commission to acquire in the name of the Commonwealth by purchase gift lease or condemnation and hold as State forests subject to the conditions of any such lease and subject to such reservations if any of mineral rights stumpage rights rights of way or other encumbrances as the department and the State Forest Commission deem to be consistent with such holding any lands which in the judgment of the department the Commonwealth should hold manage control protect maintain utilize and regulate as State forest [Provided That the] The purchase price of any such lands shall not exceed ten dollars per acre [and that the] except the price paid for interior holdings and farms and marginal farms along State forest lands which shall not exceed twenty dollars per acre The amount expended for the acquisition of lands for State forest purposes in any biennial appropriation period shall not exceed the appropriation for that purpose for such period

(b) To purchase and hold as State forest unseated vacant or unappropriated lands lands advertised for sale for taxes and land sold for taxes as may now or hereafter be provided by law

(c) To hold manage control protect maintain utilize develop and regulate the occupancy and use of all lands heretofore or hereafter acquired owned leased and maintained as State forests together with the resources thereof

(d) To divide the State into such convenient forest districts as it deems economical and effective to administer protect develop utilize and regulate the occupancy and use of the lands and resources of the State forests to protect all forest land in the State from forest fires fungi insects and other enemies to promote and develop forestry and knowledge of forestry throughout the State to advise and assist landowners in the planting of forest and shade trees to obtain and publish information respecting forest lands and forestry in the State to assist in Arbor Day work and promote and advance any other activity in local forestry which the department may deem helpful to the public interest and to execute the rules and regulations of the department for the protection of forests from fire and depredation It may also assign district foresters to take active charge of such forests districts and also foresters forest rangers and other help for the administration of such forest districts as the Secretary of Forests and Waters may deem necessary for the accomplishment throughout the State of the purposes for which the department is established

(e) To cooperate with the authorities of townships boroughs and cities of this Commonwealth in the acquisition and administration of municipal forests as may now or hereafter be provided by law

(f) With the advice of the State Forest Commission to establish such rules and regulations not inconsistent with law for the control management protection utilization development occupancy and use of the lands and resources of the State forests as the department deems proper to conserve the interests of the Commonwealth Such rules and regulations shall be compatible with the purposes for which the State forests are created namely to provide a continuous supply of timber lumber wood and other forest products to protect the watersheds conserve the waters and regulate the flow of rivers and streams of the State and to furnish opportunities for healthful recreation to the public

The net receipts arising out of the occupancy and use of the State forests hereunder shall be paid into the State Treasury through the Department of Revenue and shall belong to and form part of the State Forests and Waters Fund

(g) Whenever it shall appear that the welfare of the Commonwealth with reference to reforesting and the betterment of the State forests with respect to control management protection utilization development and regulation of their occupancy and use will be advanced by selling or disposing of any of the timber on the State forests to dispose of such timber on terms most advantageous to the State Provided That the department is authorized and directed to set aside within the State forests unusual or historical groves of trees or natural features especially worthy of permanent preservation to make the same accessible and convenient for public use and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment And the said department is hereby empowered with the advice of the State Forest Commission to make and execute contracts or leases in the name of the Commonwealth for the mining or removal of any valuable minerals that may be found in said State forests whenever it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said minerals And provided further That any proposed contracts or leases of valuable minerals exceeding three hundred dollars in value shall have been advertised once a week for three weeks in at least two newspapers published nearest the locality indicated in advance of awarding such contract or lease Such contracts or leases may then be awarded to the highest and best bidder who shall give bond for the proper performance of the contract as the department shall designate

(h) To appoint and with the approval of the Governor fix the compensation of a chief forest fire warden and such district forest fire wardens and to appoint and fix the compensation of such local forest fire wardens and other assistants as shall be required for the prvention control and extinction of forest fires

(i) To establish and administer auxiliary forest re-

serves in the manner and under such terms and conditions as may now or hereafter be provided by law

(j) To distribute young forest trees as provided by law to those desiring to plant them

(k) To furnish information and issue certificates and requisition necessary for the payment of such fixed charges in lieu of taxes on State forests and auxiliary forest reserves to school districts road districts and counties as May now or hereafter be provided by law

(l) To sell or exchange State forest land as provided by law whenever it shall be to the advantage of the State forest interests Provided that such action has been authorized by resolution of the State Forest Commission unanimously adopted at a meeting at which a majority of its members are present and voting and has been approved by the Governor

Section 1804 Waters The Department of Forests and Waters shall have the power and its duty shall be

(a) To study consider and determine upon a public policy with regard to the conservation marketing and equitable distribution of the water and power to be derived from the utilization of the water resources of the Commonwealth to the restoration development and improvement of transportation by water to the supply of water and power for municipal domestic and industrial use and to the conservation of water resources by the aid of forestation

(b) To investigate or examine dams walls wing walls wharves embankments abutments projections bridges and other water obstructions determine whether they are unsafe need repair alteration or change in their structure or location or should be removed notify owners to repair alter or change the structure or location or remove the same repair alter or change the structure or location or remove the same in emergencies without notice and at the cost of the owners and apply for injunctions to enforce compliance with or restrain the violation of the law in regard to the safety of dams or the derogatory effect of walls wing walls wharves embankments abutments projections bridges or other water obstructions upon the regiment of streams or the violation of any lawful order or notice the department of the Water and Power Resources Board in regard thereto The power of the department under this paragraph shall extend to and include all types of water obstructions regardless of the date when such obstructions were constructed and whether or not the same were constructed by express or implied permission of the Commonwealth or any agency thereof

(c) To collect such information relative to the existing conditions of the water resources of the State as in the opinion of the department shall be necessary for the utilization of waters and for the conservation purification development and equitable distribution of water and water power resources and in particular for the use of such citizens and communities as may be in need of extended facilities for these purposes

(d) To establish and maintain gauging stations on rivers and their tributaries

(e) To issue bulletins during freshet and flood conditions forcasting gauge heights and the times thereof

(f) To maintain a complete inventory of all the water resources of the Commonwealth collect all pertinent data facts and information in connection therewith classify tabulate record and preserve the same and upon the basis thereof determine with the approval of the Water and Resources Board the points at which storage reservoirs may be constructed for flood control for municipal and domestic supply hydraulic and hydoelectric power steam raising steam condensation navigation and other utilization and generally to devise all possible ways and means to conserve and develop the water supply and water resources of the Commonwealth for the use of the people thereof

(g) To construct maintain and operate works for water storage flood control channel improvement or other hydraulic purposes

Section 1806 Parks The Department of Forests and Waters shall have the power and its duty shall be

(a) To supervise maintain improve regulate police and preserve all parks belonging to the Commonwealth except the Pennsylvania State Park at Erie Washington Crossing Park Valley Forge Park and Fort Washington Park

(b) For the purpose of promoting healthful outdoor recreation and education and making available for such use natural areas of unusual scenic beauty especially such as provide impressive views water falls gorges creeks caves or other unique and interesting features to acquire in the name of the Commonwealth by purchase gift lease or condemnation any lands which in the judgment of the department should be held controlled protected maintained and utilized as State park lands Such lands may be purchased or accepted subject to the conditions of any such lease and subject to such reservations if any of mineral rights rights of way or other encumbrances as the department may deem not inconsistent with such holdings Provided however That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes [nor shall the purchase cost exceed fifty dollars per acre]

(c) To establish such rules and regulations not inconsistent with law for the control management protection utilization development occupancy and use of the lands and resources of State parks as it may deem necessary to conserve the interests of the Commonwealth Such rules and regulations shall be compatible with the purposes for which State parks are created

(d) To see that conveniences and facilities for the transportation shelter comfort and education of people shall be so designed and constructed as to retain so far as may be the naturalistic appearance of State park areas surroundings and approaches and conceal the hand of man as ordinarily visible in urban industrial and commerical activities

(e) To lease for a period not to exceed ten years on such terms as may be considered reasonable to any citizen or organization of this Commonwealth a portion of any State park whether owned or leased by the Commonwealth as may be suitable as a site for temporary buildings to be used for health recreational or educational purposes or for parking areas or concessions for the convenience and comfort of the public

(f) To study counsel and advise in reference to gifts of lands or money for park purposes

(g) To counsel and advise in reference to the development of park lands by concessionaries with facilities and equipment for the accommodation and education of the public

Section 2110 Sanitary Water Board Subject to any inconsistent provisions in this act contained the Sanitary Water Board shall have the power and its duty shall be

(a) To exercise all the powers and perform all the duties vested in and imposed upon the Commissioner of Health the Governor and the Attorney General or any of them by sections four and five and sections seven to eleven inclusive of the act approved the twenty-second day of April one thousand nine hundred and five (P. L. 260) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" which reads as follows

Section 4 No person corporation or municipality shall place or permit to be placed or discharge or permit to flow into any of the waters of the State any sewage except as hereinafter provided But this act shall not apply to waters pumped or flowing from coal mines or tanneries nor prevent the discharge of sewage from any public sewer system owned and maintained by a municipality provided such sewer system was in operation and was discharging sewage into any of the waters of the State at the time of the passage of this act But this exception shall not permit the discharge of sewage from a sewer system which shall be extended subsequent to the passage of this act

For the purpose of this act sewage shall be defined as any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals

"Section 5 Upon application duly made to the Commissioner of Health by the public authorities having by law the charge of the sewer system of any municipality the Governor of the State the Attorney General and the Commissioner of Health shall consider the case of such a sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the State and whenever it is their unanimous opinion that the general interests of the public health would be subserved thereby the Commissioner of Health may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the State and may stipulate in the permit the conditions on which such discharge may be permitted Such permit before being operative shall be recorded in the office of the recorder of deeds for the county wherein the outlet of the said sewer system is located Every such permit for the discharge of sewage from a sewer system shall be revocable or subject to modification and charge by the Commissioner of Health on due notice after an investigation and hearing and an opportunity for all interested therein to be heard therein being served on the public authorities of the municipality owning maintaining or using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued may be stated in the permit but in no case shall it be less than one year or exceed two years and if the length of time is not specified in the permit it shall be one year On the expiration of the period of time prescribed after the service of a notice of revocation modification or change from the Commissioner of Health the right to discharge sewage into any of the waters of the State shall cease and terminate and the prohibition of this act against such discharge shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided

Section 7 The penalty for the discharge of sewage from any public sewer system into any of the waters of the State without a duly issued permit in any case in which a permit is required by this act shall be five hundred dollars and a further penalty of fifty dollars per day for each day the offense is maintained recoverable by the Commonwealth at the suit of the Commissioner of Health as debts of like amount are recoverable by law The penalty for the discharge of sewage from any public sewer system into any of the waters of the State without filing a report in any case in which a report is required to be filed shall be fifty dollars recoverable by a like suit

Section 8 All individuals private corporations and companies that are at the time of the passage of this act are discharging sewage into any of the waters of the State may continue to discharge such sewage unless in the opinion of the Commissioner of Health the discharge of such sewage may become injurious to the public health If at any time the Commissioner of Health considers that the discharge of such sewage into any waters of the State may become injurious to the public health he may order the discharge of such sewage discontinued

Section 9 Every individual private corporation or company shall discontinue the discharge of sewage into any of the waters of the State within ten days after having been so ordered by the Commissioner of Health

Section 10 Any individual private corporation or company that shall discharge sewage or permit the same to flow into the waters of the State contrary to the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of twenty-five dollars for each offense and a further fine of five dollars per day for each day the offense is maintained or by imprisonment not exceeding one month or both at the discretion of the court

Section 11 Any order or decision under this act of the Commissioner of Health or that of the Governor Attorney General and Commissioner of Health shall be subject to an appeal to any Court of Common Pleas of the county wherein the outlet of such sewer or sewer system otherwise prohibited by this act is situated and said court shall have power to hear said appeal and may affirm or set aside said order or decision or modify the same or otherwise fix the terms upon which permission shall be granted But the order or decision appealed from shall not be superseded by the appeal but shall stand until the order of the court as above

Provided That it shall require the affirmative votes of three of the members of the board to authorize the granting of a permit for discharging sewage into any of the waters of the State under section five of the said act

(b) To exercise all other powers not contrary to law formerly exercised by the Department of Health or the Commissioner of Health with regard to granting permits for the erection of sewage disposal works or plants and the construction of sewers or sewer systems

(c) To exercise all the powers not contrary to law exercised by the former Department of Fisheries the former Commissioner of Fisheries and the former Water Supply Commission of Pennsylvania with regard to the prevention of pollution of the waters of this Commonwealth

(d) To investigate hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any [public service company] public utility over which the [Public Service Commission] of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission has jurisdiction whenever said commission shall certify such question to the board

The findings of the board upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the controversy or other proceeding in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law

(e) To make rules and regulations for the effective administration and enforcement of the laws of this Commonwealth prohibiting the pollution of the waters thereof

(f) To study investigate and from time to time report ways and means of eliminating from the streams and waters of the Commonwealth so far as practicable all substances and materials which pollute or tend to pollute the same and to determine and recommend methods of preventing pollution detrimental to the public health or to the health of animals fish or aquatic life or detrimental to the use of waters for recreational purposes The board shall have the power to investigate the character of all wastes discharged into or deposited on the banks of the streams or waters of the Commonwealth and shall make similar investigations and recommendations with regard to the matter of preventing pollution of the waters of interstate streams which touch the boundaries of the Commonwealth

(g) To call upon the Department of Health to make such inspections conduct such investigations and to do such other acts as may be necessary and proper in the exercise of the powers and the performance of the duties of the board

Section 2304 Visitations and Inspections The Department of Welfare shall have the power and its duty shall be

(a) To make and enforce rules and regulations for the visitation examination and inspection of all supervised institutions

(b) To visit and inspect at least once in each year all State and supervised institutions to inquire and examine into their methods of instruction discipline detention imprisonment care or treatment the care treatment government or management of their inmates or those committed thereto or being imprisoned detained treated or residing therein the official conduct of their inspectors trustees managers directors or other officer or officers charged with their management by law or otherwise or having the management care custody or control thereof the buildings grounds premises and equipment thereof or connected therewith and all and every matter and thing relating to their usefulness administration and management and to the welfare of the inmates thereof those committed thereto or being imprisoned detained treated or residing therein

For these purposes the Secretary of Welfare or other officer inspector or agent of the department shall have free and full access to the grounds premises and buildings of and to all the records books or papers of or relating to any such State or supervised institution and full opportunity to interrogate or interview any inmate thereof or any person or persons committed to or being imprisoned detained treated or residing therein and all persons connected with any such State or supervised institution as officers or charged with the management thereof by law or otherwise or in any way having the care custody control or management thereof or connected therewith as employes are hereby directed and required to give to the Secretary of Welfare or to such officer inspector or agent of the department such means facilities and opportunity for such visitation examination inquiry and interrogation as is hereby provided and required or as the department by its duly ordained rules or regulations may require

(c) Whenever upon the visitation examination and inspection of any State or supervised institution any condition is found to exist therein which in the opinion of the department is unlawful unhygienic or detrimental to the proper maintenance and discipline of such State or supervised institution or to the proper maintenance custody safety and welfare of the inmates thereof or of the persons committed thereto or being treated detained or residing therein to direct the officer or officers charged by law with or in any way having or exercising the control government or management of such State or supervised institution to correct the said objectionable condition in the manner and within the time specified by the department whereupon it shall be the duty of such officer or officers to comply with the direction of the department If such officer or officers shall fail to comply with such direction the department may request the Department of Justice to institute appropriate legal proceedings to enforce compliance therewith or the department may withhold any State money available for such institution until such officer or officers comply with such direction

(d) To cause to be visited and examined any person found by an inquisition to be insane and to authorize such visiting and examining by an officer or agent of the department or any board of visitors or by a physician and to apply to the court having jurisdiction over the committee or guardian of such insane person or to a judge of a Court of Common Pleas of the county in which the insane person is a resident or detained to make such orders for the maintenance custody or care of the insane person and for the care and disposition of the property of the insane person as the case may require

Section 2307 Recommendations The Department of Welfare shall have the power and its duty shall be from time to time to recommend and bring to the attention of the officers or other persons having the management of the State and supervised institutions such standards and methods as may be helpful in the government and administration of such institutions and for the betterment of the inmates therein whereupon it shall be the duty of such officers or other persons to adopt and put into practice such standards and methods

Section 2311 Restoration The Department of Welfare shall have the power and its duty shall be

(a) To require and supervise the transfer of inmates [of one penitentiary to another under any law providing therefor] from one State penal or correctional institution to any other State penal or correctional institution

(b) To formulate and put into operation plans for the classification of State penal or correctional institutions and also to formulate and put into operation a program for the classification of inmates so that the inmates may be grouped in those institutions which have the proper facilities

[(b)] (c) To request from any or all magistrates chiefs of police sheriffs district attorneys courts judges probation officers and all others concerned in the control apprehension trial and punishment of criminals and delinquents in this Commonwealth periodical reports as to the number and kind of crimes reported the numbers age sex color nativity and offenses of criminals and delinquents arrested tried and otherwise disposed of the sentences imposed and whether executed or suspended the number placed on probation and the reason therefor the number of probation officers and the nature of the oversight exercised over those placed on probation and for the purpose of verifying the reports so made the department shall have the power to make such further inquiry or investigation as may seem to it necessary and it shall be the duty of all such migistrates and other officers to make such reports at such time or times and to furnish such facilities for investigation and such cooperation as the department may require

Section 2312 Inmate Labor The Department of Welfare shall have the power and its duty shall be

(a) To establish maintain and carry on industries in the Eastern State Penitentiary the Western State Penitentiary the Rockview Penitentiary the new Eastern State Penitentiary at Graterford the Pennsylvania Industrial Reformatory at Huntingdon and such other penal or correctional institutions of this Commonwealth as it may deem proper in which industries all persons sentenced to such institutions who are physically capable of such labor may be employed at labor for not to exceed eight hours each day other than Sundays and public holidays Such labor shall be for the purpose of doing printing or of manufacturing and producing supplies or for the preparation and manufacture of building material for the construction or repair of any State institution or in the work of such construction or repair or for the planting of seed trees or the performance of other work in State forests or for the purpose of industrial training or instruction or in the manufacture and production of crushed stone brick tile and culvert pipe or other material suitable for draining roads of the State or in preparation of road building and ballasting material

(b) To determine the amount kind and character of the machinery to be erected in each of the said penitentiaries reformatory or other penal or correctional institutions of the Commonwealth and the industries to be carried on therein having due regard to the location and convenience thereof with respect to other institutions to be supplied to the machinery therein and the number and character of inmates

(c) To contract to sell or sell the article manufactured or produced in the said industries carried on in the said penitentiaries reformatory or other penal or correctional institutions which cannot be used therein to the Commonwealth or to any county city borough township school district or poor district thereof or to any State institution or to any educational or charitable institution receiving aid from the Commonwealth or to the Government of the United States or any department bureau commission or agency thereof or to any other State or political subdivision thereof or to any institution receiving aid from the Government of the United States or of any other State

(d) To arrange for the employment of inmates of such institutions at such work or labor within or upon the institutions at such work or labor within or upon the maintenance of the institutions or the raising of food products therefor

(e) To charge to each such institution such rate per diem as may be paid by the department to such inmate hereunder for his services for the work or labor of each inmate engaged in work or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor

Also to collect from each such institution for any manufactured supplies or products used by it the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor All amounts collected by the Department of Welfare from such institutions hereunder shall be paid through the Department of Revenue into the Manufacturing Fund in the State Treasury and all such amounts shall be considered a part of such institutions' maintenance expense

(f) To charge to each such institution in like manner for the labor of all inmates engaged in preparing materials for the construction of buildings or in doing construction work such payments to be made by the in-

stitutions out of funds available for construction work All moneys received hereunder shall be paid into the Manufacturing Fund through the Department of Revenue

(g) Through the Department of Revenue to pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institutions This clause shall not however apply to the sale of surplus foods products or products of the soil as elsewhere in this act permitted

(h) To pay out of the Manufacturing Fund [for the machinery equipment and material required or used in the carrying on of the industries in the said penitentiaries reformatory or other institutions under the provisions hereof and all salaries of superintendents managers salesmen clerks and others employed in the management of the industries and the wages as hereinafter provided for the labor of the inmates of said penitentiaries reformatory or other institutions in such industries] all expenses necessary for the proper conduct of the work of the department pertaining to the establishment maintenance and carrying on of industries in the State penal and correctional institutions including the payment of salaries wages and other compensation of superintendents managers supervisors chairmen clerks assistants and other employes engaged in the operation and management of such industries the payment of wages for the labor of inmates of such institutions the payment of rentals and other expenses for offices rooms garage space and other accommodations outside of the Capitol buildings either in or outside the City of Harrisburg the erection construction alteration or repair of buildings necessary to house such industries the payment of premiums for workmen's compensation insurance covering officers and employes and for surety bonds for such officers and employes as may be required by law to furnish such bonds the purchase and the payment of the operating cost of motor vehicles required for full-time use including premiums and liability insurance covering such motor vehicles ofr officers and employes operating them the payment of mileage charges to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use the purchase of machinery equipment furniture materials supplies and commodities the payment of charges to the Department of Property and Supplies for any purchases or service made through the Purchasing Fund and for the payment of all other necessary expenses

Estimates of the amounts to be expended from the Manufacturing Fund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations and it shall be unlawful for the Department of the Auditor General to honor any requisition for expenditures or moneys out of this appropriation in excess of the estimates approved by the Governor Subject to this provision the Department of the Auditor General shall from time to time draw warrants upon the Treasury Department for the amounts specified in such requisitions not exceeding however the amount in the Manufacturing Fund at the time of the making of any such requisitions

(i) To require that an account shall be kept by the proper officers of each said penitentiary reformatory and other correctional institution of the labor performed by inmates In such account shall be shown the time each inmate is actually engaged in work the rate of wage at which he is to be paid which shall be regulated by the department In no case shall the amount be less than ten cents for each day of labor actually performed The rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness industry and good conduct of the inmate All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund to be disbursed or held by such institution in the manner following

Three-fourths of the amount of wages payable to an inmate of such penitentiary reformatory or other institution or the entire amount if the inmate so wishes shall constitute a fund for the relief of any person or persons dependent upon such inmate and shall be paid upon the order of the board of trustees of the penitentiary reformatory or other institution in which the inmate is a prisoner to the person or persons establishing such dependency to the satisfaction of such board at such time or times as said board may order

All sums credited to any inmate and not paid to a dependent or dependents shall be paid to the inmate on his discharge from the penitentiary reformatory or other institution in which he was a prisoner Provided however That subject to the rules and regulations of the board of trustees of the penitentiary reformatory or other institution in which such inmate is a prisoner the whole or any part of said sum may be paid to him during his imprisonment for his present needs such rules and regulations to be subject to the approval of the department

(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as the department may approve and which they are able to provide from other sources but all such work shall be performed the products thereof sold and the proceeds thereof disposed of under the rules and regulations of the department covering the same

(l) To supervise the establishment in other State institutions of industries classes in occupational therapy and other means for the employment and training of inmates or patients

Section 2315 State Institutions With regard to State institutions the department shall have the power and its duty shall be

(a) To determine the capacity of such institutions

(b) To determine and designate the type of persons to be received by such institutions the proportion of each type to be received therein and the districts from which persons shall be received by such institutions

(c) To issue requisitions upon the Auditor General for warrants to be drawn by the Auditor General upon the State Treasurer in favor of such institutions for the payment out of moneys specifically appropriated to the department for the purpose of the expenses of administering operating maintaining and developing such State institutions

(d) To require the submission to the department of any contract for repairs alterations or equipment which any such State institution desires to make and to approve or disapprove such proposed contract No such contract shall be valid without the approval of the department as evidenced by the signature of the Secretary of Welfare

(e) To fix and establish charges for all services rendered by State-owned medical and surgical hospitals

Section 2318 Boards of Trustees of State Institutions The board of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution It shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a superintendent or warden of the institution who shall subject to the authority of the board administer the institution in all its departments [and if the board shall deem it advisable a business manager]

(b) On nomination by the superintendent or warden from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Secretary of Welfare to make such by-laws rules and regulations for the management of the institution as it may deem wise

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions

Board of Trustees of Eastern State Penitentiary of Eastern State Penitentiary at Philadelphia

Board of Trustees of Western State Penitentiary of Western State Penitentiary at Pittsburgh and of the State Penitentiary at Rockview

Boar dof Trustees of Pennsylvania Industrial School of Pennsylvania Industrial Reformatory hereafter to be known as Pennsylvania Industrial School at Huntingdon

Board of Trustees of State Industrial Home for Women of State Industrial Home for Women at Muncy

Board of Trustees of Pennsylvania Training School of Pennsylvania Training School at Morganza

Board of Trustees of Allentown State Hospital of Homeopathic State Hospital for the Insane at Allentown

Board of Trustees of Danville State Hospital of State Hospital for the Insane at Danville Pennsylvania

Board of Trustees of Farview State Hospital of State Hospital for the Criminal Insane at Farview.

Board of Trustees of Harrisburg State Hospital of Harrisburg State Hospital at Harrisburg

Board of Trustees of Norristown State Hospital of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown

Board of Trustees of Warren State Hospital of State Hospital for the Insane at Warren Pennsylvania

Board of Trustees of Wernersville State Hospital of State Asylum for the Chronic Insane of Pennsylvania at South Mountain

Board of Trustees of Torrance State Hospital of Western State Hospital for the Insane Torrance

Board of Trustees of Ashland State Hospital of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland

Board of Trustees of Blossburg State Hospital at Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg

Board of Trustees of Coaldale State Hospital of State Hospital at Coaldale Schuylkill County

Board of Trustees of Connellsville State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville

Board of Trustees of Hazleton State Hospital of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton

Board of Trustees of Nanticoke State Hospital of State Hospital of Luzerne County at Nanticoke

Board of Trustees of Philipsburg State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg

Board of Trustees of Scranton State Hospital of State Hospital of the Northern Anthracite Coal Regions of Pennsylvania at Scranton

Board of Trustees of Shamokin State Hospital of State Hospital of the Trevorton Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin

Board of Trustees of Locust Mountain State Hospital of Locust Mountain State Hospital at Shenandoah

Board of Trustees of Laurelton State Village of Pennsylvania Village for Feeble-Minded Women at Laurelton

Board of Trustees of Pennhurst State School of State Institution for the Feebleminded and Epileptic of Eastern Pennsylvania at Pennhurst

Board of Trustees of Polk State School of State Institution for the Feeble-Minded of Western Pennsylvania at Polk

Board of Trustees of Selinsgrove State Colony for Epileptics of the State Colony for Epileptics at Selinsgrove

Section 2319 [Board of Trustees of Cumberland Valley State Institution for Mental Defectives.The Board of Trustees of Cumberland Valley State Institution for Mental Defectives shall when and as the legislature shall appropriate money for the purpose [appropriate] with the Department of Property and Supplies as provided in this act in the erection on the property at New Cumberland Cumberland County Pennsylvania acquired by the Commission for the Selection of a Site and the Erection of a State Institution for Inebriates of a State institution for mental defectives

Upon the completion of such institution the board of trustees shall manage and control the same as provided in the proceeding section of this act Provided That the Superintendent of such institution shall always be a physician experienced in the treatment of mental diseases and [illegible] and Maximum Security State Prison Upon the erection construction and completion of the new Penns[illegible] dustrial School and the Maximum Securi[illegible] pursuant to law the Department of Welfare [illegible] and control the same and shall have such po[illegible] ties with respect thereto as are granted

Section 2401 Grounds Buildings and [illegible] eral The Department of Property and Supplies shall have the power and its duty shall be

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol B[illegible] and the public grounds and buildings connected [illegible] Capitol including the [illegible] Mansion and to make or supervise the making of all repairs alterations additions and improvements to the grounds and buildings including the furnishing and refurnishing of the same and [illegible] over repairs alterations additions and improvements to buildings lands [illegible] this act otherwise g[illegible]

(b) To employ [illegible] police officers as may be [illegible] in the Capitol grounds and buildings and in their compensation Provided however That the number and compensation of such captains sergeants and officers shall be subject to the approval of the Governor Such captains sergeants and officers shall be known as the [illegible]

(c) To employ such help as may be reasonably necessary for the cleaning care and preservation of the Capitol grounds and buildings and the furnishings therein and operating the mechanical plants in the Capitol buildings and the Executive Mansion and the service at the Executive Mansion

(d) To contract in writing for and rent proper and adequate offices rooms or other accommodations [illegible] the Capitol buildings for any department board or commission which cannot be properly and adequately accommodated with offices [illegible] Capitol buildings and to contract with the head of such department for such [illegible] administrative board or other [illegible] ment or an independent administrative board or commission with the approval of the [illegible] has established or is about to establish [illegible] in any city or place outside of the [illegible] the approval of the Board of Commissioners of Public Grounds and Buildings to contract in writing for and rent such offices rooms and other accommodations as shall be proper and adequate for such department board or commission The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles owned by or outside of the capital city at such rentals or rates as it shall deem reasonable The [illegible] General Assembly shall have appropriated funds [illegible] lease any lands which may be necessary for the proper [illegible] powers or the performance of its duties It shall be unlawful for any other department board commission or agency of the State Government to rent any space but the Department of Property and Supplies shall act [illegible] and commissions the expenses of which are paid wholly or mainly out of special funds and in such cases the rentals shall be paid from [illegible]

(e) To employ and with the approval of the Governor fix the compensation of such [illegible] of construction engineers or inspectors as may be necessary properly to supervise the [illegible] ing to or improving State buildings in cases [illegible] tract with the Department of Property and Supplies superintendents engineers or inspectors shall see that the plans and specifications prepared and adopted for such new buildings or for repairs alterations additions or improvements to existing buildings [illegible] and

and shall be subject to appeal to and final decision by the head of the department define determine and decide all questions of the proper interpretation of the plans and specifications which may be raised during the progress of the work

(f) Out of funds appropriated to the department therefor to purchase or condemn land with or without buildings thereon for the purpose of adding the same to any of the public lands or parks or for use as sites for or in connection with arsenals armories military reservations intermediate landing fields hospitals normal schools teachers' colleges penal or correctional institutions or other institutions of the Commonwealth whenever in the judgment of the Governor the purchase or condemnation of such land is necessary or whenever such purchase or condemnation shall have been authorized by law and an appropriation shall have been made therefor The condemnation of land hereunder shall be in the manner provided by the act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred seventy-six entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain where the purchase of such property has either been authorized by law or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws and an appropriation made therefor" its amendments and supplements Except as otherwise in this act expressly provided no other department board or commission of the State Government shall hereafter exercise the right of eminent domain for any of the purposes aforesaid any other act of Assembly heretofore enacted to the contrary notwithstanding

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected Provided That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board

(h) Whenever loss or damage by fire or other casualty shall occur to any structure building equipment or other property owned by the Commonwealth and be reported to the department to make an examination thereof and in its discretion subject only to the approval of the Governor to rebuild restore or replace the property damaged or destroyed and for that purpose to have plans and specifications prepared and contracts executed and to supervise the erection construction or replacement thereof such rebuilding restoration or replacement to be in substantial accord with the original character use and purposes of the property damaged or destroyed The cost of the materials furnished and work and labor performed under such contracts shall be certified by the department to the Auditor General who shall issue his warrant against the State Insurance Fund of this Commonwealth which warrant shall be paid by the State Treasurer in the manner provided by law Provided That whenever the department shall have taken such action as will involve expenditures from said fund it shall forthwith certify the probable amount of expenditure to the State Treasurer who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into

(i) To rent to individuals firms or corporations such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approval of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year

(j) From time to time to rent to persons associations or corporations upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings the auditorium in the South Office Building Number Two when it shall not be required for the Commonwealth's use

(k) To establish standards for and supervise generally the operation of all mechanical and electrical equipment used in connection with the operation of any State institution or other State building

Section 2403 Standards and Purchases The Department of Property and Supplies shall have the power and its duty shall be

(a) To formulate and establish standards or specifications whenever practicable for articles materials supplies furnishings and equipment used by administrative departments independent administrative departmental administrative and advisory boards and commissions but no specification shall be fixed as a standard until it shall be approved by a majority of the departments boards and commissions using the article material or supply described in the specifications

(b) To enter into contracts for supplying all stationery printing paper and fuel used in the legislative and other departments of the Government and for repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees All such contracts shall be awarded to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor the Auditor General and the State Treasurer

(c) To purchase in like manner (exclusive of the requirement as to maximum price) all other furniture materials or supplies required by the legislative and other departments of the State Government except as otherwise provided in this act

(d) To distribute stationery paper and fuel to the legislative and other departments of the government and arrange for the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees upon requisition of the Governor or of the appropriate administrative department or independent administrative board or commission or the proper officer of the General Assembly or of the judicial department as the case may be Provided That all requisitions for furniture materials or supplies required by any department administrative board commission or officer or any advisory board or commission shall be made by the administrative department with which such departmental administrative board commission or officer or such advisory board or commission is connected And provided further That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any biennial appropriation for furniture stationery materials and supplies allocated to such department board or commission by the Governor shall have been expended for such department board or commission

(e) To act as the purchasing agency for any administrative department or independent administrative or departmental administrative board or commission which by law is authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by it or out of moneys specifically appropriated to it by the General Assembly except that all departments boards and commissions requiring perishable food-stuffs (or fuels) for use in State institutions may purchase such food-stuffs (and fuel) directly and any department board or commission having charge of a State institution which is able after competitive bidding to purchase any article for a less price f o b the institution than the price at which such article can be furnished by the Department of Property and Supplies f o b the institution may purchase such article directly All purchases made by the Department of Property and Supplies as purchasing agency under this clause shall conform to schedule unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from schedule and all purchases made directly for any State institution shall conform to the specification contained in the schedules or if the article be not included in the schedules then to the standard specification if any adopted by the Department

of Property and Supplies for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification

(f) To collect and furnish on request market prices and such other information as will be serviceable in purchasing to any institution receiving State funds directly or indirectly

(g) To authorize any other department or any board or commission to make direct purchases in the field not exceeding a specified amount but the department shall require records of all such purchases to be transmitted to it periodically in such form as it may prescribe In so far as practicable purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies and shall be in accordance with applicable specifications in such contracts otherwise such purchases shall be made from the lowest of at least two bidders

Section 2404 Bonds and Liability Insurance The Department of Property and Supplies shall have the power and its duty shall be

(a) To procure from a corporation or corporations authorized by law to act as sureties in the Commonwealth of Pennsylvania good and sufficient bonds which shall be approved by the Attorney General and filed with the State Treasure to meet the requirements of law in the case of all State officers and employes required by statute to give surety bonds to the Commonwealth for the faithful performance of their official duties or to account for State funds in their possesion Provided That if and when the Commonwealth shall establish its own indemnity fund such bonds shall be purchased only in such cases as the Executive Board may require

(b) To procure liability insurance covering vehicles owned by the Commonwealth and operated by State officers or employes or State officers or employes operating vehicles loaned by the Federal government and in its discretion excess fire insurance on State buildings and any other kind of insurance which it may be lawful for the Commonwealth or any department board commission or officer thereof to carry and for which an appropriation has been made to the department

. The department shall pay for such insurance out of the moneys appropriated to it except that it shall not pay for insurance covering officers employes or property of the departments boards and commissions whose expenses are wholly paid out of fund other than the General Fund of the State Treasury and except officers employes and property of State institutions Insurance covering the officers employes and property of such departments boards and commissions shall be paid for out of the special funds appropriated to them and insurance covering the officers employes and property of State institutions shall be paid for out of the moneys appropriated for their maintenance

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe operating the vehicle against claims for damages for injury to person or property within such limits as the department with the approval of the Executive Board shall prescribe

Section 2405 Sale of Unserviceable Property The Department of Property and Supplies shall have the power and its duty shall be to receive from the several administrative departments and independent administrative and departmental administrative boards and commissions unserviceable personal property of this Commonwealth to issue a receipt therefor make a complete record thereof and if no other department board or commission is able to make use of the same presently then as soon as convenient to sell the same either at public auction or private sale in the city of Harrisburg or elsewhere as may be deemed advisable Except in the case of perishable property such sales shall if the department deems it feasible in view of the value of the property involved be advertised in not exceeding five newspapers of the Commonwealth once a week for three weeks such advertisements to state the time place and conditions of any such sale but if after such advertising the department is unable to obtain a bid for the property it may be demolished or destroyed Provided That when the unserviceable property is located [at a State institution] outside the City of Harrisburg the [department] Department of Property and Supplies in its discretion may authorize [such institution] the department board or commission having possession of the same without advertising to obtain at least two bids in the locality where the property is located Such bids shall be referred to the [department] Department of Property and Supplies and if it believes that the property will not realize a higher net sale price if transported to the Capitol for sale the department may authorize the [institution] department board or commission having possession of the same to sell the property locally to the highest bidder to take a proper receipt therefor and to transmit the proceeds to the [department] Department of Property and Supplies to be by it paid into the State Treasury through the Department of Revenue And provided further That whenever any department board or commission shall deliver to the Department of Property and Supplies any unserviceable personal property and at the same time requisition the said department to furnish new property of a similar character to replace the unserviceable property delivered as aforesaid or request said department as purchasing agency to purchase new property of a similar character the Department of Property and Supplies [with the approval of the Board of Commissioners of Public Grounds and Buildings] shall endeavor to exchange the unserviceable property for or on account of the purchase price of the new property about to be purchased but such unserviceable property shall not be delivered for or on account of the purchase price of any property at a lower valuation than the price which such unserviceable property would bring if sold in the open market for cash and to the extent that advertising any such unserviceable property for sale may be necessary to establish its market value the Department of Property and Supplies is authorized and directed to advertise as hereinabove provided The Department of Property and Supplies shall obtain from the person partnership or corporation to which any personal property is delivered in exchange under the authority of this section a receipt therefor describing such personal property and specifying the value at which it was taken in exchange and such receipt shall be delivered to the Auditor General attached to the requisition for the payment of the balance of the purchase price due for the new property purchased The proceeds of sales of personal property hereunder shall be transmitted by the Department of Property and Supplies to the Department of Revenue which shall transmit it to the Treasury Department to be credited to the fund out of which the property sold was originally purchased

Section 2406 Publications The Department of Property and Supplies shall have the power and its duty shall be

(a) To edit for publication all reports bulletins and other publications of the various departments boards and commissions of the State Government

(b) With the approval of the President Pro Tempore of the Senate and the Speaker of the House to determine the size and character of the various publications to be printed for the use of the General Assembly Provided That the quantity of any new publication for the members and officers of the General Assembly shall be fixed by act or resolution And provided That the members and officers of the General Assembly shall receive not less than the same number of advance sheets of the laws bills calendars journals Pamphlet Laws department reports and other publications as is now authorized by law which shall be distributed to the members and officers of the General Assembly only on the requisition of the librarian of the Senate and the resident clerk of the House of Representatives

With the approval of the Governor to determine the need size character quantity and method of distribution of the various publications to be printed for the use of or distribution by the several departments boards commis-

sions and other agencies engaged in the administrative work of the State Government Provided That in the case of reports made by the several departments boards or commissions the department board or commission making the report shall be consulted with regard to the need size character quantity and method of distribution of such reports

With the approval of the Governor and of the Chief Justice of the Supreme Court of Pennsylvania to determine the size character quantity and method of distribution of the various publications to be printed for the use of the judicial department

Unless specifically authorized by act or resolution no public printing and binding shall be ordered performed or furnished by the department for the General Assembly or any department board commission or other agency of the State Government until a requisition for said work or materials has been presented to the department duly signed by the chief clerk or librarian for the Senate the chief clerk or president clerk for the House of Representatives or the head or the person or persons who may be given such authority by the head of the department or the chief executive officer or other authorized representative of the board commission or other agency of the State Government making such requisition

(c) To compile and edit a State Manual which shall be published annually or biennially under such name as the department and the Governor shall determine The members and officers of the Senate and House of Representatives shall be given for distribution of said publication not less than the number that they were heretofore given of Smull's Legislative Hand Book The number to be published for the several State departments boards and commissions shall be fixed by the department with the approval of the Governor If in the judgment of the department it is deemed advisable to publish copies of said manual in addition to those herein authorized which can be sold at the cost of printing and binding the department is authorized to publish such additional copies and pay the amount realized from the sale of same to the State Treasurer through the Department of Revenue

(d) To enter into contracts for furnishing all printing used in the legislative and other departments of the government and the printing binding and distributing of the laws journals department reports and all other printing and binding lithographing cuts plates dies and supplies and material incident thereto which contracts shall be given to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor Auditor General and State Treasurer

(e) To distribute all documents upon requisition of the persons entitled to make requisition therefor by causing the same to be packed in packages or boxes addressed as required in the requisition and delivered personally at the office of the department or free at the post office express or freight office indicated in the requisition Provided That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any biennial appropriation for documents allocated to such department board or commission shall have been expended for such department board or commission

(f) To furnish blank requisition forms at cost to all persons entitled to make requisitions upon the department for documents stationery furniture or supplies of any character

(g) From time to time to solicit by advertising proposals for the purchase of all waste paper documents and other materials that have been accumulated and are no longer needed and the department is hereby authorized to make sale thereof by contract or contracts to the highest bidder upon such terms and conditions as it shall determine but the department shall have the right to reject any and all proposals for the sale The proceeds of any such sale shall be paid into the General Fund in the State Treasury through the Department of Revenue

(h) To publish advance sheets of the Pamphlet Laws and to transmit one copy thereof by mail to each department board and commission of the State Government to each prothonotary and to each law judge of the courts and to every county and public library of this Commonwealth and to each member of the General Assembly Such copies shall be furnished without charge The department shall also mail to any person who shall pay to it the sum of five dollars on copy of each such law enacted during any legislative session All moneys received hereunder shall be paid into the General Fund in the State Treasury through the Department of Revenue

(i) To copyright in the name of the Commonwealth all publications of the Commonwealth or of any department board or commission or officer thereof including the State Reports which under existing or future laws it shall be necessary to have copyrighted and such other publications as the Secretary of Property and Supplies with the approval of the Governor shall deem it advisable to copyright

(j) To distribute to the public upon payment to the department of such sum per copy as shall cover the cost of publication any documents published by the department for the Commonwealth or any department board commission or officer thereof which shall cost more than five cents per copy to publish except documents published for the Governor and the General Assembly which shall be distributed without charge as heretofore To administer this subsection the department may publish for free distribution to applicants therefor a price-list showing the publications which the department is prepared to furnish to the public and the charges for each such document All moneys collected by the department hereunder shall be paid through the Department of Revenue into the General Fund in the State Treasury except that if the cost of publishing any document sold by the department hereunder shall have been paid out of any special fund in the State Treasury the proceeds of the sale thereof shall be paid into such special fund through the Department of Revenue

Section 2407 Automobiles The Department of Property and Supplies shall upon the effective date of this act take over and thereafter assume responsibility for the maintenance and operation of all automobiles owned by the Commonwealth or any administrative department board or commission thereof except the Department of Highways

After the effective date of this act all automobiles required for use by the administrative departments boards commissions and officers of the State Government shall be purchased by the Department of Property and Supplies but in purchasing automobiles required for the use of any department board or commission having authority to purchase automobiles out of money appropriated to it the Department of Property and Supplies shall act as purchasing agency

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth except those operated by the Department of Highways unless in any case it shall specifically authorize any department board commission or officer to make or order the making of repairs to any specified automobiles and except emergency repairs necessarily made while any automobile is away from its garage

The Department of Property and Supplies may assign to any department board or commission such automobiles as may be required by it for full-time daily use and such automobiles shall be operated by employes of such departments boards or commissions The Department shall maintain a sufficient number of automobiles not assigned to departments boards or commissions to meet the requirements of departments boards and commissions which do not require the full-time daily use of automobiles and to meet extraordinary and occasional demands of all departments boards and commissions other than the Department of Highways Such automobiles with or without chauffeurs shall be furnished to departments

boards or commissions upon requisition of the heads of the respective departments or of the executive officers of the respective boards or commissions This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes

The cost of oil gasoline tires repairs parts for and repairs to automobiles permanently assigned to departments boards and commissions shall be paid out of the appropriations to such departments boards and commissions but the Department of Property and Supplies shall contract for all such oil gasoline tires repair parts and repairs except that repairs may be made by the Department of Highways and if authorized as hereinbefore provided by other departments and by boards and commissions For the use of other automobiles departments boards and commissions shall be billed by the Department of Property and Supplies upon a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine Amounts payable for the use of such automobiles shall be paid out of the appropriations to such departments boards or commissions to the Department of Property and Supplies and shall be by it paid into the General Fund of the State Tresaury through the Department of Revenue

The Department of Property and Supplies shall require every administrative department including the Department of Highways and every independent administrative and departmental administrative board or commission to report to it monthly upon forms supplied by it and with such detail as it shall require the places to and from which each automobile was operated the mileage traveled the amount of oil and gasoline purchased the names of employes of the department board or commission operating each automobile the names of the employes of the department board or commission for whom the automobiles were operated and such other information as may be necessary to enable the Department of Property and Supplies to take and keep complete records of the use and cost of operation of all State automobiles except that it shall not be necessary for the Department of the Auditor General the Treasury Department or the Pennsylvania State Police to report the places to and from which or the names of the persons by or for whom automobiles were operated

The types and numbers of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board

Section 2408 Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings Whenever the General Assembly shall have appropriated money to the Department of Property and Supplies or to any other department or to any administrative board or commission for the erection of new buildings or sewage or filtration plants other service systems or athletic fields or other structures or for alterations or additions or repairs to existing buildings or to such plants systems fields or structures to cost more than [ten thousand dollars ($10,000)] one thousand dollars ($1,000) the following procedure shall apply unless the work is to be done by State employes or by inmates or patients of a State institution or State institutions or unless the department board or commission to which the General Assembly has appropriated money for the foregoing purposes is by this act or by the act making the appropriation authorized to erect alter or enlarge buildings independently of the Department of Property and Supplies or under a different procedure

(a) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission such department board or commission shall notify the Department of Property and Supplies as soon as it is ready to have plans and specifications for the work prepared

(b) Promptly after such notice in such cases or promptly after any appropriation made to it becomes available the Department of Property and Supplies shall select an architect and if necessary an engineer or both to design the work and prepare the specifications therefor but in the case of a building to be done for the use of any other department or any board or commission (unless the building is on the Capitol grounds) the selection of the architect and engineer if any shall be subject to approval by such department board or commission and in case of departmental administrative boards or commissions by the departments with which such boards or commissions are respectively connected Any architect or engineer so selected and approved shall submit promptly the name or names of his associate architect or engineers to the Department of Property and Supplies for its approval

(c) The Department of Property and Supplies shall enter into a contract with the architect [and] or engineer [if any] which shall provide a date for the completion of the plans and specifications and that the plans and specifications must meet with the approval of the department board or commission for which the building is being erected altered or enlarged (unless the building is on the Capitol grounds) and in the case of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected to the extent of the type and general character of the building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared that the plans drawings and specifications must be approved by the Department of Property and Supplies that the exterior design of the buliding must be approved by the State Art Commission and that the plans and specifications must be approved by the Department of Labor and Industry and the Department of Health to the extent to which those departments respectively have jurisdiction to require the submission to them for approval of certain features of the building Such architect [and] or engineer [if any] in preparing plans and specifications shall consult with the department board or commission for which the building is to be erected altered or enlarged [(unless the building is on the Capitol Grounds)] but the Department of Property and Supplies shall insist upon the prompt completion of the plans and specifications within the time prescribed in the achitect's [and] or engineer's contracts unless it shall agree to an extension thereof

Every department board or commission whose approval of plans [or] and specifications is required hereunder shall within [sixty] twenty days after submission thereof by the architect or engineer approve or disapprove all sketches drawings specifications and other documents and shall inform the architect or engineer of decisions in such reasonable time as not to delay him in his work

(d) Upon the completion of the plans and specifications and their approval by all necessary State agencies the Department of Property and Supplies shall invite proposals by advertisements inserted at least three times in not less than six or more than twelve newspapers of large general circulation in different parts of the Commonwealth The first and last publications of any such advertisement shall be at least ten days apart and the department shall not advertise hereunder in more than three newspapers in the same county

(e) The department may invite proposals either for completely erecting altering or adding to any building or separately for parts of the work or both Whether it shall invite proposals for part of the work and if so for what parts shall rest within the sole discretion of the department

(f) All proposals shall be accompanied by certified or bank checks in such amounts or percentages of the amounts of the proposals as shall be specified in the ad-

vertisement and shall be publicly opened and tabulated at the time and place specified in the advertisement

(g) The department shall as soon as practicable award the contracts to the lowest responsible qualified bidder but it shall have the right to reject any or all bids to waive technical defects and to accept or reject any part of any bid if in the judgment of the department the best interests of the Commonwealth shall require it The successful bidder shall also deliver to the Commonwealth at the time of execution of the contract a surety bond having as surety a surety company authorized to transact business in this Commonwealth or two individual sureties approved by the Department of Justice in the amount of ten per centum (10%) of the contract price as surety against defective or inferior materials or workmanship which may develop during the period of one (1) year from the date of completion and acceptance of the work performed under the contract

(h) No proposal for any contract shall be considered unless accompanied by a certified or bank check as prescribed by the department at the time of advertising A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded must within ten days after such award substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work as shall have been prescribed by the department in its invitation for proposals and an additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work as prescribed by the department in its invitation for proposals conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work whether or not the material or labor enter into and become component parts of the building Such additional bond shall be held by the Department of Property and Supplies for the use of every party who whether as sub-contractor or otherwise has furnished material or supplied or performed labor in the prosecution of the work as above provided and who has not been paid therefor and among other things shall provide specifically that any such party may bring a suit thereon in the name of the Commonwealth for his their or its own use prosecute the same to final judgment for such sum or sums as may be justly due and have execution thereon Provided however That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit Each surety bond required hereunder shall have as surety a surety company authorized to transact business in this Commonwealth or two individual sureties approved by the Department of Justice

(i) No contract shall be valid or effective unless a certified copy thereof detail break-down sheet of the work and contract price of the work involved shall have been filed in the offices of the Auditor General the State Treasurer and the department board or commission for which the work is to be done promptly after the execution of the contract

(j) The enforcement of all contracts provided for by this section shall be under the control and supervision of the Department of Property and Supplies In the event that the Department of Property and Supplies and the contractor cannot agree on any of the general conditions of the contract and on the specifications such disagreement shall be subject to decision by the Department of Justice and its decision shall be final

(k) The Department of Property and Supplies shall examine all bills on account of the contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work or labor has been performed in a workmanlike manner and in accordance with the contract approve the bills and issue its requisition therefor or forward its certificate to the proper department board or commission as the case may be

(l) The Department of Property and Supplies shall have the right to engage the services of any consulting or supervising engineer or engineers whom it may deem necessary for the proper designing of or inspection or supervision of buildings erected altered or enlarged by the department hereunder

(m) Changes in the plans or specifications or both may be made after their approval only with the consent of all of the departments boards and commissions whose approval of the original plans or specifications or both was necessary hereunder

(n) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission the Department of Property and Supplies shall award and enter into the contract as agent for the department board or commission to which the appropriation was made

Section 2409 Method of Awarding Contracts for Stationery Paper Fuel Repairs Furnishings and Supplies The Department of Property and Supplies shall [on or before the first day of February in each year] notify the Governor the several administrative departments the independent administrative departmental administrative and advisory boards and commissions the chief clerks of the Senate and House of Representatives and the proper officers of the judicial department respectively to furnish at such times as the Department of Property and Supplies may require lists of all equipment furniture and furnishings supplies repairs alterations improvements fuel and all other articles that may be needed by their respective departments boards or commissions or the Senate or the House of Representatives for [the fiscal year beginning the first day of June next following] such periods as the Department of Property and Suplies shall prescribe excepting only perishable foodstuffs [and fuel] for the State institutions and repairs or alterations which are not to be made by the Department of Property and Supplies

Upon receipt of such lists the Department of Property and Supplies shall as far as practicable consolidate and classify the articles named therein taking care that there shall be full descriptions given with make and number of goods when possible and proper maximum price fixed and shall prepare annual semi-annual or quarterly schedules thereof as deemed for the best interests of the Commonwealth Whenever deemed necessary it shall have plans designs and specifications prepared of any equipment furniture or furnishings repairs alterations and improvements paying for the preparation of the same out of the funds appropriated to the department

The department shall state in the schedules that the work or articles for which the plans designs and specifications are prepared are to be done or furnished in accordance therewith and that the plans designs or specifications will be found in its office for inspection and copies of the same shall be furnished to the successful bidders The schedules shall state that bids will be received on one or more of the items of any classification of the schedules In such schedules the form of proposal shall be given and all other information which the department shall consider necessary for the bidder In preparing the lists or schedules the department shall in all cases give preference to goods of American production or manufacture The quantities given in the schedules shall be the estimated maximum quantities that are likely to be required during the term of contract but the schedule shall in all cases provide that the goods shall be furnished in greater or less quantity and at such times as the needs of the departments boards commissions and the Senate and House shall require

The schedules shall also provide whenever practicable a per diem penalty or forfeiture after a stated time for the failure of a contractor to finish or furnish the work or materials contracted for which penalty or forfeiture shall be deducted by the Auditor General from the amount of the contractor's bill before settlement is made when so directed to do by the department

The department after conferring with the heads of the various departments boards commissions and the chief clerks of the Senate and House shall have the power to make such changes in the schedules as may be deemed proper and may standardize any or all articles therein

When the schedules have been finally prepared they shall be [printed in pamphlet] prepared in such form as the department shall deem advisable and shall be the schedules of stationery paper supplies fuel equipment furniture furnishings repairs alterations improvements and other matters and things needed for the public grounds and buildings the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion

The department shall not less than six weeks prior to the termination of schedule contracts now existing or that may be made in the future advertise the opening of bids for the annual semi-annual or quarterly schedules by advertising inserted for at least three days the first and last publication to be at least ten days apart in not less than six or more than twelve newspapers of extensive general circulation in different parts of the Commonwealth not more than three of which shall be published in any one county invite sealed proposals for contracts to furnish all stationery supplies paper and fuel used by the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion and for repairing altering improving furnishing or refurnishing and all other matters or things required for the public grounds and buildings legislative halls and rooms connected therewith the rooms of the several departments boards and commissions and the buildings connected with the State Capitol and the Executive Mansion the advertisement shall contain a reference to the schedules so [printed] prepared by the department and as briefly as practicable invite bids for the furnishing of articles named in the schedules and give notice of the time and place where such bids will be received and when they will be opened

All proposals shall be delivered to the department on or before [twelve o'clock meridian] the hour designated in the proposal on the day set by the department following the date of the last advertisement and each bid shall be in duplicate one of which shall be marked "Duplicate Bid" Each bid together with the proper certified or bank check as provided for in this act shall be enclosed in an envelope securely sealed and shall be mailed or delivered to the department which shall retain all envelopes unopened until the time fixed for the opening thereof

The department shall on the date fixed for opening of bids at [twelve o'clock meridian] the hour designated in the proposal open and publish said proposals and as soon thereafter as practicable award the contracts to the lowest responsible bidded on each of the items of the several classifications of the schedules The department shall have the right to reject any or all bids The bids when opened shall be tabulated and shall be subject to examination by bidders A record of all bids shall be made by the department in a book kept for that purpose

When no proposal has been received or if for any reason the department shall reject all proposals the department shall reject all proposals the department shall advertise again for proposals giving at least fifteen days' notice of the time of receiving the same which proposals shall be opened awarded and approved in like manner as heretofore provided

[No] Except as hereinafter provided no proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check to the order of the State Treasurer in one-fourth the amount of the estimated contractor by a bond in such form and amount as may be prescribed by the department Any such bond shall be conditioned for the faithful performance of the terms of the contract if awarded and shall have as surety one surety company authorized to act as surety in this Commonwealth or two individual sureties approved by the Department of Justice

A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded may within ten days after such award substitute for said check a bond as herein prescribed otherwise said check shall be retained in lieu of a bond

The department may in its discretion permit a bidder to file a bond for an annual period to cover proposals that may be made from time to time by such bidder during such period Such bond shall be in such amount as the department may determine and may be increased from time to time as the department may require in order to keep the same commensurate with proposals made from time to time by such bidder during such period Any such bidder to whom a contract shall have been awarded shall within ten (10) days after such award file a bond conditioned for the faithful performance of the terms of the contract

The department may in its discretion permit a bidder to file a bond to cover proposals made by and the performance of contracts awarded to any such bidder during an annual period Such bonds shall be in such amount as the department may prescribe and may be increased from time to time during the annual period by the department to keep the same commensurate with the contracts awarded to such bidder during such period

In the event that any contractor shall fail to fulfill or comply with the terms of any contract such contract shall be awarded to the next lowest responsible bidder and the department shall request the Department of Justice to bring suit against the failing contractor or his sureties to recover the loss sustained by the Commonwealth by the reletting

All contracts awarded shall be severally void unless first approved by the Governor the Auditor General and the State Treasurer and when so approved together with all checks or bonds given for their faithful performance be filed with the department which shall keep a record sof the same and shall within twenty days after the award certify copies of all said contracts to the Auditor General The bonds and certified checks of all unsuccessful bidders shall be returned to such bidders as soon as practicable after contracts have been awarded and approved but not later than sixty days after the date of opening the proposals

The enforcement of all contracts provided for by this act and of all similar contracts heretofore entered into and now in force shall be under the control and supervision of the department

The department shall receive from the contractor or contractors the articles mentioned in the schedules Articles contracted for must be furnished promptly It shall be the duty of the department to reject all articles not up to the standard required and if a contractor shall fail to exchange them for articles that meet the requirements prescribed or shall fail to deliver any article within a reasonable time the department may go into the open market and purchase articles to take the place of those adjudged to be of inferior quality or which have not been delivered and deduct the expense including any excess in price over that called for in the contract from the amount due the contractor from the Commonwealth If the amount due said contractor is not sufficient to meet such expenses and excess price paid for the articles purchosed the department may proceed against the contractor or his sureties under the bond aforesaid by proper action through the Department of Justice

In all cases where a lump sum contract containing a provision for partial payments on account of materials delivered and work done is entered into by the department a percentage to be fixed by the department of the amount due as set forth in the contract shall be withheld from the contractor by the Auditor General until the department shall certify that the contract has been fully complied with

The department except in those cases where the department acts in the capacity of purchasing agent shall examine all bills on accounts of contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work of labor has been performed in accordance with the contract and approve the bills When so approved the bills shall be audited settled and paid by the Auditor General and State Treasurer in the manner provided by law

It shall be the duty of the department when the articles named in the schedules are received from the contractors to care for them properly in storage rooms and the de-

partment shall be held responsible for their safekeeping

The Board of Commissioners of Public Grounds and Buildings shall provide suitable storage rooms for the furniture stationery supplies and fuel that may be procured

Whenever the Governor the heads of departments the executive officers of independent administrative boards and commissions the chief clerks of the Senate and House of Representatives or the proper officers of the judicial department shall require any portion of the stationery supplies fuel furniture furnishings repairs alterations improvements and other matters or things appearing in the schedules for which contracts have been awarded by the board a requisition giving number and description of the item needed shall be made on the department which shall cause the article to be delivered taking a proper receipt therefor

Whenever any administrative department or any independent administrative or departmental administrative board or commission shall call upon the department to purchase for it as purchasing agency any article named in the schedules if the department has such article on hand it may deliver the same to such department board or commission and forthwith [as purchasing agency for such department board or commission purchase another article to replace the article so delivered such replacement] bill such department board or commission for the cost of the same such bill to be paid for out of the appropriation available to the department board or commission for the purchase of the article

In the event that requisitions are made upon the department for any article of furniture furnishings stationery supplies fuel or any other matter or thing the want of which was not anticipated at the time of the making of the schedules the department may in its discretion invite proposals from at least two responsible bidders unless the article can be procured from only one source and when one proposal shall be invited such proposal or proposals together with such requisition or requisitions shall be submitted to the Board of Commissioners of Public Grounds and Buildings for approval or disapproval [at its next meeting] Provided however That the department may in its discretion purchase in the open market without inviting any proposal any such article costing less than fifty dollars but all such purchases shall be reported to the Board of Commissioners of Public Grounds and Buildings at its next meeting

Whenever any contract for the furnishing of materials for use in the construction or maintenance of highways exceeds five hundred dollars ($500.00) in amount and includes the performance of labor or the use of other materials in the delivery of such material to the site of the work or in the incorporation thereof into the completed structure the Department of Property and Supplies shall require the contractor to furnish an additional bond conditioned for the payment of labor and materials in the same manner as is required by paragraph (h) of section two thousand four hundred and eight of the Administrative Code to which this act is an amendment

Section 2414 State Art Commission Subject to any inconsistent provisions in this act contained the State Art Commission shall have the power and its duty shall be to examine and approve or disapprove the [exterior] design and proposed location of all public monuments memorials buildings or other structures except in cities of the first or second class in accordance with the act approved the first day of May one thousand nine hundred and nineteen (Pamphlet Laws one hundred three) entitled "An act creating a State Art Commission in the Board of Commissioners of Public Grounds and Buildings requiring the approval of the commission of the design and location of all public monuments memorials buildings or other structures and certain private structures proposed to be erected anywhere in this Commonwealth other than in cities of the first and second classes" and any amendments thereto

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 4, line 4 by inserting after the figure "401" and before the figure "427" the following: "402, 419, 424"

Amend section 1, page 4, line 4 by striking out at the end of the line the following: "[31]"; and inserting in lieu thereof the following: "431, 445"

Amend section 1, page 4, line 5 by inserting after the figure "907" and before the figure "1402" the following: "1310"

Amend section 1, page 4, line 6 by inserting after the figure "2110" and before the figure "2304" the following: "2112"

Amend section 1, page 4, line 5 by inserting after "907" and before "1402" the following: "1311"

Amend section 1, page 6 by striking out lines 20 and 21

Amend section 1, page 6 by inserting between lines 26 and 27 the following: "State Employes' Retirement Board"

Amend section 1, page 7 by striking out lines 10 to 14 inclusive.

Amend section 1, page 10 by inserting between lines 4 and 5 the following: "The Industrial Board"

Amend section 1, page 10, line 10 by striking out at the end of the line the following: "[Re-]"

Amend section 1, page 10 by striking out line 11.

Amend section 1, page 10, line 12 by striking out at the beginning of the line the following: "[Trustees of Pennsylvania Industrial]"

Amend section 1, page 10, line 12 by inserting at the end of the line the following: "which, upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception, care, maintenance, detention, employment and training of defective delinquents, shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents"

Amend section 1, page 17 by striking out lines 27 and 28.

Amend section 1, page 18, line 23 by inserting at the end of the line the following: "which, upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception, care, maintenance, detention, employment and training of defective delinquents, shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents".

Amend Section 1, page 19, by inserting between lines 21 and 22 the following new sections:

"Section 402. State Employes' Retirement Board.—The State Employes' Retirement Board shall consist of the [Secretary of the Commonwealth] State Treasurer, who shall be chairman thereof, the [State Treasurer] Secretary of the Commonwealth, one member who shall be appointed by the Governor, and two members of the State Employes' Retirement Association, who shall be elected from among their number in a manner to be approved by the board.

A vacancy occurring during a term shall be filled, for the unexpired term, by the appointment or election of a successor, in the same manner as his or her predecessor was appointed or elected

The member of the board appointed by the Governor shall serve until his successor is appointed. The members elected by the State Employes' Retirement Association shall be elected for terms of three years.

The members of the board elected by the State Employes' Retirement Association shall not suffer any loss of salary or wages through serving on the board.

Section 419. State Board of Undertakers.—The State Board of Undertakers shall consist of the [Superintendent of Public Instruction] Secretary of Health, ex officio, and five persons, who shall be practicing undertakers. The terms of members of the board shall be [six years] for such periods of time as is now provided by law.

Three members of the board shall constitute a quorum. The board shall select from among their number a chairman, and shall elect a secretary who need not be a member of the board.

Each member of the board, other than the [Superintendent of Public Instruction] Secretary of Health, shall receive fifteen dollars per diem, when actually engaged in the transcation of official business.

The secretary of the board shall receive such reasonable compensation as the board may determine, with the approval of the [Superintendent of Public Instruction] Secretary of Health.

Section 424. Anthracite Mine Inspectors' Examining Board.—The Anthracite Mine Inspectors' Examining Board shall consist of the Superintendent of Public Instruction, ex officio, the Secretary of Mines, two mining engineers, who shall have had at least five years' experience in the anthracite mines of Pennsylvania, and three members who shall be coal miners [in actual practice and] who shall have had at least five years' practical experience in the anthracite mines of Pennsylvania.

All members of the board shall be at least thirty years of age.

The Secretary of Mines shall be chairman of the board.

The board shall elect a secretary who need not be a member of the board.

Each member of the board, other than the Superintendent of Public Instruction and the Secretary of Mines, shall receive fifteen dollars per diem, while actually engaged in the performance of the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the Superintendent of Public Instruction: Provided, That the Secretary of Mines shall have the right to determine, from time to time, the maximum number of days for which the members of the board entitled thereto shall receive compensation."

Amend section 1, page 21, by inserting between lines 12 and 13 the following new section:

"Section 445. [Pennsylvania Alcohol Permit Board.—The Pennsylvania Alcohol Permit Board shall consist of the Secretary of Welfare, the Secretary of Health, and the Attorney General.

Two members of the board shall constitute a quorum.

The board shall select, from among its members, a chairman, and may elect a secretary who need not be a member of the board.

None of the regular employes of the Department of Welfare shall be authorized or permitted to engage or assist in the work of the board.]

The Industrial Board.—The Industrial Board shall consist of the Secretary of Labor and Industry and four additional members, one of whom shall be an employer of labor, one a wage earner and one a woman. The Secretary of Labor and Industry shall be the chairman of the board.

Three members of the board shall be a quorum.

The members of the Industrial Board, other than the chairman, shall receive fifteen dollars per day while in the performance of their official duties."

Amend section 1, page 23, by striking out with light face brackets lines 18 to 26 inclusive.

Amend section 1, page 23, line 27 by striking out at the beginning of the line the following: "[(h)]" and inserting in lieu thereof the following: "(g)"

Amend section 1, page 24, line 3 by striking out at the beginning of the line the following "[(i)]" and inserting in lieu thereof the following: "(h)"

Amend section 1, page 24, line 10 by striking out at the beginning of the line the following: "[(j)]" and inserting in lieu thereof the following: "(i)"

Amend section 1, page 27, line 4 by striking out at the end of the line the following: "[one thou-]"

Amend section 1, page 27, line 5 by striking out at the beginning of the line the following: "[sand dollars ($1,000)]" and inserting in lieu thereof the following: "four thousand dollars ($4,000)"

Amend section 1, page 29, by inserting between lines 17 and 18, the following new paragraphs::

"(e) In order to procure the erection and construction of new buildings or alterations, repairs or additions to existing buildings of the Commonwealth by The General State Authority, the Department of Property and Supplies shall have power and authority, with the approval of the Governor, and in the case of such buildings not on the Capitol grounds, with the approval of the department, board or commission having control of the same, to grant, assign, and convey, with or without consideration, to The General State Authority, any lands or buildings, or both, now owned by the Commonwealth of Pennsylvania or hereafter acquired by it, together with any other improvements, easements or rights-of-way in or on such lands, which may be required by The General State Authority for this purpose, or to lease to The General State Authority for a term not exceeding ninety-nine years, at a nominal or such other rentals as may be determined, any or all such lands and buildings and improvements, easements or rights-of-way, including but without limiting the generality of the foregoing, that portion of the Capitol Park grounds at Harrisburg bounded on the north by North Street, on the east by Fisher Plaza, on the south by North Drive, and on the west by Commonwealth Avenue, for the purpose of having The General State Authority to erect and construct thereon an office building for the use of the Commonwealth.

(f) The Department of Property and Supplies shall have power and authority, with the approval of the Governor, to enter into contracts with The General State Authority to lease, as lessee, from the Authority any or all of the projects undertaken for the Commonwealth by the Authority for a term, with respect to each such project, not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority, and upon the completion of such projects the Department of Property and Supplies shall have power and authority, with the approval of the Governor, to lease, as lessee, any or all of the projects completed by the Authority for a term, with respect to each project leased, not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority.

(g) Whenever any building or structure on any land owned by the Commonwealth shall become so obsolete and dilapidated as to make it impractical to repair the same, and shall be no longer of use to the Commonwealth, the Department of Property and Supplies, with the approval of the Governor, shall have power to demolish or authorize the demolition of such building or structure, whenever requested to do so by the department, board, commission or agency having control or possession of such building or structure."

Amend section 1, page 40 by inserting between lines 15 and 16 the following new section:

"Section 1310. Professional Examining Boards.—The professional examining boards within the Department of Public Instruction shall, respectively, exercise the rights and powers, and perform the duties, by law vested in and imposed upon them: Provided, however, That all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction, but may be signed by the members of the appropriate board, or any of them, as determined by such board.

Subject to the preceding provisions of this section, and to any other inconsistent provisions in this act contained:

The State Board of Medical Examination and Licensure shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction:

The State Board of Pharmacy shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;

The State Dental Council and Examining Board shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board, the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania:

The State Board of Optometrical Examiners shall continue to exercise the powers, and perform the duties, by

law vested in and imposed upon the said board and the Board of Optometrical Education, Examination, and Licensure;

The State Board of Osteopathic Examiners shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania; The Osteopathic Surgeons' Examining Board shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board:

The State Board of Examiners for Registration of Nurses shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board:

[The State Board of Undertakers shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board;]

The State Board of Veterinary Medical Examiners shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board,

The State Board of Examination of Public Accountants shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board:

The State Board of Examiners of Architects shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board:

The Anthracite Mine Inspectors' Examining Board shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board:

The Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board, and the Mine Inspectors' Examining Board, created by the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An Act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and the amendments and supplements thereto;

The State Registration Board for Professional Engineers shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board."

Amend page 40 by inserting between lines 15 and 16 the following new section:

"Section 1311. Boards of Trustees of State Institutions Within the Department.—The boards of trustees of the several State Normal Schools or Teachers Colleges, the Board of Trustees of the Cheyney Training School for Teachers, the Board of Trustees of Pennsylvania State Oral School for the Deaf, [the Board of Trustees of Home for Training in Speech of Deaf Children] the Board of Trustees of Pennsylvania Soldiers' Orphan School, and the Board of Trustees of Thaddeus Stevens Industrial School, shall have general direction and control of the property and management of their respective institutions. Each of the said boards of trustees shall have the power, and its duty shall be:

(a) Subject to the approval of the Governor, to elect a president, principal, or superintendent, of the institution, who shall, subject to the authority of the board, administer the institution, and, if deemed advisable, a business manager;

(b) On nomination by the president, principal, or superintendent, from time to time, to appoint such officers and employes as may be necessary;

(c) To fix the salaries of its employes in accordance with the standards established by the Executive Board;

(d) Subject to the approval of the Superintendent of Public Instruction, to make such by-laws, rules, and regulations for the management of the institution as it may deem advisable."

Amend section 1, page 45, line 9 by striking out after the word "State" and before the word "Fund" the following: "[School]" and inserting in lieu thereof the following: "Forests and Waters"

Amend section 1, page 47, by inserting between lines 4 and 5 the following new paragraph:

"(m) To set aside when in the judgment of the Department of Forests and Waters it is deemed necessary for exclusive use for parks parkways and other places of scientific scenic historic or wild life interest any State owned lands which are now or which may hereafter be under the jurisdiction of the Department of Forests and Waters."

Amend section 1, page 50, by inserting between lines 26 and 27 the following new paragraphs:

"(h) To appoint and commission persons to preserve order in the State parks which persons shall have all of the following powers:

(1) To make arrests without warrant for all violations of the law which they may witness and to serve and execute warrants issued by the proper authorities: Provided however That in cases of offenses for violation of any of the provisions of the Vehicle Code, the power to make arrests without warrant shall be limited to cases where the offense is designated a felony or a misdemeanor or in cases causing or contributing to an accident resulting in injury or death to any person

(2) To have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class

(3) To have all the powers and prerogatives conferred by law upon constables of the Commonwealth

(4) To serve subpoenas issued for any examination investigation or trial had pursuant to any law of the Commonwealth"

Amend section 1, page 56 by inserting between lines 20 and 21, the following new section:

"Section 2112. [Anatomical Board.—The Anatomical Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board.] State Board of Undertakers.—The State Board of Undertakers shall continue to exercise the powers, and perform the duties, by law vested in and imposed upon the said board."

Amend section 1, page 68, line 25 by striking out after the word "Reformatory" and before the word "to" the word "[hereafter]"

Amend section 1, page 68, line 26 by adding at the end of the line the following: "until its completion as an institution for the reception care maintenance detention employment and training of defective delinquents and thereafter to be known as the Pennsylvania Institution for Defective Delinquents."

Amend section 1, page 71, line 19 by striking out at the end of the line the word "[and]"

Amend section 1, page 71, line 20 by inserting after the word "Prison" and before the word "Upon" the following: "and Western State Psychiatric Hospital"

Amend section 1, page 71, line 22, by striking out after the word "School" and before the word "the" the word: "[and]"

Amend section 1, page 71, line 22 by inserting after the word "Prison" and before the word "pursuant" the following: "and the Western State Psychiatric Hospital"

Amend section 1 page 81, line 9 by inserting at the end of the line the following: "or to any other administrative department board or commission"

Amend section 1, page 81, line 12, by inserting after the word "covering" and before the word "officers" the following: "(1)"

Amend section 1, page 81, line 15 by striking out after the word "Treasury" and before the word "officers" the words "[and except]" and inserting in lieu thereof the following: "or (2)"

Amend section 1, page 81 line 16, by striking out after the word "property" and before the word "Insurance" the following: "[of State institutions]" and inserting in lieu thereof the following: "of departments, boards, and commissions receiving appropriations out of the General Fund for such purpose"

Amend section 1, page 81, line 19, by striking out at the end of the line the following: "[and insurance covering the]"

Amend section 1, page 81 by striking out line 20

Amend section 1, page 81, line 21 by striking out at the beginning of the line before the word "out" the fol-

lowing: "[be paid for]" and inserting in lieu thereof the following: "or"

Amend section 1, page 81, line 21 by inserting after the word "moneys" and before the word "appropriated" the following: "of the General Fund"

Amend section 1, page 81, line 21, by striking out at the end of the line the following: "[for their]"

Amend section 1, page 81, by striking out line 22 and inserting in lieu thereof the following: "to them as the case may be"

Amend section 1, page 92, line 24 by striking out after "000)]" and before the word "the" the following: "[one thousand dollars ($1,000)]" and inserting in lieu thereof the following: "four thousand dollars ($4,000)"

On the question,

Will the House agree to the amendments?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, is the gentleman from Monroe familiar with the provision under the section dealing with the Department of Forests and Waters, which gives to policemen employed by the Department unlimited power of arrest, and also provides that they may be used for any other service in the Commonwealth in serving Department subpoenaes and so forth?

Mr. ACHTERMAN. Mr. Speaker, I am.

Mr. TURNER. Mr. Speaker, will the gentleman from Monroe state the reason for that amendment, why such broad powers are given and why employes or forestry policemen or foresters should be used for such purposes?

Mr. ACHTERMAN. Mr. Speaker, heretofore they had the usual police powers; under this bill they have all the usual police powers. In addition to this, of course, they are extended the general powers of police officers, which would include the items indicated by the gentleman from Delaware.

Mr. TURNER. Mr. Speaker, are general policemen given the power to serve all kinds of papers in the Commonwealth?

Mr. ACHTERMAN. Mr. Speaker, no, not all kinds of papers.

Mr. TURNER. Mr. Speaker, does the gentleman from Monroe know that this will likely lead to considerable abuse, if we are going to adopt such a system dealing with Forestry? Why should they be placed in that position? There must be some intent to use them for some other purpose.

Mr. ACHTERMAN. Mr. Speaker, I will say that under this measure it would permit them to serve such papers as the Department of Forests and Waters might see fit to serve. The powers given are along broad lines. After all these men are under the control and the jurisdiction of the Department, and the gentleman from Delaware need not worry that these particular employes are going to infringe upon the work of other police officers who have powers similar to theirs.

Mr. TURNER. Mr. Speaker, I think the gentleman from Monroe is familiar with the fact that we have a similar experience in the Highway Department where they have men carrying mail up and down from Philadelphia and other points in the State. It seems to under this act you are opening the same door.

Mr. ACHTERMAN. Mr. Speaker, I am not familiar with that particular situation. It do not recall that it has occurred since 1935. It may have occurred previous to that time.

Mr. TURNER. It has occurred since then, Mr. Speaker.

Mr. ACHTERMAN. I have no knowledge of that, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I also desire to call the attention of the gentleman from Monroe, Mr. Achterman, to the fact that under these amendments, as I understand them, power would be given to lease property of the state to the State Authority for a period not to exceed ninety-nine years. If I recall rightly the State Authority's term of existence was for about fifty years. The limitation the other way was to make a contract, as I recall it, for leasing for a period of thirty years. Why the ninety-nine year provision?

Mr. ACHTERMAN. Mr. Speaker, as I recall the State Authority Act, it was finally amended in the House so that the term was made perpetual, their existence was made perpetual. I believe that was the last amendment that was finally written into the bill previous to its passage. So I find no discrepancy between the ninety-nine years and the perpetual existence of the State Authority.

Mr. TURNER. Mr. Speaker, does the gentleman from Monroe not think that it will lead to a situation that while we are trying to work out a system to secure certain buildings and improvements to the State Authority, if you spread it over a period of ninty-nine years, we are going, not on a pay as you go basis, but we would be replacing buildings that might be dilapidated at that time and we would still be paying rent for them.

Mr. ACHTERMAN. Mr. Speaker, I am quite frank to say that in the course of years, if the lease is made for ninety-nine years, or rather leasing that property from the State Authority, it would make the payment very, very small. In other words, the amortization of the indebtedness would of necessity be very small. However, I think the gentleman will find that the usual lease, I believe, is about thirty years.

Mr. TURNER. Therefore, do you not think that it opens the door to an opportunity for abuse? Would it not be better for the Legislature to put some limitation on it?

Mr. ACHTERMAN. There is a limitation, of course, Mr. Speaker, for ninety-nine years. I might say, Mr. Speaker, that the advantage of course, is to the taxpayers, in that the amortization is of necessity small in the length of time that it has to be paid, that is over thirty years.

Mr. TURNER. Mr. Speaker, I understand that that might be a New Deal reasoning, as to the spread of the time that you are going to pay it eventually. I think I understand the reasoning of the gentleman from Monroe, and he does not feel any such thing. He thinks that when you build it should be paid for within a reasonable length of time. There is no reason why it should be for ninety-nine years. In the second place, I think it will open the doors to abuse and to the expenditure of a greater sum of money than we ought to spend.

Mr. ACHTERMAN. Mr. Speaker, I am afraid that the gentleman from Delaware is presuming too much when he says he knows my mental processes.

Mr. TURNER. Mr. Speaker, I withdraw the statement. Maybe the gentleman has no mental processes.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Delaware will state his question of information.

Mr. TURNER. Mr. Speaker, does that complete the amendments offered by the gentleman from Monroe, or has he amendments to other sections?

The SPEAKER. There are amendments to other sections. That completes the amendments to Section 1.

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 4, lines 4 to 6, by striking out all of said lines, and inserting in lieu thereof: "the table of contents and sections 2, 201, 202, 203, 206, 207, 209, 210, 221, 222, 301, 303, 401, 428, 429, 431, 432, 433, 434, 435, 436, 437, 439, 444, 448, 507, 508, 511, 522, 701, 709, 712, 906, 907, 1001, 1101, 1401, 1402, 1601, 1602, 1603, 2101, 2110, 2402."

Amend sec. 1, page 5, by inserting between lines 19 and 20 the following:

"Article I Short Title and General Reorganization Provisions.

Section 1. Short Title.

Section 2. Certain Existing Boards and Commissions Abolished.

Section 3. Documents.

Article II. Administrative Organization.

Section 201. Executive Officers, Administrative Departments and Independent Administrative Boards and Commissions.

Section 202. Departmental Administrative Boards, Commissions and Offices.

Section 203. Advisory Boards and Commissions.

Section 204. Executive Board.

Section 205. Pennsylvania State Police.

Section 206. Department Heads.

Section 207. Appointment.

Section 208. Terms of Office.

Section 209. Compensation of the Governor, Lieutenant Governor, and Heads of Departments.

Section 210. Compensation of Members of Administrative Boards and Commissions.

Section 211. Employes of the Governor's Office.

Section 212. Bureaus and Divisions.

Section 213. Deputies.

Section 214. Employment and Compensation of Directors, Bureau Chiefs, and other Employes.

Section 215. Extra Compensation Prohibited.

Section 216. Expenses.

Section 217. Qualifications.

Section 218. Oath of Office.

Section 219. Fidelity Bonds.

Section 220. Departmental Offices.

Section 221. Office Hours.

Section 222. Work-Hours and Vacations.

Article III. Organization of Independent Administrative Boards and Commissions.

Section 301. [Board of Game Commissioners.] Pennsylvania Game Commission.

Section 302. Board of Fish Commissioners.

Section 303. [The Public Service Commission of the Commonwealth of] Pennsylvania Public Utility Commission.

Section 304. Penal and Correctional Commission.

Section 305. Assistance Commission.

Article IV. Organization of Departmental Administrative Boards and Commissions and of Advisory Boards and Commissions.

Section 401. Boards of Trustees of State Institutions.

Section 402. State Employes' Retirement Board.

Section 403. Board of Pardons.

Section 404. Board of Commissioners on Uniform State Laws.

Section 405. Board of Finance and Revenue.

Section 406. Board of Property.

[Section 407. State Aeronautics Commission.]

Section 408. State Council of Education.

Section 409. Pennsylvania State Board of Censors.

Section 410. Public School Employes' Retirement Board.

Section 411. Pennsylvania Historical Commission.

Section 412. State Board of Medical Education and Licensure.

Section 413. State Board of Pharmacy.

Section 414. State Dental Council and Examining Board.

Section 415. State Board of Optometrical Examiners.

Section 416. State Board of Osteopathic Examiners.

Section 417. Osteopathic Surgeons' Examining Board.

Section 418. State Board of Examiners for Registration of Nurses.

Section 419. State Board of Undertakers.

Section 420. State Board of Veterinary Medical Examiners.

Section 421. State Board of Examiners of Public Accountants.

Section 422. State Board of Examiners of Architects.

Section 423. Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania.

Section 424. Anthracite Mine Inspector's Examining Board.

Section 425. State Registration Board for Professional Engineers.

Section 426. Armory Board of the State Pennsylvania.

[Section 427. State Athletic Commission.]

Section 428. Board to License Private Bankers.

Section 429. Pennsylvania Securities Commission.

Section 430. State Farm Products Show Commission.

Section 431. Water and Power Resources Board.

Section 432. Geographic Board.

Section 433. Lake Erie and Ohio River Canal Board.

Section 434. Pennsylvania State Park and Harbor Commission of Erie.

Section 435. Washington Park Commission.

Section 436. Valley Forge Park Commission.

Section 437. Fort Washington Park Commission.

Section 438. Mine Inspectors.

Section 439 Sanitary Water Board.

[Section 440. Anatomical Board.]

Section 441. Workmen's Compensation Board.

Section 442. Workmen's Compensation Referees.

Section 443. State Workmen's Insurance Board.

Section 444. State Council for the Blind.

Section 445. Pennsylvania Alcohol Permit Board."

Section 446. Board of Commissioners of Public Grounds and Buildings.

Section 447. State Art Commission.

Section 448. Advisory Boards and Commissions.

Section 449. State Bridge Commission.

Article V. Powers and Duties in General.

Section 501. Coordination of Work.

Section 502. Cooperative Duties.

Section 503. Departmental Administrative Boards and Commissions.

Section 504. Departmental Reports.

Section 505. Departmental Seals.

Section 506. Rules and Regulations.

Section 507. Purchases.

Section 508. Erection, Repairs or Alterations of, and Additions to, Buildings.

Section 509. Bonds and Insurance.

Section 510. Disposition of Unserviceable Personal Property.

Section 511. Sale of Surplus Products.

Section 512 Legal Advice and Services.
Section 513. Acceptance of Gifts or Donations.
Section 514. Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate; Tapping Water Lines of Institutions and Sanatoria.
Section 515. Automobiles.
Section 516. Contracts.
Section 517. Administering Oaths.
Section 518 Meetings of Boards and Commissions.
Section 519. Geographic Names.
Section 520. Subpoenas.
Section 521. Publications.
Section 522. Wage Specifications in Contracts for Public Works.
Section 523. Reciprocal Limitations upon the Purchase of Supplies and Materials.
Article VI. Budgetary and Financial Powers and Duties of Administrative Officers, Departments, Boards and Commissions.
Section 601. Preparation of Budget.
Section 602. Submission of Budget to General Assembly.
Section 603. Lists of Employes to be Furnished to the Certain State Officers.
Section 604. Estimates of Current Expenditures by Departments, Boards, and Commissions.
Section 605. Estimates of Current Expenditures by Departments of Elective Officers.
Section 606. Departmental Administrative Bodies, Boards, and Commissions.
Section 607. Fiscal Year.
Article VII. Powers and Duties of the Governor, and Other Constitutional Officers, of the Executive Board, and of the Pennsylvania State Police.
Section 701. The Governor.
Section 702. Lieutenant Governor.
Section 703. Secretary of the Commonwealth.
Section 704. Attorney General.
Section 705. Secretary of Internal Affairs.
Section 706. Auditor General.
Section 707. State Treasurer.
Section 708. Superintendent of Public Instruction.
Section 709. Executive Board.
Section 710. Pennsylvania State Police.
Section 711. Superintendent of Pennsylvania State Police.
Section 712. The Pennsylvania State Police Force.
Article VIII. Powers and Duties of the Department of State and Its Departmental Administrative Board.
Section 801. Powers and Duties in General.
Section 802. General Administration.
Section 803. Elections.
Section 804. Legislation.
Section 805. Corporations.
Section 806. Registration.
Section 807. Warrants.
Section 808. State Employes' Retirement Board.
Section 809. Commissions.
Article IX. Powers and Duties of the Department of Justice and Its Departmental Administrative Boards.
Section 901. Powers and Duties in General.
Section 902. Legal Advice.
Section 903. Litigation.
Section 904. Investigation and Law Enforcement.
Section 905. Codification of the Laws.
Section 906. Deputy Attorneys General.
Section 907. Special Attorneys in Criminal Cases.
Section 908. Access to Books and Papers.
Section 909. Board of Pardons.
Section 910. Board of Commissioners on Uniform State Laws.
Article X. Powers and Duties of the Department of the Auditor General.
Section 1001. Powers and Duties Retained.
Article XI. Powers and Duties of the Treasury Department.
Section 1101. Powers and Duties Retained.
Section 1102. Board of Finance and Revenue.
Section 1103. Enforcement of Vehicle Code.
Article XII. Powers and Duties of the Department of Internal Affairs and Its Departmental Administrative Board and Commission.
Section 1201. Powers and Duties Retained.
Section 1202. Topographic and Geologic Survey.
Section 1203. Land Office.
Section 1204. Municipalities.
Section 1205. Statistics and Information.
Section 1206. Standards.
Section 1207. Board of Property.
[Section 1208. State Aeronautics Commission.]
Section 1209. Local Government, Budget and Financial Reports; Compilation of Statistics.
Section 1211. Forests Powers and Duties Transferred.
Section 1212. Forests Powers and Duties.
Section 1213. Forests Powers.
Section 1214. Waters.
Section 1215. Cooperation with Municipalities.
Section 1216. Parks.
Section 1217. Pennsylvania State Forest School.
Section 1218. Water and Power Resources Board.
Section 1219. Geographic Board.
Section 1220. Lake Erie and Ohio River Canal Board.
Section 1221. Pennsylvania State Park and Harbor Commission of Erie.
Section 1222. Washington Crossing Park Commission.
Section 1223. Valley Forge Park Commission.
Section 1224. Fort Washington Park Commission.
Section 1225. State Forest Commission.
Section 1226. Bushy Run Battlefield Commission.
Section 1227. Powers of Forest Officers.
Section 1228. Powers of Chief Forest Fire Warden.
Section 1229. Powers of District Forest Fire Warden.
Section 1230. Powers of Local Forest Fire Wardens.
Section 1231. Powers of all Forest Fire Wardens.
Section 1232. Powers and Duties of State Parks.
Article XIII. Powers and Duties of the Department of Public Instruction and Its Departmental Administrative Boards and Commissions.
Section 1301. Powers and Duties in General.
Section 1302. Public Schools.
Section 1303. Vocational Education.
Section 1304. Professional Education and Licensure.
Section 1305. Library and Museum.
Section 1306. Pennsylvania State Board of Censors.
Section 1307. State Council of Education.
Section 1308. Public School Employes' Retirement Board.
Section 1309. Pennsylvania Historical Commission.
Section 1310. Professional Examining Boards.
Section 1311. Boards of Trustees of State Institutions within the Department.
Article XIV. Powers and Duties of the Department of Military Affairs and Its Departmental Administrative and Advisory Boards and Commissions.
Section 1401. Powers and Duties in General.
Section 1402. Pennsylvania National Guard.
Section 1403. Pensions and Relief.
Section 1404. Naval Militia.
Section 1405. Loans of Arms and Accoutrements.
Section 1406. State Military Cemetery.
Section 1407. The Armory Board of the State of Pennsylvania.
[Section 1408. State Athletic Commission.]
Section 1409. Board of Trustees of Pennsylvania Soldiers' and Sailors' Home.
Section 1410. State Military Reservation Commission.
Section 1411. State Veterans' Commission.
[Article XV. Powers and Duties of the Insurance Department.
Section 1501. Powers and Duties in General.
Section 1502. Insurance.]
Article XVI. Powers and Duties of the Department of Banking and Insurance and its Departmental Administrative Board and Commission.
Section 1601. Powers and Duties in General.
Section 1602. Banking Supervisory Powers.
Seciton 1603. Banking Laws.
Section 1603.1. Insurance Laws.
Section 1604. Board to License Private Bankers.
Section 1605. Pennsylvania Securities Commission.
Article XVII. Powers and Duties of the Department of

Agriculture and Its Departmental Administrative Commission.
Section 1701. Powers and Duties in General.
Section 1702. Animal Industry.
Section 1703. Plant Industry.
Section 1704. Markets.
Section 1705. Foods.
Section 1706 Chemistry.
Section 1707. Statistics.
Section 1708. Quarantines.
Section 1709. State Farm Products Show Commission.
[Article XVIII. Powers and Duties of the Department of Forests and Waters, Its Officers, and Departmental Administrative and Advisory Boards and Commissions.
Section 1801. Powers and Duties in General.
Section 1802. Forests Powers and Duties.
Section 1803. Forests Powers.
Section 1804. Waters.
Section 1805. Cooperation with Municipalities.
Section 1806. Parks.
Section 1807. Pennsylvania State Forest School.
Section 1808. Water and Power Resources Board.
Section 1809. Geographic Board.
Section 1810. Lake Erie and Ohio River Canal Board.
Section 1811. Pennsylvania State Park and Harbor Commission of Erie.
Section 1812. Washington Crossing Park Commission.
Section 1813. Valley Forge Park Commission.
Section 1814. Fort Washington Park Commission.
Section 1815. State Forest Commission.
Section 1816. Bushy Run Battlefield Commission.
Section 1817 Powers of Forest Officers.
Section 1818. Powers of Chief Forest Fire Warden.
Section 1819. Powers of District Forest Fire Wardens.
Section 1820. Powers of Local Forest Fire Wardens.
Section 1821. Powers of all Forest Fire Wardens.
Article XIX. Powers and Duties of the Department of Mines and Its Departmental Administrative Officers.
Section 1901. Powers and Duties in General.
Section 1902. Mines.
Section 1903. Mine Inspectors.]
Article XX. Powers and Duties of the Department of Highways.
Section 2001. Powers and Duties in General.
Section 2002. State and State-aid Highways.
Section 2003. Machinery, Equipment, Lands and Buildings.
Section 2004. Highway Districts.
Section 2005. General Road Improvement.
Section 2006. Township Roads.
Section 2007. State Reward Fund.
Section 2008. Toll Roads and Bridges.
Section 2009. Rebuilding County Bridges Destroyed by Flood, Fire, and other Casualty.
Section 2010. State Bridge Commission.
Article XXI. Powers and Duties of the Department of Health and Its Departmental Administrative and Advisory Boards.
Section 2101. Powers and Duties in General.
Section 2102. General Health Administration.
Section 2103. Housing.
Section 2104. Vital Statistics.
Section 2105. Health Districts and Officers.
Section 2106. Quarantines.
Section 2107. Tuberculosis Sanatoria.
Section 2108. Narcotic Drugs.
Section 2109. Water Pollution.
Section 2110. Sanitary Water Boards.
Section 2111. Advisory Health Board.
Section 2112 Anatomical Board.
Section 2113 State Hospital for Crippled Children.
Section 2114. Definitions.
Section 2115. Supervisory Powers.
Section 2116. Visitations and Inspections.
Section 2117. Appointment of Visitorial Bodies.
Section 2118. Promotion of County Welfare Organizations.
Section 2119. Recommendations.
Section 2120. Rules and Regulations.
Sections 2121. Transfer, Parole or Discharge of Patients.
Section 2122. Child Welfare.
Section 2123. Mental Health.
Section 2124. Approval of Plans and Mortgages.
Section 2125. State Institutions.
Section 2126. Care of the Indigent.
Section 2127. Boards of Trustees of State Institutions.
Article XXII. Powers and Duties of the Department of Labor and Industry, Its Departmental Administrative and Advisory Boards, and Departmental Administrative Officers.
Section 2201. Powers and Duties in General.
Section 2202. Inspection and Administration.
Section 2203. Investigations.
Section 2204. Statistics.
Section 2205. Rules and Regulations.
Section 2206. Mediation and Arbitration.
Section 2207. Women and Children.
Section 2208. Workmen's Compensation.
Section 2209. Rehabilitation.
Section 2210. Employment and Unemployment.
Section 2211. State Workmen's Insurance Board.
Section 2212. Workmen's Compensation Board.
Section 2213. Workmen's Compensation Referees.
Section 2214. Industrial Board.
Section 2221. Powers and Duties as to Mines Transferred.
Section 2222. Mines.
Section 2223. Mine Inspectors.
[Article XXIII. Powers and Duties of the Department of Welfare and Its Departmental Administrative and Advisory Boards and Commissions.
Section 2301. Powers and Duties in General.
Section 2302. Definitions.
Section 2303. Supervisory Powers.
Section 2304. Visitations and Inspections.
Section 2305. Appointment of Visitorial Bodies.
Section 2306. Promotion of County Welfare Organizations.
Section 2307. Recommendations.
Section 2308. Rules and Regulations.
Section 2309. Transfer, Parole or Discharge of Patients.
Section 2310. Child Welfare.
Section 2311. Restoration.
Section 2312. Inmate Labor.
Section 2313. Mental Health.
Section 2314. Approval of Plans and Mortgages.
Section 2315. State Institutions.
Section 2316. Care of the Indigent.
Section 2317. State Welfare Commission.
Section 2318. Boards of Trustees of State Institutions.
Section 2319. Board of Trustees of Cumberland Valley State Institution for Mental Defectives.
Section 2320. State Council for the Blind.
Section 2321. Pennsylvania Alcohol Permit Board.]
Article XXIV. Powers and Duties of the Department of Property and Supplies and Its Departmental Administrative and Advisory Boards and Commissions.
Section 2401. Powers and Duties Transferred.
Section 2402. Grounds, Buildings, and Monuments. in General.
Section 2403. Standards and Purchases.
Section 2404. Bonds and Liability Insurance.
Section 2405. Sale of Unserviceable Property.
Section 2406. Publications.
Section 2407. Automobiles.
Section 2408. Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings.
Section 2409. Method of Awarding Contracts for Stationery, Paper, Fuel, Repairs, Furnishings, and Supplies.
Section 2410. Method of Awarding Contracts for Public Printing and Binding.
Section 2411. Preparation of Plans and Specifications in Anticipation of Requested for Appropriations.
Section 2412. Qualification of Bidders.
Section 2413. Board of Commissioners of Public Grounds and Buildings.
Section 2414. State Art Commission.
Section 2415. General Galusha Pennypacker Monument Commission.
Section 2416. Capitol Police.

Section 2417. Allocation of Certain Costs incurred by the Department.

[Article XXV. Powers and Duties of the Department of Revenue.

Section 2501. Powers and Duties in General.

Section 2502. Enforcement of Vehicle Code.]

Article XXVI. Powers and Duties of the Board of Game Commissioner and Its Enforcement Officers.

Section 2601. Powers and Duties in General.

Section 2602. Enforcement of Game Laws.

Section 2603. Special Hunter's Licenses.

Section 2604. State Game Refuges and Farms.

Section 2605. Powers of Game Protectors.

Article XXVII. Powers and Duties of the Board of Fish Commissioners and Its Enforcement Officers.

Section 2701. Powers and Duties in General.

Section 2702. Enforcement of Fish Laws.

Section 2703. Hatching Stations and Distribution of Fish.

Section 2704. Fishways.

Section 2705. Special Licenses.

Section 2706. Powers of Fish Wardens.

Article XXVIII. Powers and Duties of the Public Service Commission of the Commonwealth of Pennsylvania.

Section 2801. Powers and Duties in General.

Section 2802. Public Service Company Law.

Section 2803. Elevated and Underground Railways.

Article XXVIII A. Powers and Duties of the Penal and Correctional Commission and Its Departmental Administrative Boards.

Section 2811. Powers and Duties in General.

Section 2812. Supervisory Powers.

Section 2813. Restoration.

Section 2814. Inmate Labor.

Section 2815. Boards of Trustees of State Institutions.

Section 2816. New Pennsylvania Industrial School and Maximum Security State Prison.

Article XXVIII B. Powers and Duties of the Assistance Commission and Its Departmental Administrative Council.

Section 2821. Powers and Duties in General.

Section 2822. Public Assistance.

Section 2823. State Council for the Blind.

Article XXIX. Interpretation and Effective Date.

Section 2901. Constitutionality.

Section 2902. Continuation of Existing Laws.

Section 2903. Enumeration of Powers and Departments, Boards, and Commissions.

Section 2904. Repealed Laws Not Revived.

Section 2905. Effective Date.

Section 2906. Existing Officers to Continue; Exception.

Article XXX. Repealer.

Section 3001. Acts and Parts of Acts Specifically Repealed.

Section 2. Certain Existing Boards and Commissions Abolished.—To accomplish the purposes of this act, the following departments, departmental and administrative boards and commissions and advisory boards and commissions are hereby abolished namely: State Anthracite Mine Cave Commission, Board of Trustees of Central State Penitentiary, Wyoming Valley Memorial Park Commission, General George Gordon Mease Statue Commission, Robert Morris Monument Commission, Camp Curtin Monument Commission [and] Gettysburg Battlefield Memorial Commision, State Athletic Commission, Insurance Department, Department of Welfare, Department of Forests and Waters, Department of Mines, Department of Revenue, and the State Emergency Relief Board."

Amend sec. 1 (sec. 201), page 6, line 3, by striking out with light-faced brackets the following: "Insurance Department."

Amend sec. 1 (sec. 201), page 6, line 4 by inserting after the word "Banking" the following: "and Insurance."

Amend sec. 1 (sec. 201), page 6, line 4 and 5, by striking out with light-faced brackets the following: "Department of Forests and Waters Department of Mines."

Amend sec. 1 (sec. 201), page 6, line 7, by striking out with light-faced brackets the following: "Department of Welfare" and inserting in lieu thereof: "and."

Amend sec. 1 (sec. 201), page 6, line 8, by striking out with light-faced brackets the following: "and Department of Revenue"

Amend sec. 1 (sec. 201), page 6, line 13, by inserting after the word "Commission" the following: "Penal and Correctional Commission and the Assistance Commission"

Amend sec. 1 (sec 202), page 6, by inserting after line 29 the following:

"Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission"

Amend sec 1 (sec. 202), page 9, line 6, by inserting after the word "Banking" the following: "and Insurance"

Amend sec. 1 (sec. 202), page 9, lines 11 to 22, by striking out with light-faced brackets: "all of said lines"

Amend sec. 1 (sec. 202), page 9, by inserting after line 28 the following:

"Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustee of Philipburg State Hopital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Cumberland Valley State Institution for Mental Defectives
Board of Trustees of Selinsgrove State Colony for Epileptics"

Amend sec. 1 (sec. 202), page 10, by inserting between lines 4 and 5 the following:

"Anthracite Mine Inspectors
Bituminous Mine Inspectors"

Amend sec. 1 (sec. 202), page 10, lines 5 and 6, by striking out with light-faced brackets: "both of said lines"

Amend sec. 1 (sec. 202), page 10, by inserting between lines 7 and 8 the following: "In the Penal and Correctional Commission"

Amend sec. 1 (sec. 202), page 10, lines 16 to 29, by striking out with light-faced brackets: "all of said lines."

Amend sec. 1 (sec. 202), page 11, lines 1 to 7, by striking out with light-faced brackets: "all of said lines."

Amend sec. 1 (sec. 202), page 11, lines 10 and 11, by striking out with light-faced brackets: "both of said lines."

Amend sec. 1 (sec. 202), page 11, lines 16 and 17, by striking out both of said lines, and inserting in lieu thereof: "In the Assistance Commission State Council for the Blind"

Amend sec. 1 (sec. 203), page 11, line 28, by striking out with light-faced brackets: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend sec. 1 (sec. 203), page 12, lines 8 an 9, by striking out with light-faced brackets: "both of said lines."

Amend bill, page 12, by inserting between lines 11 and 12, the following sections:

"Section 206. Department Heads.—Each administrative department shall have as its head an officer who shall, either personally, by deputy, or by the duly authorized agent or employe of the department, and subject at all times to the provisions of this act, exercise the powers and perform the duties by law vested in and imposed upon the department.

(a) The following officers shall be the heads of the administrative departments following their respective titles:

Secretary of the Commonwealth, of the Department of State;

Attorney General, of the Department of Justice;

Auditor General, of the Department of the Auditor General;

State Treasurer, of the Treasury Department;

Secretary of Internal Affairs, of the Department of Internal Affairs;

Superintendent of Public Instruction, of the Department of Public Instruction;

Adjutant General, of the Department of Military Affairs;

[Insurance Commisioner, of the Insurance Department;]

Secretary of Banking and Insurance, of the Department of Banking and Insurance

Secretary of Agriculture, of the Department of Agriculture;

[Secretary of Forests and Waters, of the Department of Forests and Waters;

Secretary of Mines, of the Department of Mines;]

Secretary of Highways, of the Department of Highways;

Secretary of Health, of the Department of Health:

Secretary of Labor and Industry, of the Department of Labor and Industry;

[Secretary of Welfare, of the Department of Welfare;]

Secretary of Property and Supplies, of the Department of Property and Supplies;

[Secretary of Revenue, of the Department of Revenue;]

Section 207. Appointment.—The Governor shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint:

(a) The Secretary of the Commonwealth, the Attorney General, the Superintendent of Public Instruction, the Adjutant General, the [Insurance Commissioner,] the Secretary of Banking and Insurance, the Secretary of Agriculture, [the Secretary of Forests and Waters,] the Secretary of Mines, the Secretary of Highways, the Secretary of Health, the Superintendent of Pennsylvania State Police, the Secretary of Labor and Industry, [the Secretary of Welfare,] the Secretary of Property and Supplies, [the Secretary of Revenue,] and the members of all independent administrative boards and commissions.

The Adjutant General shall have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard. No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard, or equivalent length of service in the United States Army, at least five years of which service shall have been as a commissioned officer. In ascertaining the service, herein required, the time a person served in the army of the United States during any war, in which the United States was engaged, shall be computed double.

(b) Except as in this act otherwise provided, the members of all departmental administrative bodies, boards, and commissions, and the officers who shall fill the departmental administrative offices mentioned in this article.

(c) Except as in this act otherwise provided, the members of all advisory boards and commissions.

Section 209. Compensation of the Governor, Lieutenant Governor, and Heads of Departments.—Annual salaries shall be payable in equal semi-monthly installments, as follows:

To the Governor, eighteen thousand dollars.

To the Lieutenant Governor, eight thousand dollars.

To the Secretary of the Commonwealth, ten thousand dollars.

To the Attorney General, twelve thousand dollars.

To the Auditor General, twelve thousand dollars.

To the State Treasurer, twelve thousand dollars.

To the Secretary of Internal Affairs, ten thousand dollars.

To the Superintendent of Public Instruction, twelve thousand dollars.

To the Adjutant General, ten thousand dollars.

[To the Insurance Commissioner, ten thousand dollars.]

To the Secretary of Banking and Insurance, ten thousand dollars.

To the Secretary of Agriculture, ten thousand dollars.

[To the Secretary of Forests and Waters, ten thousand dollars.

To the Secretary of Mines, ten thousand dollars.]

To the Secretary of Highways, twelve thousand dollars.

To the Secretary of Health, ten thousand dollars.

To the Secretary of Labor and Industry, ten thousand dollars.

[To the Secretary of Welfare, ten thousand dollars.]

To the Secretary of Property and Supplies, ten thousand dollars.

[To the Secretary of Revenue, twelve thousand dollars.]

Neither the Governor, Lieutenant Governor, nor the head of any administrative department, shall receive any additional compensation for any services rendered to the Commonwealth in any capacity."

Amend sec. 1 (sec. 210), page 12, line 27, by inserting after the word: "Fisheries" the following: "and of the Penal and Correctional Commission, and of the Assistance Commission,"

Amend sec 1 (sec. 427), page 19, lines 22 to 28, both inclusive, by striking out: "all of said lines"

Amend sec. 1 (sec. 427), page 20, lines 1 to 12, both inclusive, by striking out: "all of said lines"

Amend bill, page 20, by inserting between lines 12 and 13, the following sections:

"Section 428. Board to License Private Bankers.—The Board to License Private Bankers shall consist of the Secretary of Banking and Insurance, who shall be chairman thereof, the Secretary of the Commonwealth, and the State Treasurer.

Section 429. Pennsylvania Securities Commission.—The Pennsylvania Securities Commission shall consist of three members and the Secretary of Banking and Insurance, ex officio.

The members of the commission shall constitute a quorum, and no action of the commission shall be valid unless it shall have the concurrence of at least two members. A vacancy on the commission shall not impair the right of a quorum to exercise all the powers and perform all the duties of the commission.

The Governor shall designate one of the members of the commission as the chairman thereof, and the Secretary of Banking and Insurance, with the approval of the Governor, shall appoint a secretary, who shall receive such salary as the Secretary of Banking and Insurance, with the approval of the Governor, shall determine.

The chairman of the commission shall receive a salary at the rate of seven thousand five hundred dollars per annum. The other members of the commission, except the Secretary of Banking and Insurance, shall receive salaries at the rate of seven thousand dollars per annum."

Amend sec. 1 (sec. 431), page 20, lines 15 and 16, by striking out with light faced brackets the following: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend sec. 1 (sec. 431), page 20, line 25, by striking out with light faced brackets the following: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend bill, page 21, by inserting between lines 12 and 13, the following sections:

"Section 432 Geographic Board.—The Geographic Board shall consist of the Secretary of [Forests and Waters] Internal Affairs, who shall be the chairman thereof, the Secretary of Highways, the president of the Pennsylvania Historical Commission, and such officers of the Department of Internal Affairs as shall be designated by the Governor.

Three members of the board shall constitute a quorum.

Section 433. Lake Erie and Ohio River Canal Board.—The Lake Erie and Ohio River Canal Board shall consist of the Secretary of [Forests and Waters] Internal Afiairs, ex officio, and seven members, three of whom may be non-residents of Pennsylvania.

The Governor shall designate one member of the board as chairman, and the board shall elect a secretary.

Four members of the board shall constitute a quorum.

Section 434. Pennsylvania State Park and Harbor Commission of Erie.—The Pennsylvania State Park and Harbor Commission of Erie shall consist of [the Secretary of Forests and Waters,] the Secretary of Internal Affairs, the Commissioner of Fisheries, ex officio, and nine other persons, of whom two shall be appointed by the council of the City of Erie.

The commission shall annually elect a chairman and a secretary.

Five members of the commission shall constitute a quorum.

Section 435. Washington Crossing Park Commission.—The Washington Crossing Park Commission shall consist of the Secretary of [Forests and Waters] Internal Affairs, ex officio, and ten other persons.

The commission shall annually elect a chairman and a secretary.

Six members of the commission shall constitute a quorum.

Section 436. Valley Forge Park Commission.—The Valley Forge Park Commission shall consist of the Secretary of [Forests and Waters] Internal Affairs, ex officio, and thirteen other persons.

The commission shall annually elect a chairman and a secretary.

Seven members shall constitute a quorum.

Section 437. Fort Washington Park Commission.—The Fort Washington Park Commission shall consist of the Commissioners of Fairmount Park, Philadelphia, and the Secretary of [Forests and Waters] Internal Affairs, ex officio.

The commission shall annually elect a chairman and a secretary.

Seven members of the Commission shall constitute a quorum

Section 439. Sanitary Water Board.—The Sanitary Water Board shall consist of the Secretary of Health, who shall be chairman thereof, the Secretary of [Forests and Waters] Internal Affairs, the Commissioner of Fisheries, and three other members.

Four members of the board shall constitute a quorum.

Section 444. State Council for the Blind.—The State Council for the Blind shall consist of seven members, of whom three shall be the [Secretary of Welfare] Chairman of the Assistance Commission, the Superintendent of Public Instruction, and the Secretary of Labor and Industry. Of the other four members, one at least shall be a blind person.

The terms of members shall be four years from the dates of their respective appointments.

No paid employe of any school, institution, or other agency, carrying on work for the blind, shall be eligible for appointment.

The council for the blind shall annually elect from its members a chairman. The [Secretary of Welfare] Executive Secretary of the Assistance Commission shall be the secretary and executive officer of the council.

Four members of the council shall constitute a quorum.

At least four regular meetings of the council shall be held each year. Special meetings may be called jointly by the chairman and the secretary, and shall be called by the chairman on the written request of any three of the appointed members of the council."

Amend sec. 1 (sec. 448), page 22, line 14, by striking out with light faced brackets the following: "Forests and Waters," and inserting in lieu thereof: "Internal Affairs"

Amend sec. 1 (sec. 448), page 22, line 17, by striking out with light faced brackets the following: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend sec. 1 (sec. 448), page 22, line 29, by striking out with light faced brackets the following: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend sec. 1 (sec. 448), page 23, lines 27 to 29, both inclusive, by striking out with light faced brackets: all of said lines

Amend sec. 1 (sec. 448), page 24, lines 1 and 2, by striking out with light faced brackets: both of said lines

Amend sec. 1 (sec. 448), page 24, line 11, by striking out the following: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend sec. 1, page 40, by inserting between lines 15 and 16 the following sections:

"Section 1001. Power and Duties Retained.—Subject to any inconsistent provisions in this act contained, the Department of the Auditor General shall exercise its powers and perform its duties as provided in the Fiscal Code and other applicable laws, and in addition thereto, shall exercise the powers and perform the duties pertaining to the making of any audit heretofore exercised and performed by and by law vested in or imposed upon the Department of Revenue, the Secretary of Revenue, the Department of Welfare, the Secretary of Welfare, the former Department of Public Welfare, the commissioner of Public Welfare, and any other Department, board or commission now exercising and performing any powers or duties pertaining to the making of any audit. It is the intention hereof that all functions in any wise pertaining to the making of any audit shall be performed only by the Department of the Auditor General.

Section 1101. Powers and Duties Retained.—Subject to any inconsistent provisions in this act contained, the Treasury Department shall exercise its powers and perform its duties as provided in the Fiscal Code and other applicable laws, and in addition thereto shall exercise all the powers and perform all the duties pertaining to the settlement and collection of taxes, licenses and other revenue, and pertaining to the enforcement of the Vehicle Code, by law, vested in and imposed upon the Department of Revenue and the Secretary of Revenue.

Section 1401. Powers and Duties in General.—The Department of Military Affairs shall, subject to any inconsistent provisions in this act contained continue to exercise the powers, and perform the duties, by law vested in and imposed upon the Adjutant General, the Adjutant General's Department, the several former bureaus thereof, and the Department of Military Affairs and in addition thereto shall exercise the powers and perform the duties by law vested and imposed upon the State Athletic Commission."

Amend sec. 1, page 42, by inserting between lines 23 and 24 the following:

ARTICLE XVI

Powers and Duties of the Department of Banking and Insurance and its Departmental Administrative Board and Commission

Section 1601. Powers and Duties in General.—The Department of Banking and Insurance shall, subject to any inconsistent provisions in this act contained, [continue to] exercise the powers and perform the duties heretofore by law vested in and imposed upon the [said department] Department of Banking, the Banking Department, the Commissioner of Banking, and the Secretary of Banking, and upon the Insurance Department and the Insurance commissioner.

Section 1602. Banking Supervisory Powers.—The Department of Banking and Insurance shall have supervision over:

(a) All corporations, now or hereafter incorporated under the laws of this or any other State, and authorized to transact business in this State, which have power to receive, or are receiving, money on deposit or for safekeeping, otherwise than as bailees, including all banks, banking companies, cooperative banking associations, trust, safe deposit, real estate, mortgage, title insurance, guaranty, surety and indemnity companies, savings institutions, savings banks, and provident institutions;

(b) Mutual savings funds, building and loan associations, and corporations doing a safe deposit business only;

(c) All national banking associations located within this State, now or hereafter incorporated under the laws of the United States, which shall, in pursuance of Federal law or regulation, be granted a permit to act, or shall act as trustee, executor, administrator registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of insane persons, or in any other fiduciary capacity;

(d) All unincorporated banks, except such as are or shall be exempt by law, and all such individuals, partnerships, and unincorporated associations, as now are, or shall be, by law made subject to the supervision of the department, and any individuals or associations of individuals doing the business of cooperative banks, or of building and loan associations, or a business in the nature of either, whether under the guise of a deed of trust or otherwise.

Section 1603. Banking Laws.—The Department of Banking and Insurance shall enforce and administer the laws of this Commonwealth in relation to all corporations and persons under its jurisdiction and shall see that the greatest possible safety is afforded to depositors therein or therewith, and to other interested persons.

Section 2101. Powers and Duties in General.—The Department of Health shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the former bureaus thereof, the Commissioner of Health, and the Secretary of Health and in addition thereto shall exercise the powers and perform the duties, heretofore, by law, vested in and imposed upon the Department of Welfare, the Secretary of Welfare and the former Department of Public Welfare, and Commissioner of Public Welfare, except such powers and duties as pertain to penal and correctional institutions, the making of audits and the administration of public assistance."

Amend Sec. 1, page 42, lines 24 to 29, by striking out all of said lines.

Amend Sec. 1, page 43, lines 1 to 28, by striking out all of said lines.

Amend Sec. 1, page 44, lines 1 to 29, by striking out all of said lines.

Amend Sec. 1, page 45, lines 1 to 28, by striking out all of said lines.

Amend Sec. 1, page 46, lines 1 to 29, by striking out all of said lines.

Amend Sec. 1, page 47, lines 1 to 29, by striking out all of said lines.

Amend Sec. 1, page 48, lines 1 to 29, by striking out all of said lines.

Amend Bill, page 49, lines 1 to 27 by striking out all of said lines.

Amend Bill, page 50, lines 1 to 26 by striking out all of said lines.

Amend Bill, page 56, lines 21 to 29 by striking out all of said lines.

Amend Bill, page 57, lines 1 to 28 by striking out all of said lines.

Amend Bill, page 58, lines 1 to 29 by striking out all of said lines.

Amend Bill, page 59, lines 1 to 28 by striking out all of said lines.

Amend Bill, page 60, lines 1 to 29 by striking out all of said lines.

Amend Bill, page 61, lines 1 to 28 by striking out all of said lines.

Amend Bill, page 62, lines 1 to 28 by striking out all of said lines.

Amend Bill, page 63, lines 1 to 29 by striking out all of said lines.

Amend Bill, page 64, lines 1 to 29 by striking out all of said lines.

Amend Bill, page 65, lines 1 to 28 by striking out all of said lines.

Amend Bill, page 66, lines 1 to 29 by striking out all of said lines.

Amend Bill, page 67, lines 1 to 28 by striking out all of said lines.

Amend Bill, page 68, lines 1 to 28 by striking out all of said lines.

Amend Bill, page 69, lines 1 to 29 by striking out all of said lines.

Amend Bill, page 70, lines 1 to 29 by striking out all of said lines

Amend Bill, page 71, lines 1 to 25 by striking out all of said lines

On the question,

Will the House agree to the amendments?

Mr. TURNER. Mr. Speaker, in order to shorten the proceedings for the members of the House and to relieve you of the burden of listening to the reading of the extended amendments which I have offered to Senate Bill No. 776, we are taking a little unusual procedure, but if the House will bear with me I think it will shorten the proceedings very materially. May I say, in the first place, to the membership of the House on the other side, that if you had listened to me a couple of months ago and perhaps within the last month, you would have been saved this burden tonight. I have, as you will recall, on several occasions asked the Committee on State Government to consider an economy program. I went so far as to draft such an economy program and I asked the Committee on State Government and the Governor to cooperate with me in putting across such a program. I was assured by the gentleman from Monroe, Mr. Achterman, that the Committee on State Government would initiate such a program and study, and the Sterling Committee report was not to be forgotten, although it seemed that the Governor and some of my friends on the other side believe that all of the provisions for economy in the State Government are contained in the Sterling Committee report. I commend to you gentlemen the study of the Sterling Committee report, and as fine as that report is as a text book on our State Government, it does not contain many of the things that are necessary for a reorganization and a more efficient and compact organization of our State government. When this bill No. 776 appeared in the Committee on State Government, I am sure that the gentleman from Monroe and other members on that committee will not object to my making this statement, because I feel that in justice to myself and in justice to my colleagues here on the left, who have sat loyally waiting on us, that I ought to be allowed to make this statement.

I did at that time state that I had extensive amendments prepared which should not be submitted on the floor of the House, and that these amendments ought to go to the committee. As a result I was assured that there would be a sub-committee of the Committee on State Government to consider my amendments. I am still waiting on that sub-committee to consider them. We are therefore confronted with the proposition here of having to put this House through the ordeal of listening to a great number of amendments, because when you set out to amend the Administrative code you will find that it is not just a question of amending some little section, but it is a question of going through practically the whole code because here and there in other sections there are phrases and words which bear upon the question.

I am submitting and I am suggesting to the House, to shorten the proceedings that I outline what they cover, that the amendments then can be read the short way, and that this House can then proceed to act upon them. I believe in the reorganization of the State government and these amendments carry it out on this basis: that the Department of Banking and the Department of Insurance should be combined; that under the Department of Welfare all state hospitals should be transferred from the Department of Welfare to the Department of Health, and the penal and correctional institutions to a commission hereinafter suggested. The reason for that is that certain State hospitals, as you know, are now administered under the Department of Health. There is no reason why they should not be combined in the operation and management of the hospitals, and have the direction and supervision of the hospitals put into one bureau, penal

and correctional institutions ought to be cared for by a commission that is created for that purpose, with the particular knowledge necessary to guide them. I cannot see that the penal and correctional institutions belong under the administration of a department with as broad a scope as the Department of Welfare.

The Department of Forests and Waters should be transferred to the Department of Internal Affairs, and the Department of Mines to the Department of Labor and Industry. The reason for transferring the Department of Forests and Waters to the Department of Internal Affairs is because there should be a bureau with a continuing policy. Under our present conditions I think we had some two or three secretaries of the Department of Forests and Waters within a two year period. The Department of Mines should be transferred to the Department of Labor and Industry. The Department of Labor and Industry inspects our manufacturing institutions. The Department of Mines has to do with the inspection of mines and with the issuance of miners' certificates and with safety measures, and therefore it should be handled within that department.

The Department of Revenue should be a part of the Treasury Department. In other words, the Treasury Department should not only be a disbursing agency it should be a collection agency. I am not going to take the time of the House, to dissertate on that tonight, but I think that those members who were here when the Department of Revenue was created, and a number of us are here now who objected to it at that time, have always felt that it was a mistake, that it belonged within the Treasury Department. Certain functions within the Department of Revenue should be greatly curtailed and the extensive work should be cut down and the work should be done by the Auditor General's Department, by whom it was intended to be done.

The State Athletic Commission should be abolished and the work carried on by a director under a non-paid commission. I am not going to expand on that here. It is too small; it is a small agency and it does not need a salaried commission to carry on its work. There is an overlapping and duplication in auditing, and, as I said before, that work ought to be carried on by the Auditor General.

As to the new Department of Assistance that is to be set up under the bills which are before the House which have not yet been passed, it seems to me we are again creating a great big bureau which I think is going to be one of the hardest departments of the whole state of Pennsylvania to control. I think we are loading on the backs of the taxpayers of Pennsylvania something that they are not familiar with now, and cannot possibly foresee. I will have something more to say about that later.

I think the Unemployment Commission ought to be carried on by the Department of Labor and Industry in connection with its unemployment insurance, old age assistance, mothers' assistance, pensions for the blind, child welfare, vocational training, so far as it is not a part of the educational problem handled by the Department of Public Instruction. I say here again we are setting up a big bureau to do work that should be carried on under a non-paid commission with a director. If we should set up county boards and allow them certain administrative functions, we cut down the administration costs. I want you to bear in mind that under the bills that are now before the House, I think the Department of Assistance is going to get something like one million five hundred thousand dollars from the state, and it is going to get about one million three hundred thousand dollars from the Federal Government in addition to that, and expects to expand about four hundred thousand dollars a month which is now being expended upon administration for relief. That, I figure out, is something over ten million dollars, in this biennium that is going to be used in the administration of that one department. I think you will all agree, if you will stop to think about it that we are building something there that we are going to regret; that we are going to fasten something on the people of the state of Pennsylvania that they do not know they are getting, and when they come to try to shake it off they will find it has a strangle hold on them and they cannot get rid of it. Now is the time to stop it and put a check on it. I am confident that over two million dollars can be saved in the expense of the operation of the department, and I think we can save more if we but take the axe now and start to chop down the expenditures instead of expending the money which we have been expending. I would ask the membership of the House to look at the general appropriation bill and see just what it costs to run the state government and the amount that is being expended in the operation and the overhead in many of our departments. If you considered that, I think you would stop and sit down and talk with me about these amendments.

Mr. Speaker, I therefore present the amendments and ask that they be read the short way in order that they may be considered by the House.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. TURNER and Mr. McDEVITT and were as follows:

YEAS—38

Baker, F. T.,	Longaker,	Snyder,	Wall,
Cadwalader,	Matthews, J. F.,	Sollenberger,	Wampole,
Eckels,	McDevitt,	Sproul,	Watkins,
Fiss,	Muir,	Stewart,	Webster,
Habbyshaw,	Peale,	Stockham,	Weideman
Hamilton, R. S.	Perry,	Strode,	Wilson,
Huntley,	Royer,	Trout,	Wood,
Imbrie,	Schrock,	Turner,	Woodside,
Kane,	Serrill,	Van Allsburg,	Yeakel,
Kline,			

NAYS—105

Achterman,	Flannery,	McGee,	Schor,
Arnold,	Gerard,	McShane,	Schrope,
Baine,	Haberlen,	Melchiorre,	Shea,
Baker, J. J.,	Hagerty,	Mihm,	Shepard,
Bierly,	Harkins,	Mooney,	Shoemaker
Bohn,	Harmuth,	Moran,	Siegel,
Bois,	Hays,	Munley,	Simon,
Brancato,	Hering,	Murrin,	Skale,
Broad,	Hess,	O'Brien,	Spengler,
Brown,	Hetrick,	O'Connor,	Stank,
Brownfield,	Hindman,	O'Keefe,	Thomas,
Caesar,	Hirsch,	Ominsky,	Tronzo,
Coakley,	Holland,	Patterson, C. S.,	Tumelty,
Cohen, H. B.,	Holmes,	Patterson, J. W.,	Valibus,
Coleman,	Hontz,	Pearson,	VanSickle,
Coolahan,	Horting,	Piole,	Vogt,
Corrigan,	Jerolanio,	Powers,	Wagner,
Decker,	Keenan,	Preston,	Weiss, D. H.,
Dickinson,	Kelso,	Readinger,	Weiss, S. A.,
Donohoe,	LaRue,	Reese,	Welliver,
Dougherty,	Levy,	Reising,	Westrick,
Dubbs,	Lopresti,	Richter,	Wright,

Dyson,	Lovett,	Robinson,	Yanoshat,
Eipern,	McArdle,	Rothenberger,	Yourishin,
Finnerty,	McDermott,	Ruffennach,	Zappala,
Fitch	McElroy,	Sarraf,	Furman,
Flanagan,	McFall,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 That article twenty-six of the said act is hereby amended to read as follows

ARTICLE XXVI

Powers and Duties of the [Board of Game Commissioners] Pennsylvania Game Commission and Its Enforcement Officers

Section 2601 Powers and Duties in General The [Board of Game Commissioners] Pennsylvania Game Commission shall subject to any inconsistent provisions in this act contained [continue to] exercise the powers and perform the duties by law vested in and imposed upon the said [board] commission

Section 2602 Enforcement of Game Laws The [Board Game Commissioners] Pennsylvania Game Commission shall have the power and its duty shall be

(a) To protect propagate and preserve the game furbearing animals and protected birds of the Commonwealth and to enforce by proper action and proceedings the law relating to the same

(b) To appoint such number of game protectors as the Governor shall approve at such compensation as the Governor shall approve to assist the [board] commission in the proper discharge of its duties and such number of deputy game protectors as the Governor shall approve Deputy game protectors shall not receive any compensation for services rendered or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the [secretary of the board] executive director of the commission

The [secretary of the board] executive director of the commission shall be the Chief Game Protector and shall have the direction supervision and control of the other game protectors

Section 2603 Special Hunters' Licenses The [Board of Game Commissioners] Pennsylvania Game Commission shall have the power to issue special deer licenses special licenses to persons of known scientific attainment agents of public museums teachers of ornithology breeders taxidermists and fur dealers and other special licenses upon such terms and conditions and upon payment of such fees as may from time to time be provided by law

Section 2604 State Game Land Refuges and Farms The [Board of Game Commissions] Pennsylvania Game Commission shall have the power to acquire lands with or without mineral reservations by purchase lease or gift and to establish and maintain State Game Refuges and Game Farms State Game Propagation Areas and Special Preserves for the protection and propagation of game as may now or hereafter be authorized by law

Section 2605 Powers of Game Protectors Each member of the [Board of Game Commissioners] Pennsylvania Game Commission the executive [secretary] director of the [board] commission each game protector and each deputy game protector shall have the power

(a) To enforce all the laws relating to game or other wild birds or wild animals and to go upon any property outside of buildings posted or otherwise in the performance of his duty

(b) To execute all warrants and search warrants for the violation of the laws relating to game or other wild birds or wild animals

(c) To serve subpoenas issued for the examination investigation and trial of all offenses against the laws relating to game or other wild birds or wild animals

(d) To carry firearms or other weapons concealed or otherwise in the performance of their duties

(e) To arrest without warrant any person found in the act of violating any provisions of the laws relating to game or other wild birds or wild animals or in pursuit immediately following such violations or any person whom they have reason to suspect as being an unnaturalized foreign born resident when such person has in possession a firearm or a dog of any kind

(f) To call upon any citizen of this Commonwealth for assistance in making arrests

(g) To search without warrant and examine any person or any boat conveyance vehicle game bag game coat or other receptacle for game or any camp tent or cabin in the presence of any person stopping at or belonging to such camp tent or cabin or any roster when he has reason to believe and has stated to the suspected person or persons in charge his reason for believing that any of the laws relating to game or other wild birds or wild animals has been violated

(h) To secure and execute search warrants and in pursuance thereof to enter any building enclosure or car and to break open any apartment chest locker box trunk crate basket bag package or container and to examine the contents thereof

(i) At any time in any manner or for any purpose to seize and take possession of all birds or animals which have been caught taken or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to the laws of this Commonwealth (j) To seize all guns shooting or hunting paraphernalia traps dogs boats decoys or other appliances used in violation of any of the laws relating to game or other wild birds or wild animals when making an arrest or found in the execution of a search warrant

(k) To administer any oath required by the provisions or relative to any violation of any law relating to game found in a camp or in possession under control or other wild birds or wild animals and where game is found in a camp or in possession or under control of any individual or hunting party to question such person or persons under oath relative to the taking ownership or possession of the same

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, page 111, line 5 by inserting after the word "Game" and before the word "Refuges" the word: "Lands"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 That article twenty-eight of the said act is hereby amended to read as follows

ARTICLE XXVIII

Powers and Duties of the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission

Section 2801 Powers and Duties in General [The Public Service Commission of the Commonwealth of Pennsylvania shall subject to any inconsistent provisions in this act contained continue to exercise the powers and perform the duties by law vested in and imposed upon the said commission] The Pennsylvania Public Utility Commission shall continue to exercise the powers and perform the duties by law vested in and imposed upon such commission

[Section 2802 Public Company Law The Public Service Commision of the Commonwealth of Pennsylvania shall have the power and its duties shall be

(a) To administer and enforce the act approved the twenty-sixth day of July one thousand nine hundred and thirteen entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroads corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damage resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determination by the Courts of Common Pleas and giving the Court of Common Pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloading within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved the twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended and supplemented

(b) To certify to the Sanitary Water Board any question of fact regarding the purity of water supplied to the public by any public service company over which it has jurisdiction when any such question arises in any controversy or other proceeding before it and upon the determination of such question by the Sanitary Water Board to incorporate the findings of the board thereon in its decision upon the controversy or other proceeding out of which the question arose

Section 2803 Elevated and Underground Railways The Public Service Commission of the Commonwealth of Pennsylvania shall have the power and its duty shall be to exercise the powers and perform the duties heretofor by law vested in and imposed upon the board consisting of the Governor the Secretary of the Commonwealth and the Attorney General by the act approved the twentieth day of June one thousand nine hundred and one (Pamphlet Laws five hundred and seventy-seven) entitled "An act providing that no company hereafter formed for the purpose of construction and operation of a passenger railway either elevated or underground or partly elevated or partly underground with incidental surface rights shall be incorporated except where the same shall be located upon streets in thickly populated regions and until the necessity for such railways shall have been passed upon by a board consisting of the Governor the Secretary of the Commonwealth and the Attorney-General after notice" which reads as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no letters patent shall be issued to any company nor shall any corporation be otherwise created for the construction of an elevated or underground or partly elevated and party underground passenger railway except the same shall be located upon over under across through or along a street road or highway in a thickly populated locality where the surface travel is congested nor unless and until the necessity for the construction and operation of said railway shall have been passed on and approved by a board consisting of the Governor the Secretary of the Commonwealth and the Attorney General after thirty days' public notice published as shall be prescribed by said board]

The fourth section was read as follows:

Section 4 That at the end of Article five of the said act the following new section is hereby added

Section 524 Disposition of Useless Records Except as otherwise provided by law whenever any administrative department board or commission shall have an accumulation of files of correspondence reports records or other papers which are not needed or useful in the transaction of the current or anticipated future work of such department board or commission and which date back a period of four years and more it shall be the duty of the head of such department board or commission to submit to the Executive Board a report of that fact accompanied by a concise statement of the condition quantity and character of such papers If the Executive Board shall be of the opinion that such files of correspondence reports records or other papers or any part thereof are not needed or useful in the transaction of the current or anticipated future work of such department board or commission the head of such department board or commission shall place such files or any part thereof as the case may be in the custody of the Department of Property and Supplies and such department is hereby authorized to dispose of the same as waste paper in the manner prescribed in this act for the sale of unserviceable property Provided however That the Executive Board with the approval of the Department of Public Instruction may direct that any such files of correspondence reports records or other papers or any part thereof that are of historical interest be turned over to the Department of Public Instruction for preservation for historical purposes

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 4, page 117, lines 2 4and 25 by striking out the following: "That at the end of article five of the said

act, the following new section is hereby added" and inserting in lieu thereof:

"Said act is further amended by adding thereto, in their appropriate places, the following new sections and articles:

Section 304. Penal and Correctional Commission.—The Penal and Correctional Commission shall consist of eight citizens of the Commonwealth. The commission shall annually elect a president and a vice-president from among its members. It shall also appoint, to serve at its pleasure, and, with the approval of the Governor, fix the compensation of an executive secretary, who need not be a member of the commission, and who shall attend to the administrative work of the commission.

Five members of the commission shall constitute a quorum.

Members of the commission shall be appointed to serve for terms of six years.

Section 305. Assistance Commission.—The Assistance Commission shall consist of eight citizens of the Commonwealth. The commission shall annually elect a president and a vice-president from among its members. It shall also appoint, to serve at its pleasure, and, with the approval of the Governor, fix the compensation of, an executive secretary, who need not be a member of the commission, and who shall attend to the administrative work of the commission.

Five members of the commission shall constitute a quorum.

Members of the commission shall be appointed to serve for terms of six years."

Amend sec. 4 (sec. 524), page 118, line 3, by inserting after the word "commission" the following: "and which date back a period of four years and more"

On the question,

Will the House agree to the amendments?

They were not agreed to,

Mr ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 118 by inserting between lines 24 and 25 the following new section:

"Section 5. That at the end of article eleven of the said act, the following new section is hereby added:

Section 1103. State Employes' Retirement Board.—Subject to any inconsistent provisions in this act contained, the State Employes' Retirement Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said retirement board under the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred and fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," its amendments and supplements."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 That at the end of article eighteen of the said act the following new sections are hereby added

Section 1822 Powers and Duties of the State Parks Commission The State Parks Commission shall have the power and its duty shall be

(a) To act as a central advisory agency for all State parks and parkways and all places of historic scientific scenic or wild life interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

(b) To formulate and recommend to the Department of Forests and Waters plans for acquisition of lands improvements construction management use and extension of parks parkways and other places of historic scientific scenic or wild life interest which are or hereafter may be under the jurisdiction of the Department of Forests and Waters and plans for the establishment of a park policy for the Commonwealth

(c) To make available in its discretion information on parks and recreational facilities and to advise as to connections and relations between State parks and other parks within the Commonwealth

(d) To assist in the preparation of State park budgets to be submitted to the General Assembly

(e) To divide the Commonwealth into not less than four (4) park regions to be governed by Regional Park Boards as herein provided for

(f) To adopt such rules and regulations not inconsistent with law for the control management protection development and use of State parks as it may deem proper in aid of its powers and to insure a wise and orderly use of State parks and other places of interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

Section 1823 Powers and Duties of State Park Boards The Regional State Park Boards shall act as advisory agents to the State Parks Commission and to the Department of Forests and Waters and shall formulate and recommend through the assistant executive officers appointed by the Department of Forests and Waters of their respective Park Regions plans for the location acquisition development construction use and extension correlation and management of State parks parkways and places of historic scientific scenic or wild life interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 5, page 118, line 25 by striking out after the word "Section" and before the word "That" the following: "[5]" and inserting in lieu thereof the following: "6"

On the question,

Will the House agree to the amendment?

It was agreed to.

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 5, page 118, lines 24 to 25 by striking out all of said lines and inserting in lieu thereof:

"Section 1103. Enforcement of Vehicle Code.—In connection with the collection of motor license fees, fees for titling automobiles, and operators' license fees, and the issuance of certificates of title and motor and operators' licenses, the Treasury Department shall enforce the laws regulating the use of vehicles on the highways of this Commonwealth.

The State Treasurer may designate the person in charge of the work to which this section refers as the Commissioner of Motor Vehicles, and shall establish, within his department, for the purpose of assisting in the collection

of fees, the enforcement of the title provisions of the Vehicle Code, and the laws regulating the use of the highways by vehicles, a force to be known as the State Highway Patrol, which shall consist of such number of officers and men and be organized, trained, and disciplined in such manner as the State Treasurer, with the approval of the Governor, may determine.

Section 1211. Forest Powers and Duties Transferred.—The Department of Internal Affairs shall, subject to any inconsistent provisions in this act contained, exercise the powers, and perform the duties, by law vested in and imposed upon the Department of Forests and Waters, the Secretary of Forests and Waters, the Department of Forestry, the various former bureaus and officers thereof, including the Bureau of Forest Protection, the Commissioner of Forestry, and the State Forest Commission, abolished by The Administrative Code of 1923.

Section 1212. Forest Powers and Duties.—The Department of Internal Affairs shall have the power, and its duty shall be:

(a) With the approval of the State Forest Commission, to acquire in the name of the Commonwealth by purchase, gift, lease or condemnation, and hold as State forests, subject to the conditions of any such lease, and subject to such reservations if any of mineral rights, stumpage rights, rights of way, or other encumbrances as the department and the State Forest Commission deem to be consistent with such holding any lands which, in the judgment of the department, the Commonwealth should regulate as State forests: The purchase price of any such lands shall not exceed ten dollars per acre except the price paid for interior holdings and farms and marginal farms along State forest lands which shall not exceed twenty dollars per acre. The amount expended for the acquisition of lands for State forest purposes in any biennial appropriation period shall not exceed the appropriation for that purpose for such period.

(b) To purchase and hold, as State forests, unseated, vacant, or unappropriated lands, lands advertised for sale for taxes, and land sold for taxes, as may now or hereafter be provided by law.

(c) To hold, manage, control, protect, maintain, utilize, develop and regulate the occupancy and use of all lands heretofore or hereafter acquired, owned, leased and maintained as State forests, together with the resources thereof.

(d) To divide the State into such convenient forest districts as it deems economical and effective, to administer, protect, develop, utilize, and regulate the occupancy and use of the lands and resources of the State forests, to protect all forest land in the State from forest fires, fungi, insects, and other enemies, to promote and develop forestry and knowledge of forestry throughout the State, to advise and assist landowners in the planting of forest and shade trees, to obtain and publish information respecting forest lands and forestry in the State, to assist in Arbor Day work, and promote and advance any other activity in local forestry which the department may deem helpful to the public interest, and to execute the rules and regulations of the department for the protection of forests from fire and depredation. It may also assign district foresters to take active charge of such forest districts, and also foresters, forest rangers, and other help, for the administration of such forest districts, as the Secretary of Internal Affairs may deem necessary, for the accomplishment throughout the State of the purposes for which the department is established.

(e) To cooperate with the authorities of townships, boroughs, and cities, of this Commonwealth in the acquisition and administration of municipal forests, as may now or hereafter be provided by law.

(f) With the advice of the State Forest Commission, to establish such rules and regulations, not inconsistent with law, for the control, management, protection, utilization, development, occupancy, and use, of the lands and resources of the State forests, as the department deems proper, to conserve the interests of the Commonwealth. Such rules and regulations shall be compatible with the purposes for which the State forests are created, namely, to provide a continuous supply of timber, lumber, wood, and other forest products, to protect the watersheds, conserve the waters, and regulate the flow of rivers and streams of the State, and to furnish opportunities for healthful recreation to the public.

The net receipts, arising out of the occupancy and use of the State forests hereunder, shall be paid into the State Treasury, through the Department of Revenue, and shall belong to and form part of the State School Fund.

(g) Whenever it shall appear that the Welfare of the Commonwealth, with reference to reforesting, and the betterment of the State forests, with respect to control, managament, protection, utilization, development, and regulation, of their occupancy and use, will be advanced by selling or disposing of any of the timber on the State forests, to dispose of such timber on terms most advantageous to the State: Provided, That the department is authorized and directed to set aside, within the State forests, unusual or historical groves of rees, or natural features, especially worthy of permanent preservation, to make the same accessible and convenient for public use, and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment. And the said department is hereby empowered, with the advice of the State Forest Commission, to make and execute contracts or leases, in the name of the Commonwealth, for the mining or removal of any valuable minerals that may be found in said State forests, whenever it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said minerals: And provided further, That any proposed contracts or leases of valuable minerals, exceeding three hundred dollars in value, shall have been advertised once a week for three weeks, in at least two newspapers published nearest the locality indicated, in advance of awarding such contract or lease. Such contracts or leases may then be awarded to the highest and best bidder, who shall give bond for the proper performance of the contract as the department shall designate.

(h) To appoint and, with the approval of the Governor, fix the compensation of a chief forest fire warden, and such district forest fire wardens, and to appoint and fix the compensation of such local forest fire wardens and other assistants, as shall be required for the prevention, control, and extinction of forest fires.

(i) To establish and administer auxiliary forest reserves in the manner and under such terms and conditions as may nor or hereafter be provided by law.

(j) To distribute young forest trees, as provided by law, to those desiring to plant them.

(k) To furnish information, and issue certificates and requisition necessary for the payment of such fixed charges, in lieu of taxes on State forests and auxiliary forest reserves, to school districts, road districts, and counties, as may now or hereafter be provided by law.

(l) To sell or exchange State forest land, as provided by law, whenever it shall be to the advantage of the State forest interests: Provided, That such action has been authorized by resolution of the State Forest Commission, unanimously adopted at a meeting at which a majority of its members are present and voting, and has been approved by the Governor.

Section 1213. Forests Powers.—The Department of Internal Affairs shall have the power:

(a) To lease for a period not exceeding ten years, on such terms and conditions as it may consider reasonable, to any citizen, church organization or school board of Pennsylvania, such portion of any State forest, whether owned or leased by the Commonwealth, as the department may deem suitable as a site for a temporary building to be used by such citizen, church, organization or school board for health and recreation, or as a site for a church or school purposes.

(b) To lease for not more than ten years small areas in State forests, whether owned or leased by the Commonwealth, deemed by it to be better suited for the growing of other crops than for the growing of forest trees. If more than one person shall apply for the same tract, the lease shall be advertised for sale in three local county papers, if there be so many, once a week for three weeks, and may then be awarded to the highest responsible bidder, but the department may nevertheless reject

any or all bids. Upon the termination of any such lease, the lessee may remove buildings and fences placed thereon at his own expense, or the same may be purchased by the lessor as a part of the permanent improvement of the tract upon such terms as may be agreed upon by the department and the lessee.

(c) To grant rights of way through State forests, to individuals or corporations who may apply therefor, when it shall appear to the department that the grant of a right of way will not so adversely affect the land as to interfere with its usual and orderly administration, and when it shall appear that the interests of the Commonwealth or its citizens will be promoted by such grant. Rights of way, as used in this subsection, is hereby construed to include rights of passage and haulage for any lawful purpose, also rights of flowage or transmission for any lawful purpose.

(d) To give to street railway companies, duly incorporated under the laws of this Commonwealth, upon such terms and subject to such restrictions and regulations as the department, with the advice of the State Forest Commission, may deem proper, the privilege to construct, maintain, and operate their lines of railway over, along, and upon public highways now laid out and in actual use, which lie within or border on any State forests, whenever the interests of the Commonwealth will be benefited thereby.

(e) With the advice of the State Forest Commission, to give to boroughs and other municipalities of this Commonwealth, upon such terms and subject to such restrictions and regulations as the department may deem proper, the privilege of impounding water upon any State forest, and of constructing, maintaining, and operating lines of pipes upon and through State forests for the purpose of conveying water therefrom, whenever it shall be to the public interest so to do.

(f) In all cases where there are public roads, regularly established, runnning into or through or bordering upon State forests, from time to time, to expend such reasonable sums for the maintenance, repair, or extension of such roads as may be necessary for the proper administration and protection of State forests. All expenses that may thus be incurred shall be paid in the same manner as the other expenses of the department.

(g) To enter into cooperative agreements with county, township, municipal, and private agencies, for the prevention and suppression of forest fires, as provided by law.

Section 1214. Waters.—The Department of Internal Affairs shall have the power, and its duty shall be:

(a) To study, consider, and determine upon a public policy with regard to the conservation, marketing, and equitable distribution of the water and power to be derived from the utilization of the water resources of the Commonwealth, to the restoration, development, and improvement of transportation by water, to the supply of water and power for municipal, domestic, and industrial use, and to the conservation of water resources by the aid of forestation.

(b) To investigate or examine dams, walls, wing walls, wharves, embankments, abutments, projections, bridges and other water obstructions, determine whether they are unsafe, need repair, alteration or change in their structure or location, or should be removed, notify owners to repair, alter or change the structure or location, or remove the same, repair, alter or change the structure or location or remove the same in emergencies without notice and at the cost of the owners and apply for injunctions to enforce compliance with or restrain the violation of the law in regard to the safety of dams or the derogatory effect of walls, wing walls, wharves, embankments, abutments, projections, bridges or other water obstructions upon the regimen of streams or the violation of any lawful order or notice of the department, or the Water and Power Resources Board in regard thereto. The power of the department under this paragraph shall extend to and include all types of water obstructions regardless of the date when such obstructions were constructed and whether or not the same were constructed by express of implied permission of the Commonwealth or any agency thereof.

(c) To collect such information relative to the existing conditions of the water resources of the State as, in the opinion of the department, shall be necessary for the utilization of waters, and for the conservation, purification, development, and equitable distribution of water and water power resources, and in particular, for the use of such citizens and communities as may be in need of extended facilities for these purposes.

(d) To establish and maintain gauging stations on rivers and their tributaries.

(e) To issue bulletins, during freshet and flood conditions, forecasting gauge heights, and the times thereof.

(f) To maintain a complete inventory of all the water resources of the Commonwealth; collect all pertinent data, facts, and information in connection therewith; classify, tabulate, record, and preserve the same; and, upon the basis thereof, determine, with the approval of the Water and Power Resources Board, the points at which storage reservoirs may be construed for flood control, for municipal and domestic supply, hydraulic and hydroelectric power, steam raising, steam condensation, navigation, and other utilization; and generally to devise all possible ways and means to conserve and develop the water supply and water resources of the Commonwealth for the use of the people thereof.

(g) To construct, maintain, and operate works for water storage, flood control, channel improvement, or other hydraulic purposes.

Section 1215. Cooperation with Municipalities.—The Department of Internal Affairs shall cooperate with municipalities in the construction and completion of projects and improvements for the conservation of water and the control of floods. For this purpose, the department shall have the power to use and expend any funds advanced by municipalities, under authority of law, on the projects and improvements designated, when such funds are advanced, in the same manner as it expends any funds appropriated by the Commonwealth for similar purposes.

Section 1216. Parks.—The Department of Internal Affairs shall have the power, and its duty shall be:

(a) To supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth, except the Pennsylvania State Park, at Erie, Washington Crossing Park, Valley Forge Park, and Fort Washington Park.

(b) For the purpose of promoting healthful outdoor recreation and education and making available for such use natural areas of unusual scenic beauty, especially such as provide impressive views, water falls, gorges, creeks, caves or other unique and interesting features, to acquire in the name of the Commonwealth by purchase, gift, lease or condemnation, any lands which, in the judgment of the department, should be held controlled, protected, maintained and utilized as State park lands. Such lands may be purchased or accepted, subject to the conditions of any such lease, and subject to such reservations if any of mineral rights, rights of way, or other encumbrances as the department may deem not inconsistent with such holdings: Provided, however, That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes.

(c) To establish such rules and regulations not inconsistent with law for the control, management, protection, utilization, development, occupancy, and use of the lands and resources of State parks as it may deem necessary to conserve the interests of the Commonwealth. Such rules and regulations shall be compatible with the purposes for which State parks are created.

(d) To see that conveniences and facilities for the transportation, shelter, comfort and education of people shall be so designed and constructed as to retain so far as may be naturalistic appearance of State park areas, surroundings and approaches, and conceal the hand of man as ordinarily visible in urban, industrial and commercial activities.

(e) To lease for a period not to exceed ten years, on such terms as may be considered reasonable to any citizen or organization of this Commonwealth, a portion of any State park, whether owned or leased by the Com-

monwealth, as may be suitable as a site for temporary buildings to be used for health, recerational or educational purposes, or for parking areas or concessions for the convenience and comfort of the public.

(f) To study, counsel and advise in reference to gifts of lands or money for park purposes.

(g) To counsel and advise in reference to the development of park lands by concessionairies with facilities and equipment for the accommodation and education of the public.

Section 1217. Pennsylvania State Forest School.—The Department of Internal Affairs shall have the power, and its duty shall be:

(a) To maintain and operate the Pennsylvania State Forest School at Mont Alto.

(b) For that purpose, to employ such instructors, assign such foresters for instruction, and employ such services, as may reasonably be necessary (1) to provide at the school professional education in forestry and maintain a close association of theory and practice, and (2) to train forest rangers and forest inspectors.

(c) With the approval of the Governor, to enter into a cooperative agreement with any State or semi-State educational institution for the joint use of the facilities of the school by such institution and the department as may be deemed advisable by the Secretary of Internal Affairs. Any such agreement shall provide for an equitable division between such institution and the Commonwealth of the cost of operating the school and maintaining and repairing the buildings and equipment used by it.

Section 1218. Water and Power Resources Board.—The Water and Power Resources Board shall have the power, and its duty shall be:

(a) Subject to any inconsistent provisions in this act contained, to exercise the powers and perform the duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania, or in and upon said board, with regard to:

1. Applications for charters for corporations for the supply of water for the public or for the supply, storage, and transportation of water and water power, for commercial and manufacturing purposes, or for any other water or water power company.

2. Agreements for the merger and consolidation of two or more such corporations heretofore or hereafter formed.

3. The sale, assignment, disposition, transfer, and conveyance of the franchises and all the property, real, personal, and mixed, of any such corporation, heretofore or hereafter formed, to any other such corporation.

4. Consents or permits for the construction of dams, and other water obstructions, or of any change therein or addition thereto, and consents or permits for changing or diminishing the course, current, or cross section, of any stream or body of water.

5. Permits for the condemnation or appropriation of waters, or for the construction of hydraulic works.

6. Applications for new or additional sources of supply of water or water power.

7. Applications by companies for approval of the construction, operation, and maintenance of tunnels under navigable rivers, to connect their power to manufacturing plants, with coal lands wherein such companies have coal mining rights.

8. The extension of time fixed by law for the beginning or completion of the construction of the works of water or water power companies, inquiry into the standing of water or water power charters, hearings as to such beginning or completion, and as to the due diligence and bona fide intent of water and water power companies to fulfill the requirements of law, and the certification of facts to the Attorney General requesting him to institute quo warranto proceedings.

(b) To hold hearings upon and decide any other matter or thing relating to water, which may be within the jurisdiction of the Department of Internal Affairs, and which the Secretary of Internal Affairs may request the board to hear and determine.

(c) To complete the construction of a dam across the outlet of Pymatuning Swamp, in Crawford County, for the purpose of establishing a reservoir, and conserving the water entering said swamp, and regulating the flow of water in the Shenango and Beaver Rivers, and, in connection with this project, to acquire, in the name of the Commonwealth, by purchase, condemnation, or otherwise, such lands as may be needed.

Section 1219. Geographic Boards.—The Geographic Board shall have the power, and its duty shall be:

(a) To pass upon and determine all unsettled questions concerning geographic names, which arise in the administrative departments of the State Government.

(b) To determine, change, and fix the names of mountains, rivers, creeks, and other topographic features within the Commonwealth.

In the exercise of its powers, and the performance of its duties, the Geographic Board shall cooperate with the United States Geographic Board.

Section 1220. Lake Erie and Ohio River Canal Board.—Subject to any inconsistent provisions in this act contained, the Lake Erie and Ohio River Canal Board shall continue to exercise the powers and perform the duties by law vested and imposed upon said board.

Section 1221. Pennsylvania State Park and Harbor Commission of Erie.—Subject to any inconsistent provisions in this act contained, the Pennsylvania State Park and Harbor Commission of Erie shall continue to exercise the powers and perform the duties by law vested in and imposed upon said commission.

Section 1222. Washington Crossing Park Commission.—Subject to any inconsistent provisions in this act contained, the Washington Crossing Park Commission shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said commission.

Section 1223. Valley Forge Park Commission.—Subject to an inconsistent provisions in this act contained, the Valley Forge Park Commission shall continue to exercise the powers and perform the duties by law vested in and imposed upon the Commissioners of Valley Forge Park.

Section 1224. Fort Washington Park Commission.—The Fort Washington Park Commission shall have the power, and its duty shall be, to supervise, maintain, improve, regulate, police, and preserve Fort Washington Park, Montgomery County.

Section 1225. State Forest Commission.—The State Forest Commission shall have the power:

(a) To consider, study, and advise, in the work of the Department of Internal Affairs, relating to forests and parks. For this purpose, the commission shall have access, at any time, to all books, papers, documents, and records pertaining or belonging to the department.

(b) To advise the department, on request, and to make recommendations, upon its initiative, for the improvement of the work of the department.

(c) To approve or disapprove the rules and regulations which the department may from time to time propose to adopt.

(d) To give or withhold its consent to any act of the department, the validity of which is, by this act, made subject to the consent of the commission.

Section 1226. Bushy Run Battlefield Commission.—The Bushy Run Battlefield Commission shall the right, from time to time, to meet for the purpose of considering and studying the work of the department with regard to the Bushy Run Battlefield State Park in Westmoreland County, and to make recommendations and render advice to the department with reference to the conduct, improvement and maintenance thereof.

Section 1227. Powers of Forest Officers.—The persons employed, under the provisions of this act, by the Department of Internal Affairs for the protection of the State forests shall, after taking the proper official oath before the clerk of the Court of Quarter Sessions of any county of the Commonwealth, be vested with the same powers as are, by existing laws, conferred upon constables and other peace officers, to arrest on view, without first procuring a warrant therefor, persons detected by them in the act of trespassing upon any forest or timber land within this Commonwealth, under such circumstances as to warrant the reasonable suspicion that such person or persons have committed, are committing, or are about to commit any offense or offenses against any of the laws now enacted or hereafter to be enacted for the protection of forests and

timber lands. Such officers shall likewise be vested with similar powers of arrest in the case of offenses against the laws or rules and regulations enacted or established, or to be enacted or established, for the protection of the State forests, or for the protection of the fish and game contained therein: Provided, That the above-mentioned rules and regulations shall have been previously conspicuously posted upon the State forests. Said officers shall further be empowered, and it shall be their duty, immediately upon any such arrest, to take and convey the offender or offenders before a justice of the peace or other magistrate having jurisdiction, for hearing and trial or other due process of law; Provided, further, That this act shall extend only to the case of offenses committed upon the State forests, and lands adjacent thereto, and the powers herein conferred upon said officers shall not be exercised beyond the limits thereof, except where necessary for the purpose of pursuing and arresting such offenders, or of conveying them into the proper legal custody for punishment as aforesaid.

Section 1228. Powers of Chief Forest Fire Warden.—The Chief Forest Fire Warden shall, subject to the approval of the Secretary of Internal Affairs have the power, and his duty shall be:

(a) To take such measures for the prevention, control, and extinction of forest fires, as will assure a reasonable protection from fire to woodlots, forest, and wild land within the Commonwealth;

(b) To supervise and manage the forest fire wardens throughout the Commonwealth, and, when necessary, to appoint persons who shall serve without compensation as special or as ex officio fire wardens. Such special or ex officio fire wardens shall have the same powers as local forest fire wardens, but their duties may be changed or extended by the chief forest fire warden. Any special or ex officio forest fire warden, appointed as herein provided shall be entitled to receive the necessary expenses incurred by him in the performance of his duties as fire warden;

(c) To report to the Secretary of Internal Affairs, at such times as the secretary shall require, covering all places of the work done under his direction;

(d) To collect, with the assistance of the fire wardens under his supervision, data as to location, area, and fire hazards, of woodlots, forest and wild lands, within the State, as to forest fires and losses resulting therefrom, and uch other data as he may desire to present to the department or to the police;

(e) To plan and to put into operation and maintain a system of fire towers and observation stations, which shall cover the regions subject to forest fires, and, to purchase the necessary materials and equipment and hire the necessary labor therefor;

(f) During dry seasons, whenever necessary, to appoint certain forest fire wardens as patrolmen for regions subject to great fire risk;

(g) To enter into agreements with persons, associations, or corporations, upon satisfactory terms, for forest fire prevention or control;

(h) To conduct educational work in relation to the protection of forests from fire;

(i) To approve and transmit to the Secretary of Internal Affairs all correct bills for expenses incurred by him or under his supervision;

(j) To declare a public nuisance any property which by reason of its condition or operation is a special forest fire hazard, and, as such, endangers other property or human life. He shall notify the owner of the property, or the person responsible for the condition declared a public nuisance, and advise him of the abatement of such public nuisance. In case of a railroad, such notice shall be served upon the superintendent of the division upon which the nuisance exists.

(k) To collect and arrange information coscerning violation of law relating to the protection of forests from fire, and present the same to the Secretary of Internal Affairs, who shall file it with the Department of Justice for legal action;

(l) To issue, to persons appointed forest fire wardens, certificates of appointment, and, when deemed advisable, to issue badges to such persons.

Section 1229. Powers of District Forest Fire Wardens.—Each district fire warden shall have the power, and his duty shall be:

(a) To establish headquarters at some advantageous place within his district;

(b) To act as the field representative of the Chief Forest Fire Warden;

(c) To collect and forward to the Chief Forest Fire Warden such data within his district as may be required by the Chief Forest Fire Warden;

(d) To make recommendations to the Chief Forest Fire Warden for the appointment of local fire wardens, the location of towers, the employment of patrolmen, the region to be patrolled, and such other matters as may come to his attention which would tend to improve the protective system;

(e) To arrange for annual meetings of fire wardens within his district for instruction in forest fire matters;

(f) To report to the Chief Fore Fire Warden conditions existing within his district, which are or may become forest fire hazards, and to serve notices for the correction or removal fo such conditions, after and when issued by the Chief Forest Fire Warden;

(g) To receive, audit and, if correct, approve the reports and accounts of the local fire wardens, before submitting them to the Chief Forest Fire Warden;

(h) To act as an inspector of the work of the local fire wardens and render assistance to them:

(i) To conduct educational work, and develop cooperation between local agencies and the Department of Internal Affairs for the prevention and suppression of forest fires:

(j) To perform such other duties as may be assigned to him by the Secretary of Internal Affairs and the Chief Forest Fire Warden.

Section 1230. Powers of Local Forest Fire Wardens.—It shall be the duty of each local forest fire warden:

(a) Whenever fire is discovered in or approaching woodlots, forests, or wild lands, whether the same be owned by individuals, corporations, or by the Commonwealth, immediately to take such measures as are necessary to extinguish the fire;

(b) Whenever fires have been combated or extinguished, to prepare a correct statement of expenses, upon forms to be furnished by the department, which must be filed with the district forest fire warden and by him forwarded to the Chief Forest Fire Warden within sixty days of the date of the fire;

(c) Promptly to investigate the cause of each fire which comes to his knowledge, collect such evidence as may be discovered relating thereto, and such other facts as he may be directed to investigate, and report the same to the Chief Forest Fire Warden;

(d) To attend an annual meeting of forest fire wardens in his district when notified, or present a reasonable excuse;

(e) When designated as a patrolman or watchman, to perform such duties as may be assigned him by the Chief Forest Fire Warden, or by the district forest fire warden.

Section 1231. Powers of all Forest Fire Wardens.—Every forest fire warden, appointed as provided in this act, shall have the power:

(a) To employ such other persons, as in his judgment may be necessary, to render assistance in extinguishing foret fires, and to compel the attendance of persons, and to require their assistance, in the extinguishing of forest fires:

(b) To administer an oath or affirmation, in order to examine any person who he believes knows facts relating to any forest fire, or who claims compensation for services rendered:

(c) To enter upon any land at any time for the purpose of performing duties in accordance with this act;

(d) To arrest on view, without first procuring a warrant, any person detected by him in the act of committing an affense against any of the laws for the protection of forests, woodlots, or wild lands, or, when he shall have a reasonable suspicion that any person is committing or about to commit some such offense. Such forest warden shall have further power to take the offender before a justice of the peace, magistrate, or other officer having

jurisdiction, for hearing, trial or other due process of law:

(e) To exercise the foregoing powers, not only in the jurisdiction, for or within which he may have been appointed, but also in adjacent or other boroughs, townships, or counties."

Amend Sec. 5 (sec. 1822), page 118, line 26, by striking out the following: "1822" and inserting in lieu thereof: "1232"

Amend Sec. 5 (sec. 1822), page 119, line 5, by striking out the following: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend Sec. 5 (sec. 1822), page 119, line 7, by striking out the following: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend Sec. 5 (sec. 1822), page 119, lines 11 and 12, by striking out the following: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend Sec. 5 (sec. 1822), page 119, line 29, by striking out the following: "Forests and Waters" and inserting in lieu thereof: "Internal Affairs"

Amend Sec. 5 (sec. 1823), page 120, line 1, by striking out the following: "1823" and inserting in lieu thereof: "1233'

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth section was read as follows:

Section 6 That at the end of article twenty-five of the said act the following new section is hereby added Section 2503 State Athletic Commission The State Athletic Commission shall subject to any inconsistent provisions in this act contained continue to exercise the powers and perform the duties by law vested in such commission It shall administer the laws allowing and regulating boxing sparring and wrestling matches and exhibitions within this Commonwealth

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 6, page 120, line 13 by striking out after the word "Section" and before the word "That" the following: "[6]" and inserting in lieu thereof the following: "7"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Bill, page 120, lines 13 to 28, both inclusive, by striking out all of said lines.

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh section was read as follows:

Section 7 The members (exclusive of the ex officio member) officers and employes of the State Athletic Commission which is transferred by this act from the Department of Military Affairs to the Department of Revenue shall continue to be the members officers and employes of such commission and to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions Such members officers and employes shall retain all accrued retirement rights and their services shall be deemed to be continuous as if such commission had not been transferred as aforesaid

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 7, page 120, line 22 by striking out after the word "Section" and before the word "The" the following: "[7]" and inserting in lieu thereof the following: "8"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Bill, page 121, lines 1 to 5, by striking out all of said lines, and inserting in lieu thereof:

"Section 1603.1. Insurance Laws.—The Department of Banking and Insurance is charged with the execution of the laws of this Commonwealth in relation to insurance.

Section 2114. Definitions.—As used in this article,

(a) "State Institutions" shall mean and include all hospitals for the insane, or any other institutions for feeble-minded or epileptic persons, and charitable institutions, within this Commonwealth, maintained in whole by the Commonwealth, and whose boards of trustees are departmental administrative boards within the Department of Health;

(b) "Children's Institutions" shall mean any incorporated or unincorporated organization, society, corporation or agency, public or private, which may receive or care for children, or place them in foster family homes, either at board, wages or free; or any individual who for hire, gain or reward, receives for care a child, unless he is related to such child by blood or marriage within the second degree; or any individual, not in the regular employ of the court or of an organization, society, association or agency, duly certified by the department, who in any manner becomes a party to the placing of children in foster homes, unless he is related to such children by blood or marriage within the second degree or is the duly appointed guardian thereof;

(c) "Maternity Home and Hospital" shall mean any house, home or place in which, within a period of six months, any person receives for care or treatment during pregnancy, or during or immediately after parturition, more than one woman, except women related to such person by blood or marriage within the second degree;

(d) "Supervised Institution" shall mean any charitable institution within the Commonwealth which receives financial assistance from the Commonwealth, either di-

rectly or indirectly, and to which the Governor does not appoint any member of the board of inspectors, managers, trustees or directors; all houses or places within the Commonwealth in which any person of unsound mind is detained, whenever the occupant or owner of the house, or person having charge of such person of unsound mind, receives any compensation for custody, control or attendance, other than as an attendant or nurse; and also all institutions, houses or places, in which more than one such person is detained, with or without compensation paid for custody or attendance; all children's institutions and maternity homes and hospitals within the Commonwealth; all homes or hospitals for crippled children within the Commonwealth; all hospitals, almshouses, or poorhouses, maintained by any county, city, borough, township or poor district of this Commonwealth.

Section 2115. Supervisory Powers.—The Department of Health shall have supervision over:

(a) All State institutions,

(b) All supervised institutions as defined in this article,

(c) All children's institutions within this Commnowealth,

(d) All maternity homes and hospitals within this Commonwealth,

(e) Any system of reparation provided by the Commonwealth for relief from conditions caused by minecaves, fire, flood or other casualty, and constituting a menace to public safety and welfare.

(f) All boarding homes for children which have been licensed by the State.

Section 2116. Visitations and Inspections.—The Department of Health shall have the power, and its duty shall be:

(a) To make and enforce rules and regulations for the visitation, examination and inspection of all supervised institutions;

(b) To visit and inspect, at least once in each year, all State and supervised institutions; to inquire and examine into their methods of instruction, discipline, detention, imprisonment, care or treatment, the care, treatment, government or management of their inmates or those committed thereto, or being imprisoned, detained, treated or residing therein, the official conduct of their inspectors, trustees, managers, directors or other officer or officers charged with their management by law or otherwise, or having the management by law or otherwise, or having the management, care, custody or control thereof, the buildings, grounds, premises, and equipment thereof, or connected therewith, and all and every matter and thing relating to their usefulness, administration, and management, and to the welfare of the inmates thereof, or those committed thereto or being imprisoned, detained, treated or residing therein;

For these purposes, the Secretary of Health, or other officer, inspector or agent of the department, shall have free and full access to the grounds, premises, and buildings, of and to all the records, books or papers of or relating to any such State or supervised institution, and full opportunity to interrogate or interview and inmate thereof, or any person or persons committed to or being imprisoned, detained, treated or residing therein, and all persons connected with any such State or supervised institution as officers, or charged with the management, thereof, by law or otherwise, or in any way having the care, custody, control, or management thereof, or connected therewith as employes, are hereby directed and required to give to the Secretary of Health, or to such officer, inspector or agent of the department, such means, facilities, and opportunity for such visitation, examination, inquiry, and interrogation, as is hereby provided and required, or as the department, by its duly ordained rules or regulations, may require.

(c) Whenever upon the visitation, examination, and inspection of any State or supervised institution, any condition is found to exist therein which, in the opinion of the department, is unlawful, unhygienic, or detrimental to the proper maintenance and discipline of such State or supervised institution, or to the proper maintenance, custody safety and welfare of the inmates thereof, or of the persons committed thereto, or being treated, detained or residing therein, to direct the officer or officers charged by law with or in any way having or exercising the control, government, or management of such State or supervised institution, to correct said objectionable condition in the manner and within the time specified by the department; whereupon it shall be the duty of such officer or officers to comply with the direction of the department. If such officer or officers shall fail to comply with such direction, the department may request the Department of Justice to institute appropriate legal proceedings to enforce compliance therewith or the department may withhold any State money available for such institution until such officer or officers comply with such direction.

(d) To cause to be visited and examined any person found by an inquisition to be insane, and to authorize such visiting and examining by an officer or agent of the department, or any board of visitors, or by a physician, and to apply to the court having jurisdiction over the committee or guardian of such insane person, or to a judge of a Court of Common Pleas of the county in which the insane person is a resident or detained, to make such orders for the maintenance, custody, or care of the insane person, and for the care and disposition of the property of the insane person, as the case may require.

Section 2117. Appointment of Visitorial Bodies.—The Department of Health shall have the power to appoint a board of three or more members in any county of the Commonwealth, to act without compensation, as a board of visitors, to visit any supervised institution in such county in aid of and as the representatives of the department, such board to make a report of such visitation as the department may require. It shall be the duty of the officers or other persons having charge of such supervised institution to afford full facilities for such board to make an examination and inspection thereof.

Section 2118. Promotion of County Welfare Organizations.—The Department of Health shall have the power to promote the organization of county councils of social agencies, and county welfare boards, the purpose of which shall be to coordinate the social welfare activities of the counties.

Section 2119. Recommendations.—The Department of Health shall have the power, and its duty shall be, from time to time, to recommend and bring to the attention of the officers or other persons having the management of the State and supervised institutions such standards and methods as may be helpful in the government and administration of such institutions and for the betterment of the inmates therein; whereupon it shall be the duty of such officers or other persons to adopt and put into practice such standards and methods.

Section 2120. Rules and Regulations.—The Department of Health shall have the power to make and enforce rules and regulations as follows:

(a) Provided for the licensing of all houses or places in which any person can be lawfully detained as an insane person, or a person of unsound mind, upon compensation paid to or received by the owner or occupant of such house or place, directly or indirectly, for the care of such insane person or person of unsound mind, and also of all houses, places or institutions, in which more than one insane person or person of unsound mind is detained or resides, other than a jail or prison, with the right to exempt any State institution, institution under municipal authority, or any other institution;

(b) To insure the proper care and treatment of persons of unsound mind, detained in any house, place or institution, whether licensed or not; to guard against the improper or unnecessary detention of such persons; to regulate and all matters relative to their welfare; to regulate their means of communication with relatives, friends, and other persons outside the house, place, or institution of detention; and to insure to them the admission of all proper visitors, being members of their families or personal agents or attorneys;

(c) Regulating the forms to be observed warranting the commitment, transfer of custody, and discharge, of all insane persons, other than those committed by order of a court of record, and as to these, with the consent of

the presiding judge of the court under whose order the person is detained;

(d) For the approval of psychopathic wards maintained by hospitals for the reception and care of persons suffering with mental disorders.

Section 2121. Transfer, Parole or Discharge of Patients.—The Department of Health shall have the power:

(a) To apply to the proper court for the transfer or removal of insane persons from county or district poorhouses, almshouses, hospitals, or in the custody of the directors or overseers of the poor, to the State hospitals for the insane;

(b) To transfer the indigent insane from State hospitals for the insane to the almshouses, poorhouses or prisons of the several counties charged with their maintenance;

(c) To transfer patients or inmates from one State hospital for the insane to another such hospital;

(d) To transfer a committed insane person from a licensed private hospital or institution to a State or licensed county hospital, and vice versa;

(e) To apply to the proper court for the removal to a hospital for the insane of any person imprisoned in a pentitentiary or prison and believed to be insane;

(f) To transfer a committed inmate from one type of institution under the supervision of department to another type of institution under its supervision;

(g) To investigate, and be heard, before an order is made in any case to remove to any place of custody, other than a hospital, any criminal confined in a hospital by order of any court, or any lunatic committed to a hospital after an acquital of crime.

The cost of the transfer or removal, and of the maintenance, of any insane person, transferred by or under the direction, or upon the application of the Secretary of Health, or other officer of the department pursuant hereto, shall be borne and paid in the manner provided by law in the case of any such transfer or removal.

All traveling expenses of indigent insane persons discharged by order of the department from any State hospital for the insane, from the hospital to their respective homes, shall be paid by the hospital, the amount thereof to be refunded to such hospital from the appropriation for the care and relief of such indigent insane then durrent.

(h) To order and compel the parole or discharge of any person detained in any place as insane or of unsound mind, other than a person committed after trial and conviction for crime, or by order of court, but the department shall not make any such order, unless notice be given to the person having charge of the building in which, and to the person or persons at whose instance, the patent is detained, and reasonable opportunity given them to justify a further detention, and the department has caused the case of the patient to be personally attended and examined by its officer or agent.

Section 2122. Child Welfare.—The Department of Health shall have the power, and its duty shall be:

(a) To investigate the residence of a child placed in Pennsylvania from unlicensed sources in another State, to return such child to the State of its legal residence, and to enter into appropriate contracts with such State relative thereto;

(b) To exercise any other powers and perform any other duties with regard to the bringing into this Commonwealth dependent, delinquent, or defective children, which may now or hereafter be authorized or imposed by law upon the department;

(c) To make and enforce such rules and regulations for the effective enforcement of this section as shall be deemed advisable and appropriate.

Section 2123. Mental Health.—The Department of Health shall have the power, and its duty shall be:

To administer and enforce the laws of this Commonwealth relative to the prevention of mental diseases, mental defects, epilepsy, and inebriety, the admission and commitment of mental patients to hospitals for mental diseases and institptions for mental defectives and epilepsy and the transfer, discharge, escape, interstate rendition, and deportation of mental patients.

Section 2124. Approval of Plans and Mortgages.—The Department of Health shall have the power, and its duty shall be:

(a) To approve or disapprove all plans for the erection or substantial alteration of any State or supervised institution receiving aid from the Commonwealth;

(b) To investigate, and report to the Auditor General, upon every application to the Auditor General made by any institution, corporation, or unincorporated association, desiring to give a mortgage under the provisions of the act approved the twenty-ninth day of April, Anno Domini one thousand nine hundred and fifteen (Pamphlet Laws, two hundred and one), entitled "An act making mortgages given by benevolent, charitable, philanthropic, educational, and eleemosynary institutions, corporations, or unincorporated associations for permanent improvement and refunding purposes, prior liens to the liens of the Commonwealth for the appropriation of moneys; providing a method for the giving of such mortgages, and fixing the duties of the Auditor General and Board of Public Charities in connection therewith.

Section 2125. State Institutions.—With regard to State institutions, the department shall have the power, and its duty shall be:

(a) To determine the capacity of such institutions;

(b) To determine and designate the type of persons to be received by such institutions, the proportion of each type to be received therein, and the districts from which persons shall be received by such institutions;

(c) To issue requisitions upon the Auditor General for warrants, to be drawn by the Auditor General upon the State Treasurer, in favor of such institutions, for the payment, out of money specifically appropriated to the department for the purpose of the expenses of administering, operating, maintaining, and developing such State institutions;

(d) To require the submission to the department of any contract for repairs, alterations or equipment, which and such State institution desires to make, and to approve or disapprove such proposed contract. No such contract shall be valid, without the approval of the department as evidenced by the signature of the Secretary of Welfare.

(e) To fix and establish charges for all services rendered by State-owned medical and surgical hospitals.

Section 2126. Care of the Indigent.—The Department of Health shall have the power, and its duty shall be:

(a) Whenever the General Assembly shall have specifically appropriated money to the department for the purpose, to issue requisitions upon the Auditor General for warrants, to be drawn by the Auditor General upon the State Treasurer, in favor of such hospitals, homes, and institutions as shall conform to at least the minimum standards of plant, equipment, service, administration, and care and treatment necessary for the proper care and treatment of patients or inmates, as required by the rules and regulations of the department, or established by law, in amounts computed upon the per diem rates of payment established by law for free service to indigent persons as follows:

1. The care and treatment of sick or injured persons in hospitals,

2. The care of dependent, delinquent, and defective children in homes or institutions,

3. The care of dependent adults in homes or institutions,

4. The care, and treatment of crippled children in homes or hospitals,

5. The care, treatment and removal of insane persons in county hospitals for the insane or private institutions licensed by the department,

6. The removal of non-resident dependent children,

7. The placement of dependent children through child-caring agencies,

(b) To approve requisitions issued by hospitals, homes or institutions, to which the General Assembly shall have appropriated money for the care and treatment of indigent persons, if such hospitals, homes or institutions shall conform to at least the minimum standards of plant, equipment, service, administration, and care and treatment necessary for the proper care and treatment of patients or inmates, as required by the rules and regulations of the

department, or established by law, and, if such requisitions are in the amounts to which such hospitals, homes or institutions are entitled according to law;

(c) To establish rules and regulations, not inconsistent with law, prescribing minimum standards of plant, equipment, service, administration, and care and treatment for State-aided institutions, and for determining the number of free days of care and treatment rendered to indigent persons by hospitals, homes or institutions.

Section 2127. Boards of Trustees of State Institutions.—The board of trustees of each State institution within the Department of Health shall have general direction and control of the property and management of such institution. It shall have the power, and its duty shall be:

(a) Subject to the approval of the Governor, to elect a superintendent of the institution, who shall, subject to the authority of the board, administer the institution in all its departments;

(b) On nomination by the superintendent, from time to time, to appoint such officers and employes as may be necessary;

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board;

(d) Subject to the approval of the Secretary of Health, to make such by-laws, rules, and regulations for the management of the institution as it may deem wise.

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions:

Board of Trustees of Allentown State Hospital, of Homeopathic State Hospital for the Insane at Allentown.

Board of Trustees of Danville State Hospitals, of State Hospital for the Insane at Danville, Pennsylvania.

Board of Trustees of Fairview State Hospital, of State Hospital for the Criminal Insane at Fairview.

Board of Trustees of Harrisburg State Hospital, of Harrisburg State Hospital at Harrisburg.

Board of Trustees of Norristown State Hospital, of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown.

Board of Trustees of Warren State Hospital, of State Hospital for the Insane at Warren, Pennsylvania,

Board of Trustees of Wernersville State Hospital, of State Asylum for the Chronic Insane of Pennsylvania at South Mountain.

Board of Trustees of Torrance State Hospital, of Western State Hospital for the Insane, Torrance.

Board of Trustees of Ashland State Hospital, of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland.

Board of Trustees of Blossburg State Hospital, at Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg,

Board of Trustees of Coaldale State Hospital, of State Hospital of Coaldale, Schuylkill County.

Board of Trustees of Connellsville State Hospital, of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville.

Board of Trustees of Hazleton State Hospital, of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton.

Board of Trustees of Nanticoke State Hospital, of Board of Trustees of Philipsburg State Hospital, of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg,

Board of Trustees of Scranton State Hospital, of State Hospital of the Northern Anthracite Coal Region of Pennsylvania at Scranton,

Board of Trustees of Shamokin State Hospital, of State Hospital of the Trevorton, Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin.

Board of Trustees of Locust Mountain State Hospital, of Locust Mountain State Hospital at Shenandoah.

Board of Trustees of Laurelton State Village, or Pennsylvania Village for Feeble-Minded Women at Laurelton.

Board of Trustees of Pennhurst State School, of State Institution for the Feeble-Minded and Epileptic of Eastern Pennsylvania at Pennhurst,

Board of Trustees of Polk State School, of State Institution for the Feeble-Minded of Western Pennsylvania at Polk,

Board of Trustees of Selinsgrove State Colony for Epileptics, of the State Colony for Epileptics at Selinsgrove.

Section 2221. Powers and Duties as to Mines Transferred.—The Department of Labor and Industry shall, subject to any inconsistent provisions of this act contained, exercise the powers and perform the duties by law vested in and imposed upon the Department of Mines and the Chief of the Department of Mines.

Section 2222. Mines.—The Department of Labor and Industry shall have the power, and its duty shall be:

(a) To see that the mining laws of the Commonwealth are faithfully executed, and, for that purpose, cause lawfully qualified mine inspectors to enter, inspect, and examine any mine or colliery within the Commonwealth and the works and machinery connected therewith.

(b) To give such aid and instruction to the mine inspectors, from time to time, as may be calculated to protect the health and promote the safety of all persons employed in and about the mines.

(c) To make such examinations and investigations as may be necessary to enable it to make recommendations upon any matters pertaining to the general welfare of coal miners and others connected with mining and the interests of mine owners and operators in the Commonwealth.

(d) Through a separate bureau, to take such steps as it may deem advisable to promote the welfare of the mining and mineral interests of the Commonwealth, and the use of the mineral products of Pennsylvania. The exercise of this function shall not in any way interfere with the safety work of the department.

Section 2223. Mine Inspectors.—Subject to any inconsistent provisions in this act contained, anthracite mine inspectors and bituminous mine inspectors shall, respectively, under the direction of the Secretary of Labor and Industry, continue to exercise the powers and perform the duties by law vested in and imposed upon them.

ARTICLE XXVIII A

Powers and Duties of the Penal and Correctional Commission and its Departmental Administrative Boards

Section 2811. Powers and Duties in General.—The Penal and Correctional Commission shall, subject to any inconsistent provisions in this act contained, exercise the powers and perform the duties pertaining to penal and correctional institutions heretofore by law conferred or imposed on the Department of Welfare, the Secretary of Welfare and the former Department of Public Welfare, and Commissioner of Public Welfare.

Section 2812. Supervisory Powers.—The Penal and Correctional Commission shall have supervision over all State penal, reformatory and correctional institutions and institutions for juvenile delinquents and dependents, and all prisons and jails, and all institutions, associations and societies within this Commonwealth into whose care the custody of delinquent, dependent or neglected children may be committed, and all houses and places maintained by such institutions, associations or societies in which such children may be kept or detained.

Section 2813. Restoration.—The Penal and Correctional Commission shall have the power, and its duty shall be:

(a) To require and supervise the transfer of inmates of one penitentiary to another under any law providing therefor.

(b) To request, from any or all magistrates, chiefs of police, sheriffs, district attorneys, courts, judges, probation officers, and all others concerned in the control, apprehension, trial, and punishment of criminals and delinquents in this Commonwealth, periodical reports as to the number and kind of crimes reported, the numbers, age, sex, color, nativity, and offenses of criminals and delinquents arrested, tried, and otherwise disposed of, the sentences imposed, and whether executed or sus-

pended, the number placed on probation, and the reasons therefor, the number of probation officers, and the nature of the oversight exercised over those placed on probation, and, for the purpose of verifying the reports so made, the deparement shall have the power to make such further inquiry or investigation as may seem to it necessary, and it shall be the duty of all such magistrates, and other officers, to make such reports, at such time or times, and to furnish such facilities for investigation and such cooperation, as the department may require.

Section 2814. Inmate Labor.—The Penal and Correctional Commission shall have the power, and its duty shall be:

(a) To establish, maintain, and carry on industries in the Eastern State Penitentiary, the Western State Penitentiary, the Rockview Penitentiary, the new Eastern State Penitentiary at Graterford, the Pennsylvania Industrial Reformatory at Huntingdon, and such other penal or correctional institutions of this Commonwealth as it may deem proper, in which industries all persons sentenced to such institutions, who are physically capable of such labor, may be employed at labor for not to exceed eight hours each day, other than Sundays and public holidays. Such labor shall be for the purpose of doing printing, or of manufacturing and producing supplies or for the preparation and manufacture of building material for the construction or repair of any State institution, or in the work of such construction or repair, or for the planting of seed trees, or the performance of other work in State forests, or for the purpose of industrial training, or instruction, or in the manufacture and production of crushed stone, brick, tile and culvert pipe, or other material suitable for draining roads of the State, or in preparation of road building and ballasting material.

(b) To determine the amount, kind and character of the machinery to be erected in each of the said penitentiaries, reformatory or other penal or correctional institutions of the Commonwealth, and the industries to be carried on therein, having due regard to the location and convenience thereof with respect to other institutions to be supplied, to the machinery therein and the number and character of inmates.

(c) To contract to sell or sell the articles manufactured or produced in the said industries carried on in the said penitentiaries, reformatory, or other penal or correctional institutions, which cannot be used therein, to the Commonwealth, or to any county, city, borough, township, school district, or poor district thereof, or to any State institution, or to any educational or charitable institution receiving aid from the Commonwealth, or to the Government of the United States, or any department, bureau, commission or agency thereof, or to any other state or political subdivision thereof, or to any institution receiving aid from the Government of the United States or of any other state.

(d) To arrange for the employment of inmates of such institutions, at such work or labor, within or upon the grounds of such institutions, as may be necessary for the maintenance of the institutions or the raising of food products therefor.

(e) To charge to each such institution such rate per diem, as may be paid by the department to such inmate hereunder for his services, for the work or labor of each inmate engaged in work or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor.

Also to collect from each such institution, for any manufactured supplies or products used by it, the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth, or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor. All amounts collected by the Penal and Correctional Commission from such institutions hereunder shall be paid into the Manufacturing Fund in the State Treasury, and all such amounts shall be considered a part of such institutions' maintenance expense.

(f) To charge to each such institution, in like manner, for the labor of all inmates engaged in preparing materials for the construction of buildings, or in doing construction work, such payments to be made by the institutions out of funds available for construction work. All moneys received hereunder shall be paid into the Manufacturing Fund.

(g) To pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section, and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institutions. This clause shall not, however, apply to the sale of surplus food products, or products of the soil as elsewhere in this act permitted.

(h) To pay, out of the Manufacturing Fund, for the machinery, equipment, and material required or used in the carrying on of the industries in the said penitentiaries, reformatory, or other institutions, under the provisions hereof, and all salaries of superintendents, managers, salesmen, clerks, and others employed in the management of the industries, and the wages, as hereinafter provided, for the labor of the inmates of said penitentiaries, reformatory, or other institutions in such industries.

(i) To require that an account shall be kept by the proper officers of each said penitentiary, reformatory, and other correctional institution, of the labor performed by inmates. In such account, shall be shown the time each inmate is actually engaged in work, the rate of wage at which he is to be paid, which shall be regulated by the department. In no case shall the amount be less than ten cents for each day of labor actually performed. The rate of compensation shall be based, both upon the pecuniary value of the work performed, and also on the willingness, industry, and good conduct of the inmate. All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund, to be disbursed or held by such institution in the manner following:

Three-fourths of the amount of wages payable to an inmate of such penitentiary, reformatory, or other institution, or the entire amount, if the inmate so wishes, shall constitute a fund for the relief of any person or persons dependent upon such inmate, and shall be paid, upon the order of the board of trustees of the penitentiary, reformatory, or other institution, in which the inmate is a prisoner, to the person or persons establishing such dependency to the satisfaction of such board, at such time or times as said board may order.

All sums credited to any inmate, and not paid to a dependent or dependents, shall be paid to the inmate on his discharge from the penitentiary, reformatory, or other institution in which he was a prisoner: Provided, however, That, subject to the rules and regulations of the board of trustees of the penitentiary, reformatory, or other institution in which such inmate is a prisoner, the whole or any part of said sum may be paid to him during his imprisonment for his present needs, such rules and regulations to be subject to the approval of the department.

(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries.

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions, to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as the Penal and Correctional Commission may approve, and which they are able to provide from other sources, but all such work shall be performed, the products thereof sold, and the proceeds thereof disposed of, under the rules and regulations of the commission covering the same.

(l) To supervise the establishment, in other State institutions, of industries classes in occupational thereby and other means for the employment and training of inmates or patients.

Section 2815. Boards of Trustees of State Institutions.—The board of trustees of each State institution within the Penal and Correctional Commission shall have general direction and control of the property and manage-

ment of such institution. It shall have the power, and its duty shall be:

(a) Subject to the approval of the Governor, to elect a superintendent or warden of the institution, who shall, subject to the authority of the board, administer the institution in all its departments.

(b) On nomination by the superintendent or warden, from time to time, to appoint such officers and employes as may be necessary.

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board.

(d) Subject to the approval of the Penal and Correctional Commission to make such by-laws, rules, and regulations for the management of the institution as it may deem wise.

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions:

Board of Trustees of Eastern State Penitentiary, of Eastern State Penitentiary at Philadelphia;

Board of Trustees of Western State Penitentiary, of Western State Penitentiary at Pittsburgh, and of the State Penitentiary at Rockview;

Board of Trustees of Pennsylvania Industrial School, of Pennsylvania Industrial School, at Huntingdon;

Board of Trustees of State Industrial Home for Women, of State Industrial Home for Women at Muncy;

Board of Trustees of Pennsylvania Training School, or Pennsylvania Training School at Morganza.

Section 2816. New Pennsylvania Industrial School and Maximum Security State Prison.—Upon the erection, construction and completion of the new Pennsylvania Industrial School and the Maximum Security State Prison, pursuant to law, the Penal and Correctional Commission shall manage and control the same, and shall have such powers and duties with respect thereto as are provided by law.

ARTICLE XXVIII B

Powers And Duties Of The Assistance Commission And Its Departmental Administrative Council

Section 2821. Powers and Duties in General. The Assistance Commission shall, subject to any inconsistent provisions in this act contained exercise the powers and perform the duties pertaining to public assistance heretofore by law conferred on imposed on the Department of Welfare, the Secretary of Welfare, the former Department of Public Welfare and Commissioner of Public Welfare, and the State Emergency Relief Board.

Section 2822. Public Assistance. The Assistance Commission shall have power and its duty shall be to administer, enforce and carry into effect the laws of this Commonwealth relating to:

(a) Aid to dependent children known as mothers' assistance in accordance with the provisions of the act, approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State supervisor and assistants, and fixing the salaries of such State supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of the act to appropriate certain moneys and providing penalties," and the amendments thereto.

(b) Assistance to and burial of certain aged indigent residents in accordance with the provisions of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 28), entitled "An act providing for and regulating assistance to, and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties and repealing inconsistent acts."

(c) Pensions for the blind in accordance with the provisions of the act, approved the ninth day of July(one thousand nine hundred and thirty-five (P. L. 621), entitled "An act providing for and regulating subject to certain restrictions, limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind, and providing penalties."

(d) Assistance to the unemployed in accordance with appropriations made by the laws of this Commonwealth for the purpose of furnishing relief to such persons and their families.

Section 2823. State Council for the Blind.—The State Council for the Blind shall have the power, and its duties shall be:

(a) To formulate a general policy and program for the prevention of blindness, and for the improvement of the condition of the blind in this Commonwealth. Such policy and programs shall be modified from time to time as may be found necessary or advisable in the light of improvements in method and practice.

(b) To make recommendations, in accordance with such policy and practice, to the several executive and administrative departments, boards, and commissions of this Commonwealth, and to any public or private agencies therein which may be in any way concerned with work with or for the blind.

(c) To cooperate with State and local agencies, both public and private, in taking steps to prevent the loss of sight, in alleviating the condition of blind persons, and persons of impaired vision, in extending and improving the education, advisement, training, placement, and conservation of the blind, and in promoting their personal, economic, social and civic well-being.

(d) To act as a means for communicating with other State agencies, public of private, and with national agencies, an dto cooperate in efforts to procure an enactment of legislation regarding the prevention of blindness, the improvement of the blind, or the regulation of private agencies for the care of the blind.

(e) To collect, systematize, and transmit to the Department of Property and Supplies for publication and distribution to other agencies, information in regard to blind persons and persons om impaired vision in this Commonwealth, including their present physical and mental condition, the causes of blindness, and the possibilities of improvement of vision, their financial status and earning capacity, their capacity for education and vocational training, and any other relevant information looking toward the improvement of their condition.

(f) To refer cases of blind persons, or problems in relation to the blind, or prevention of blindness, to such agencies, public or private, as may be likely to deal most successfully with them.

(g) To encourage the cooperation of all agencies, public and private, doing work for the blind in this Commonwealth, and of the agencies whose work is related to the prevention of blindness.

(h) To supervise the expenditures of State appropriations made to such agencies, except in cases in which such supervision is by law within the powers or duties of some other administrative department, board, or commission.

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The eighth section was read as follows:

Section 8 The following acts and parts of acts are hereby repealed as respectively indicated

Sections one thousand four hundred eight and two thousand three hundred twenty-one of the act to which this act is an amendment absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred seventy-two) entitled "An act conferring upon the Department of Welfare subject to the approval of the proper board of trustees the power of fixing and establishing charges for services rendered by any State-owned medical and surgical hospital" absolutely

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 8, page 121, line 6 by striking out after the word "Section" and before the word "The" the following: "[8]" and inserting in lieu thereof the following: "9"

Amend section 8, page 121, line 8 by inserting after the word "Sections" and before the word "one" the following: "four hundred forty eight hundred eight"

On the question,

Will the House agree to the amendments?

They were agreed to.

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 8, page 121, line 6 by striking out the figure "8" and inserting in lieu thereof "5"

Amend sec. 8, page 121, line 8 by inserting after the word "Sections" the following: "four hundred seven, four hundred twenty-seven, four hundred forty, four hundred forty-five, one thousand two hundred eight,"

Amend sec. 8, page 121, line 9 by inserting after the word "twenty-one" the following: "and articles fifteen, eighteen, nineteen, twenty-three and twenty-five"

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth section was read as follows:

Section 9 This act shall becom eeffective on the first day of June one thousand nine hundred thirty-seven

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 9, page 121, line 18 by striking out after the word "Section" and before the word "This" the following: "[9]" and inserting in lieu thereof the following: "10"

Amend section 9, page 121, line 18 by striking out after the word "effective" and before the word "the" the word: "[on]" and inserting in lieu thereof the following: "immediately upon its final enactment and shall be retroactive to"

On the question,

Will the House agree to the amendments?

They were agreed to.

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 9, page 121, line 18 by striking out the figure "9" and inserting in lieu thereof: "6"

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in, and the transfer of inmates from State penal and correctional institutions empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions eliminating the office of business manager in State institutions under the Department of Welfare authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects making further provision for bid performance bonds of bidders for State contracts extending the scope of the work of the

State Park Commission further regulating purchases made directly by departments boards and commissions requiring counties to pay compensation and expenses of special attorneys in criminal cases authorizing the Governor to grant commissions to State pilots providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth providing for the promulgation of rules and regulations by and enlarging the powers of the Department of Forests and Waters and the Water and Power Resources Board further regulating the maximum price that may be paid for land acquired for State forestry purposes prescribing the membership and powers and duties of the State Park Commission creating and prescribing the powers and duties of Regional State Park Boards eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor the Pennsylvania Game Commission eliminating the Public Service Commission of the Commonwealth of Pennsylvania and extending the provisions of the Code to its successor the Pennsylvania Public Utility Commission transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue and the State Board of Undertakers from the Department of Public Instruction to the Department of Health eliminating the State Aeronautics Commission the Pennsylvania Alcohol Permit Board and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives and the Anatomical Board and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

On the question,

Will the House agree to the title?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 4, line 10 of the title by inserting after the word "Revenue" and before the word "and" the following: "the State Employes' Retirement Board from the Department of State to the Treasury Department"

Amend page 4, line 16 of the title by inserting after the word "Board" and before the word "and" the following: "conferring police powers upon persons commissioned to police State parks; changing qualifications of certain members of the Anthracite Mine Inspectors' Examining Board! authorizing the Department of Forests and Waters to set aside certain State lands for park purposes; authorizing the Department of Property and Supplies, with the approval of the Governor, to convey or lease State lands and buildings to The General State Authority for the erection and construction, alteration and repair of new buildings and existing buildings, including an office building on the Capitol grounds, and authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire such projects from The General State Authority by lease; authorizing demolition of buildings and structures no longer useful and beyond repair; conforming various provisions of the code to existing law.

On the question,

Will the House agree to the amendments?

They were agreed to.

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Title, page 4, last line of title, by inserting after the word "Commonwealth" the following: "abolishing certain departments; creating certain commissions; and transferring certain powers and duties"

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2361, (Senate Bill No. 1208), as follows:

An Act to amend sections twelve as amended of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therfrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and returned to school service

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishment a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 867) is hereby further amended to read as follows

Withdrawal

Section 12. Should a contributor by resignation or dismissal or in any other way than by death or retirement separated from the school service or should such contributor legally withdraw from the retirement system he or she shall be paid on demand from the fund created by this act (a) The full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity which shall be the actuarial equivalent of said accumulation deductions. His or her membership in the retirement association shall thereupon cease

2. Should an employe so separated from the school service return within five years and restore to the School Employes' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they were at the time of his or her separation the annuity rights forfeited by him or her at that time shall be restored

Each employe who separated from school service prior to the first day of July one thousand nine hundred and

twenty-five and who subsequently returned or shall return to school-service prior to July first one thousand nine hundred and [thirty-two] thirty-four after more than five years' absence shall at retirement for superannuation be entitled to have full credit for each year of service in the public schools of Pennsylvania Provided

(a) He or she shall have rendered not less than twenty years in service in the public schools of Pennsylvania prior to the retirement and

(b) He or she shall have restored to the School Employes' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they were at the time of his or her separation

Each employe who separates from school service after the first day of July one thousand nine hundred and twenty-five and who returns to school service after a longer absence than five years shall have his or her annuity rights restored in accordance with the provisions of this paragraph provided he or she fulfills the conditions named in paragraphs (a) and (b) of this clause and in addition thereto (c) shall have left with the retirement board at least twenty per centum of his or her accumulated deductions at the time of his or her separation and (d) shall return to service prior to the age of fifty-nine years

In no case shall an employe who has separated from school service and who later returned to school service after five or more years of absence be eligible to retirement on account of disability until he or she shall have rendered at least three years of service subsequent to such return

In any case the restoration of the accumulated deductions provided herein may be made by the payment of a lump sum or any actuarial equivalent approved by the retirement board

Subject to such rules and regulations as the Retirement Board may adopt the provisions of this act shall be applicable beginning July first one thousand nine hundred and twenty-five to all who are on the retired list of Pennsylvania public school employes at the time this bill becomes a law

3 Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2375, (Senate Bill No. 877), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departmnets boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executives and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 201 202 206 207 209 214 709 and 2303 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth, Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies [and] Department of Revenue and Department of Public Assistance and by the following independent administrative boards and commissions Board of Game Commissioners Board of Fish Commissioners and The Public Service Commission of the Commonwealth of Pennsylvania

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania State Police

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State

State Employes' Retirement Board

In the Department of Justice
Board of Pardons
Board of Commissioners on Uniform State Laws
In the Treasury Department
Board of Finance and Revenue
In the Department of Internal Affairs
Board of Property
State Aeronautics Commission
In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Undertakers
State Board of Veterinary Medical Examiners
State Board of the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers
In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
State Athletic Commission
In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission
In the Department of Agriculture
State Farm Products Show Commission
In the Department of Forests and Waters
Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
Anatomical Board
In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board
In the Department of Welfare
State Council for the Blind
Pennsylvania Alcohol Permit Board
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blosburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Cumberland Valley State Institution for Mental Defectives
Board of Trustees of Selinsgrove State Colony for Epileptics
In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Public Assistance
State Board of Public Assistance

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 206 Department Heads Each administrative department shall have as its head an officer who shall either personally by deputy or by the duly authorized agent or employe of the department and subject at all times to the provisions of this act exercise the powers and perform the duties by law vested in and imposed upon the department

(a) The following officers shall be the heads of the administrative departments following their respective titles

Secretary of the Commonwealth of the Department of State
Attorney General of the Department of Justice
Auditor General of the Department of the Auditor General
State Treasurer of the Treasury Department

Secretary of Internal Affairs of the Department of Internal Affairs
Superintendent of Public Instruction of the Department of Public Instruction
Adjutant General of the Department of Military Affairs
Insurance Commissioner of the Insurance Department
Secretary of Banking of the Department of Banking
Secretary of Agriculture of the Department of Agriculture
Secretary of Forests and Waters of the Department of Forests and Waters
Secretary of Mines of the Department of Mines
Secretary of Highways of the Department of Highways
Secretary of Health of the Department of Health
Secretary of Labor and Industry of the Department of Labor and Industry
Secretary of Welfare of the Department of Welfare
Secretary of Property and Supplies of the Department of Property and Supplies
Secretary of Revenue of the Department of Revenue
Secretary of Public Assistance of the Department of Public Assistance

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agricultur the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Superintendent of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue the Secretary of Public Assistance and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 209 Compensation of the Governor Lieutenant Governor the Heads of Departments Annual salaries shall be payable in equal semi-monthly installments as follows

To the Governor eighteen thousand dollars
To the Lieutenant Governor eight thousand dollars
To the Secretary of the Commonwealth ten thousand dollars
To the Attorney General twelve thousand dollars
To the Auditor General twelve thousand dollars
To the State Treasurer twelve thousand dollars
To the Secretary of Internal Affairs ten thousand dollars
To the Superintendent of Public Instruction twelve thousand dollars
To the Adjutant General ten thousand dollars
To the Insurance Commissioner ten thousand dollars
To the Secretary of Banking ten thousand dollars
To the Secretary of Agriculture ten thousand dollars
To the Secretary of Forests and Waters ten thousand dollars
To the Secretary of Mines ten thousand dollars
To the Secretary of Highways twelve thousand dollars
To the Secretary of Health ten thousand dollars
To the Secretary of Labor and Industry ten thousand dollars
To the Secretary of Welfare ten thousand dollars
To the Secretary of Property and Supplies ten thousand dollars
To the Secretary of Revenue twelve thousand dollars
To the Secretary of Public Assistance ten thousand dollars

Neither the Governor Lieutenant Governor nor the head of any administrative department shall receive any additional compensation for any services rendered to the Commonwealth in any capacity

Section 214 Employment and Compensation of Directors Bureau Chief and other Employes [The] Except as otherwise provided in this act the heads of the several administrative departments except the Auditor General and State Treasurer and the independent administrative boards and commissions shall appoint and fix the compensation of such directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants and employes as may be required for the proper conduct of the work of their respective departments boards or commissions Except as otherwise provided in this act the heads of the respective administrative departments shall appoint and fix the compensation of such clerks stenographers and other assistants as may be required for the proper conduct of the work of any department administrative bodies boards commissions or officers and of any advisory boards or commissions established in their respective departments

[The] Except as otherwise provided in this act the number and compensation of all employes appointed under this section shall be subject to approval by the Governor and after the Executive Board shall have fixed the standard compensation of any kind grade or class of service or employment the compensation of all persons in that kind grade or class appointed hereunder shall be fixed in accordance with such standard

Section 709 Executive Board [The] Subject to the provision of this act the Executive Board shall have the power

(a) To standardize the qualifications for employment and all titles salaries and wages of persons employed by the administrative departments board and commissions except the Department of the Auditor General and the Treasury Department In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the service is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments other than the Department of the Auditor General and the Treasury Department and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed

(g) To determine by what members of independent administrative boards and commissions fidelity bonds

shall be given to approve or disapprove recommendation of departments heads or of independent administrative boards or commissions for the bonding of officers or employes of their departments or members or officers or employes of departmental administrative boards or commissions or officers or employes of independent administrative boards or commissions to fix the amounts of the bonds of all such members officers or employes required to give bond and to require any bond or bonds to be executed by a surety or sureties even though the Commonwealth may have established its own indemnity fund as elsewhere in this act provided

(h) To approve or disapprove the establishment of branch offices outside of the Capital City by or for administrative departments boards or commissions

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth and State officers and employes arising out of the operation of State automobiles by such officers and employes

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies acting either on its own behalf or as purchasing agency for any other department except the Department of the Auditor General and the Treasury Department or for any board or commission and to make rules and regulations for the use of State automobiles by State Officers and employes except the Department of the Auditor General and the Treasury Department

Section 2303 Supervisory Powers The Department of Welfare shall have supervision over

(a) All State institutions

(b) All supervised institutions as defined in this article

(c) All children's institutions within this Commonwealth

[(e) The administration of any system provided by the Commonwealth for assistance to mothers]

[(f)] (e) Any labor or system of labor carried on in the penal correctional or reformatory institutions of the State

[(g)] (f) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves fire flood or other casualty and constituting a menace to public safety and welfare

[(h)] (g) All boarding homes for children which have been licensed by the State

Section 2 That at the end of article four of the said act the following new section is hereby added

Section 450 State Board of Public Assistance The State Board of Public Assistance shall consist of the State Treasurer the Auditor General and seven other citizens of the Commonwealth No appointed member of the board shall hold office in any political party The Secretary of Public Assistance shall be a member of the board

When this act becomes effective the Governor in the manner provided in this act shall appoint two members of the board to serve for each of the three original terms hereby created which shall run until the third Tuesday of January of each year from one thousand nine hundred thirty-nine to one thousand nine hundred forty-one both inclusive and one member to serve for the original term hereby created which shall run until the third Tuesday of January one thousand nine hundred forty-two As each original or subsequent term expires the Governor in like manner shall fill each vacancy by an appointment for a term of six years After the expiration of his term a member of the board shall continue to serve until his successor shall be appointed and qualified No member of the board shall be eligible to serve consecutively for more than two years

A vacancy occurring during a term shall be filled by the Governor for the unexpired term

Five members of the board shall constitute a quorum

The members of the board shall elect a chairman from the appointed members and they shall elect a secretary who need not be a member of the board

The board shall hold at least six regular meetings each year

The third section was read as follows:

Section 3 That after article twenty-five of the said act the following new article is hereby added

ARTICLE XXV-A

Powers and Duties of the Department of Public Assistance and of the State Board of Public Assistance

Section 2501-A Definitions As used in this article

(a) "Assistance" means assistance as defined by the Public Assistance Law

(b) "Local Board" means a board established by law and authorized to provide assistance in one or more counties only including until abolished in acordance with law any board of trustees of the Mothers' Assistance Fund or Boards of Trustees of Pension Fund for the Blind

Section 2502-A Powers and Duties of the Department of Public Assistance The Department of Public Assistance shall have power and its duty shall be

(a) To administer and carry out the provisions of the Public Assistance Law and in so doing to supervise local boards and to allocate to them on the basis of need funds with which to provide assistance and funds for administrative expenses

(b) To take any other action authorized or required by this or any other law

Section 2503-A State Board of Public Assistance The State Board of Public Assistance shall have the power and its duty shall be

(a) To approve or disapprove and adopt rules regulations and standards consistent with law recommended by the Department of Public Assistance and local boards as to eligibility for assistance and a to its nature and extent To establish for the department and local boards rules and regulations concerning the administration of this act as provided by law

(b) To study the work of the Department of Public Assistance and from time to time to recommend to the Governor changes in administrative policy or in the law

(c) To take any other action authorized or required by law

Section 2504-A Employment in the Department of Public Assistance

(a) Definitions As used in this section and except as otherwise indicated

"Board" means the State Board of Public Assistance

"Demotion" means a transfer to a lower salaried position in a class of employment having a lower maximum salary

"Employe" means any person employed by the Department of Public Assistance by the State Board of Public Assistance or by a local board except the Secretary of Public Assistance and one secretary to the Secretary of Public Assistance and the Secretary to a local board

"Employer" means the officer or agency appointing an employe to his position

"Employment" means the employment of any employe

"Remove" means to remove permanently from employment any employe who (1) is not on probation (2) is not a provisional appointee

"Reviewing Board" means the State Board of Public Assistance in a case of demotion or removal of an employe of the Department of Public Assistance or of the State Board of Public Assistance and in a case of demotion or removal of an employe of a local board means a board appointed by the local board to review such cases

The masculine pronoun shall include the feminine

(b) The Governor shall appoint by and with the consent of the Senate on Enployment Board of three members who shall hold no other public position and shall receive such per diem compensation not exceeding twenty-five dollars per day as shall be fixed by the executive board and approved by the Governor and actual expenses The Employment Board shall

1 Prepare and conduct examinations for employment which shall fairly reveal the degree of fitness of each applicant for the desired class of employment In written

examinations the identity of each applicant shall be unknown to the examiners

2 Grade each person taking an examination by a method of rating published as part of the announcement of the test

(d) Employes except special examiners shall be appointed from a list of eligibles who have passed the required examinations Such lists shall be used and the names on them shall be placed in an order fixed by the rules of the Employment Board Provided however That no name shall remain on such list longer than two years In an emergency if there is no such list an employer may with the approval of the Employment Board nominate a person for non-competitive examination and may appoint him provisionally if he passes the required examination after the first day of June one thousand nine hundred and thirty-eight no such provisional amendment or successive appointment (in the aggregate) shall be valid for more than ninety days

(e) Probation Every employe shall be on probation for a period of not less than three nor more than six months as fixed by the rules and regulations of the employment board During this period the employer may terminate the employment for just cause

(f) Transfers A transfer to a new class of employment having the same or a higher maximum salary shall be made only after examinations as in the case of an original appointment

(g) Suspensions An employer may for just cause suspend an employe without pay for periods totalling not more than thirty days in a calendar year Written reasons for every suspension shall be promptly sent to the employment board and shall become part of its public records

(h) Demotion and Removal An employer may demote or remove an employe for just cause only after giving him written reasons for such action and an opportunity to file a written answer Both of such writings shall be promptly reported to the employment board and shall be part of its public records Such employes may appeal to the reviewing board of under the rules and regulations established jointly by the State Board of Public Assistance and the Employment Board

(i) Political Activity An employe shall be removed if he shall during his employment

(1) Be a member of a political committee or an officer of a political organization

(2) Solicit receive a contribution for political purposes

(3) Injure or benefit an employe or one who applies for or receives assistance or threaten or promise to do so because of making or withholding a contribution for political purposes because of any past or future vote or because of taking or refraining from taking any political action

(j) No employer shall demand from any employe before or at the time of appointment any resignation or agreement to resign

(k) No employe shall receive any compensation until the employment board shall certify that it is for lawful employment

(l) Improper Discrimination Race or religion or political or labor union affiliation shall not be a qualification of an applicant nor a just cause for reduction in compensation suspension lay-off demotion or removal

(m) Rules The employment board shall make rules and regulations not inconsistent herewith to carry this section into effect

Section 2505-A Joint Actions by Department and Employment Board The Department of Public Assistance and the Employment Board shall jointly have the following functions and duties

(1) To classify employment positions according to the duty involved and the minimum qualifications required

(2) To fix maximum and minimum slaraies for each class of employment

(3) To establish minimum qualifications for applincants for any class of employment

(4) To make and promulgate rules and regulations establishing the procedure to be followed by an employer in demoting or removing an employe

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. (sec. 2504-A), page 24, line 6, by striking out the word "amendment" and inserting in lieu thereof "appointment"

On the question,

Will the House agree to the amendment?

It was agreed to.

Mr. McARDLE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 3, page 25, line 11, section 2504-A, by striking out before the word "or" and after the word "pay" the heavy faced brackets.

On the question,

Will the House agree to the amendment?

Mr. WOODSIDE. Mr. Speaker and members of the House, I am glad to agree with the amendments from the Democratic side. I think that the amendments give to the members of this House an opportunity to help Governor Earle fulfilled his campaign pledge that the government employes would not be asked by political organizations for a contribution. It is bad enough that government employes generally be asked by political organizations to contribute, but when you permit those who are engaged in relief work to do so and thus drag relief into politics it is a whole lot worse. I think that the amendments which are now before the House should be adopted.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I am constrained to oppose the amendments introduced by the gentleman from Allegheny and so ably defended by the gentleman from Dauphin. However, the gentleman from Dauphin and the gentleman from Allegheny both lose sight of one very important thing. This bill as it now stands prohibits the collection or solicitation of funds from the employes in this new Department of Assistance. However, if any individuals in that Department of Assistance feel that the ideals of any political party are such that they desire to do more than lip service to those ideals and perhaps to the accomplishment of that party and substantiate that feeling by a contribution, all that this amendment would do would be to allow them to pay such a contribution; it does not insist that they should do so. The bill as drawn will not allow those employes to be solicited. The bill as drawn will not allow those employes to be forced or to be coerced into making contributions, but if any individual in any phase of activity, in any walk of life, desires to contribute something towards the ideals of any political party, it would be impinging upon their right to say that they cannot do so. Two years ago we were confronted with a somewhat similar situation in the amendments to the Mothers' Assistance Act, and in that instance and at that time the Republican majority in the Senate, as well as the Republican mincrity in this House, all agreed that in conformity with the act as drawn, in the Philadelphia City Charter that any organization or any individual, so far as contributions were concerned to any ideals, represented by

any political party, would defeat the right of that individual or organization to do so. I ask that the membership of the House vote down the amendments of the gentleman from Allegheny because in voting them down we are giving the people an opportunity to adequately express the ideals for which their particular party stands.

Mr. McARDLE. Mr. Speaker and members of the House, in answer to the gentleman from York, I ask the members of the House to vote for this amendment, and I would like to call his attention to the fact that this bill passed by a Democratic Senate, sent over here with the amendment that we just proposed in the bill. Mr. Cohen knows, or at least should know, that there are very few people employed by the state or any other political subdivision who make voluntary contributions. This amendment prohibits the practice of forcing people to give a percentage of their pay to carry out political campaigns. That is the purpose of my amendment and I ask the members of the House to vote for the amendment.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman from York whether he said there was something in this bill which prevented the employes from being solicited for political contributions.

Mr. HERBERT B. COHEN. Mr. Speaker, on page 25, line 11, it makes it unlawful to solicit or receive a contribution for political purposes.

Mr. WOODSIDE. Mr. Speaker, that the provision which the gentleman from York has just read prevents the employe from soliciting, but it does not prevent the Chairman of the Democratic party, for example, from soliciting those employes. Is that not correct?

Mr. HERBERT B. COHEN. I do not think it is, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, will the gentleman from York please explain where and how he could read into this section or any other part of the act the fact that employes could not be solicited for political contributions?

Mr. HERBERT B. COHEN. Mr. Speaker, it say that the employes shall not solicit nor receive contributions for political purposes. That is what it says on page 25, line 11.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. WOODSIDE and Mr. YEAKEL and were as follows:

YEAS—47

Baker, F. T.,	Huntley,	Rothenberger,	Wall,
Bois,	Imbrie,	Royer,	Wampole,
Boose,	Kane,	Schrock,	Watkins,
Boyer,	Kline,	Serrill,	Webster,
Brown,	Longaker,	Snyder,	Weidemann,
Cadwalader,	McArdle,	Sollenberger,	Weiss, S. A.,
Eckels,	McDevitt,	Sproul,	Wilson,
Fiss,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Trout,	Woodside,
Hamilton, R. S.	Perry,	Turner,	Yeakel,
Harkins,	Piole,	Van Allsburg,	

NAYS—110

Achterman,	Fitch,	McFall,	Shepard,
Alexander,	Flanagan,	McGee,	Shoemaker,
Arnold,	Flannery,	McShane,	Shugarts,
Baine,	Gerard,	Melchiorre,	Siegel,
Baker, J. J.,	Gorski,	Mellott,	Simon,
Balthaser,	Hagerty,	Moomaw,	Skale,
Bierly,	Hamilton, F. P.,	Mooney,	Spengler,
Bohn,	Harmuth,	Moran,	Stank,
Bradley,	Hays,	Munley,	Thomas,
Brancato,	Hering,	Murrin,	Thompson,
Broad,	Hess,	Nagel,	Tronzo,
Burrows,	Hetrick,	O'Connor,	Tumelty,
Caesar,	Hirsch,	O'Keefe,	Valibus,
Caputo,	Holmes,	Ominsky,	VanSickle,
Chervenak,	Hontz,	Patterson, C. S.,	Vogt,
Coakley,	Horting,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Jirolanio,	Pearson,	Walsh,
Coolahan,	Keenan,	Powers,	Weiss, D. H.,
Corrigan,	Kelso,	Readinger,	Welliver,
Decker,	LaRue,	Reese,	Welsh,
DeNote,	Levy,	Richter,	Westrick,
Dickinson,	Long,	Robinson,	Whalen,
Donohoe,	Lopresti,	Sarraf,	Wright,
Dougherty,	Lovett,	Scanlon,	Yanoshat,
Dubbs,	Marino,	Schor,	Yourishin,
Dyson,	McDermott,	Schrope,	Zappala,
Elpern,	McElroy,	Shea,	Furman,
Finnerty,			

So the question was determined in the negative and the amendment was not agreed to.

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 3 (sec. 2504-A), page 22, lines 10 and 11, by striking out the following: "fairly revealed the degree of fitness of each applicant for the desired class of employment"

Amend section 3 (sec. 2504-), page 22, line 11, by inserting the following: "be practical in their character and so far as may be possible shall relate to those matters directly bearing on, and which will fairly test the relative capacity and fitness of persons examined to discharge, the duties of the service into which they seek to be appointed, but no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any examination, or to be appointed to any position"

Amend section 3 (sec. 2504-A), page 22, line 16, by inserting after the word "test" the following: "except that in the final rating of all applicants, persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged, and who have an honorable discharge from such service, shall receive in addition to all other ratings an additional five percentum, and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined), shall be rated an additional five per centum over and above the five per centum hereinbefore set forth, and in either case, the total per centum mark or grade thus obtained shall determine the standing of any such persons on any list of eligibles"

Amend sections 3 (sec. 2504-A), page 22, by inserting between lines 16 and 17 the following: "(c) The qualifications shall be such as will best promote the most efficient administration of public assistance and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State), shall be citizens of the United States, and shall have been legal residents of Pennsylvania for a period of not less than one year before making application, and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district) shall be citizens of the United States, and shall have been legal residents of Pennsylvania for a period of not less than one year, and in the district in which such office is located for a

period of not less than six months before making application"

Amend section 3 (sec. 2504-A), page 24, line 6, by striking out after the word "provisional" the word "amendment", and inserting in lieu thereof the word "appointment"

Amend section 3, (sec. 2501-A), page 19, line 20, by inserting after the word "need" the following: "and as may be required for blind pensions"

On the question,

Will the House agree to the amendments?

Mr. MOOMAW. Mr. Speaker and members of the House, these amendments are exactly the same as those which were adopted by this House in connection with the Unemployment Insurance Act in House Bill No. 190, which was signed by the Governor recently, and unanimously adopted by the House and the Senate, and I ask that the House unanimously adopt the same amendments to this measure.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth to the sixth sections inclusive and title were separately read and agreed to as follows:

Section 4 The employes of the Bureau of Assistance of the Department of Welfare and of local boards as defined in section two thousand five hundred one-A of the act amended by this act shall upon the effective date of this act become provisional employes of the Department of Public Assistance or of such local boards as the case may be but such employment shall be continued beyond June first one thousand nine hundred thirty-eight only if such employes shall have passed non-competitive examinations given by the Employment Board as provided for in section two thousand five hundred four-A of the act amended by this act

Section 5 Constitutional Construction The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed as impairing any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 6 The provisions of this act shall become effective on the first day of June one thousand nine hundred thirty-seven

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties, providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2332, (Senate Bill No. 69), entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by prohibiting for certain periods the foreclosure sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter before any execution shall issue against the mortgaged premises on the foreclosure of any mortgage or on a judgment entered on any obligation secured by mortgage the plaintiff or plaintiffs shall either (1) file a statement in the court having jurisdiction over such execution certifying under oath that he or they release and discharge the obligors and guarantors and any other parties liable directly or indirectly on the mortgage debt and the owners of the property affected thereby from all personal liability on the mortgage debt interest costs taxes and municipal claims or (2) petition the court having jurisdiction to issue such execution to fix the fair market value of the property to be sold Said petition shall be signed and sworn to by the plaintiff or plaintiffs

The second section was read as follows:

Section 2 The petition shall set forth

(a) The location by address or description of the mortgaged real estate to be sold the name or names of the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt

(b) A statement of the fair market value of said property and shall name as respondents and state the addresses of the obligors and guarantors and any other persons directly or indirectly liable to petitioner and the owners of the property affected thereby for the payment of said mortgage debt or any obligation securing or guaranteeing such mortgage debt

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, page 2, lines 18, 19, 20, 21, 22, 23, 24, and 25, by striking out all of section (b) on the said lines, and by inserting in lieu of said deleted section (b), the following: "(b) a statement of the fair market value of said property and (c) shall name as respondents and state the addresses of the obligors and guarantors and any other persons directly or indirectly liable to petitioner for the

payment of said mortgage debt and the owners of the property affected thereby."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the fifth sections inclusive were separately read and agreed to as follows:

Section 3 The court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each and all of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer his interest in the proceedings and answering the averments of the petition

Section 4 Said petition may be served by the sheriff of the county or by the sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods and the return of the sheriff is that the respondent or respondents or any of them cannot be found in this county or State said respondent or respondents may be served by publishing in the legal newspaper of the county and one newspaper of general circulation in the county at least fifteen days prior to the day fixed for the hearing of such petition a notice to the said respondent or respondents of the filing of said petition and of the time and place fixed for hearing thereon Provided however That if there be no legal newspaper in the county then in one newspaper of general circulation in said county

Any obligor guarantor mortgagor and any other person liable directly or indirectly for the payment of the mortgage debt and any owner or owners of the property affected thereby who is not joined as a party defendant nor served with a petition as provided in this section shall be deemed to be discharged from all personal liability to the petitioner on the mortgage debt interest and costs but any such failure to serve the petition shall not be deemed to affect or impair the validity of any execution sale or the title secured thereby

Section 5 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed before the time fixed for hearing No hearing shall be had until the court shall be satisfied that service has been made upon all the respondents in any of the methods herein provided

The sixth section was read as follows:

Section 6 At such hearings any party in interest may introduce into evidence testimony of the fair market value of the premises to be sold

If no answer be filed within the time provided for in this act or if an answer be filed which does not contravert the allegation of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may file in the court a statement under oath releasing the obligors and guarantors and any other persons liable directly or indirectly for the mortgage debt and the owners of the property affected thereby from personal liability to the extent of the fair market value as averred in the Petition Whereupon the court shall order the sale to be proceeded with forthwith

If no answer be filed within the time herein provided for or if an answer be filed contraverting the averment in the petition as to the fair market value of the property and no testimony be produced at the hearing supporting such denial of the fair market value and no such declaration of release is filed by the plaintiff or plaintiffs prior to the hearing the court shall determine and fix as the fair value of the property and amount thereof alleged in the petition to be the fair market value

If answer be filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may agree to accept as the fair market value of the property the value set up in the answer and in such case may file under oath a declaration releasing the obligors and guarantors and any other persons liable directly or indirectly for the mortgage debt and the owners of the property affected thereby from personal liability to the extent of the fair market value as averred in the answer Whereupon the court shall order the sale to be proceeded with forthwith If an answer shall be filed and testimony produced setting forth that the fair market value of the property is more than the value stated in the petition the court shall deermine and fix the fair market value of the premises which shall in no event exceed the amount of the mortgage debt interest costs taxes and municipal claims and for such purpose may appoint no more than three appraiers to assist the court in determining said fair value

After the hearing and the determination by the court of the fair market value of the property to be sold the execution may issue but said property shall not be sold for less than the fair market value so determined and fixed

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 6, page 5, line 6, by striking out the word "contravert" and inserting in lieu thereof the word "controvert."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh to the eleventh sections inclusive and title were separately read and agreed to as follows:

Section 7 If said property cannot be sold at a price equal or greater than the fair market value so fixed a report thereof shall be made by the plaintiff or plaintiffs to the court whereupon the court shall postpone the sale of the premises for a period not exceeding six months from the date of such report No notice or advertisement shall be required for such postponed sale

Section 8 If at such postponed sale a price equal to or greater than the fair market value of the property shall not be bid a report thereof shall be made to the court whereupon the court shall again postpone the sale of the premises for an additional period not exceeding six months No notice or advertisement shall be required for such postponed sale

Section 9 If at such second postponed sale a price equal to or greater than the fair market value of the property shall not be bid a report thereof shall be made to the court whereupon the court may order said sale confirmed to the highest bidder or may postpone the sale in the same manner and subject to the same conditions as the previous postponements for such further periods not exceeding an aggregate of one year as the court shall deem equitable and just

Section 10 Nothing in this act shall be construed to affect the right of any mortgagor and any person liable directly or indirectly for the payment of the mortgage debt to the benefit of any amount realized on any execution sale in excess of the fair market value fixed or agreed to in accordance with the provisions of this act

Section 11 This act shall become effective immediately upon final enactment

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by prohibiting for certain periods the foreclosure sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2522, (Senate Bill No. 1416), entitled:

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2521, (Senate Bill No. 1403), entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by adding thereto section 18.1 providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2454, (Senate Bill No. 878), entitled:

An Act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance fror the property and estates of such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2453, (Senate Bill No. 876), entitled:

An Act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws

Article I, sections 101 to 104 inclusive were separately read and agreed to as follows:

ARTICLE I

Preliminary Provisions

Section 101 Short Title This act shall be known and may be cited as the "County Institution District Law"

Section 102 Definitions As used in this act unless the context otherwise indicates

"Commissioners" means the county commissioners of the county

"County" means every county of this Commonwealth except a county of the first class The word county shall not be construed to include territory within any city of the second class

"Institution District" means a county or city institution district managed by the commissioners of the county or the department of public welfare of any city of the first or second class as the case may be

"Dependent" means an indigent person requiring public care because of physical or mental infirmity

"Independent Poor District" means a poor district which is not coterminous with a county but shall not be construed to apply to a poor district of a county of the second class or a city of the second class

"Institution" means an infirmary poor house almshouse hospital or sanitarium managed by the commissioners of the county or the department of public welfare of a city of the first or second class

"Poor Auditor" means an elected or specially appointed auditor of independent poor districts

"Municipality" means any city (except a city of the first and second class) borough incorporated town or township

"Local Authorities" means the county commissioners acting as officers of an institution district or the department of public welfare of any city of the first or second class

"Poor Director" means a director overseer guardian or

manager of any poor district or home for the destitute as now constituted

The masculine pronoun shall include the feminine

Section 103 Constitutional Construction The provisions of this act shall be severable and if any provisions hereof shall be held to be unconstitutional the decision so holding shall not be construed to impair any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 104 General Construction The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

Article I, section 105 was read as follows:

Section 105 Functions and Taxes of Existing Poor Districts during the year one thousand nine hundred and thirty-seven All poor districts in this Commonwealth shall continue to function and care for the poor during the remainder of the calendar year one thousand nine hundred and thirty-seven and for such purposes shall have all the powers and authority and be subject to all the limitations provided by law Provided however that where any poor district shall have in its treasury cash assets sufficient to pay its estimated liabilities and expenditures during the calendar year one thousand nine hundred and thirty-seven in whole or in part then no tax levy or a reduced tax levy corresponding to its cash assets shall be imposed for said year It is the intent of this section that during the year one thousand nine hundred and thirty-seven no poor district shall levy taxes in excess of the amount actually required for its purposes taking into consideration the amount of cash assets on hand

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment was read by the Clerk as follows:

Amend sec. 105, page 4, lines 9 to 27, both inclusive, by striking out all of said lines, and inserting in lieu thereof:

"Section 105. Referendum, and Effect Thereof.

A. No county, and no city of the first or second class, shall be created an institution district, and no existing poor district shall be abolished, as provided by this act, unless there shall first have been submitted to the electors of each county, except of the first and second classes, and in counties of the first class to the electors of the various existing local poor districts only, and in counties of the second class to the electors of the county other than those residing in any city of the second class, and in any such city of the second class to the electors of such city, in the manner provided by the election laws, the question whether the existing county, city or local poor districts shall be abolished and a county or city institution district created, managed by the county commissioners, and. in counties of the first class, by the City Department of Public Welfare, and, in cities of the second class, by the City Department of Public Welfare.

B. Such question shall be submitted to the electors as hereinbefore provided at any general or municipal election whenever a petition, signed by electors equal in number to five per centum of the highest vote cast in the county or city or local poor districts for any office at the last preceding general or municipal election asking for the submission of said question is filed with the county commissioners. Such petition shall be filed at least sixty days before the election at which it is to be submitted.

C. The said question shall be printed on separate official ballots by the county commissioners, and sufficient number of ballots shall be furnished to the election officers, so that said ballot may be supplied to each voter. In districts where voting machines are used, such question shall appear on the face of the machine, if it is properly equipped for such purpose.

D. The votes cast on such question shall be counted by the election officers, and returns thereof made by them and by election officers where voting machines are used, as provided by the election laws. The return board shall compute said returns for the county, city or local poor districts.

E. If a majority of the electors of any county, or city of the second class, or local poor districts in any county of the first class, shall vote in favor of creating an institution district, then on the first Monday of January next succeeding such election, a county or city institution district shall be created, and the existing poor district or districts shall be abolished: Provided, however, That any existing inter-county poor district shall be abolished only as to the county or counties voting in favor of the institution district.

F. If such question shall be defeated, it may again be submitted, but not oftener than once in four years."

On the question,

Will the House agree to the amendments?

Mr. ACHTERMAN. Mr. Speaker, I wish to take just a few moments to explain to the members of this House the object of the amendments. I wish to explain that this amendment, together with the others that are to follow, does substantially this: it substitutes the poor boards in place of the county commissioners until such time as the respective counties decide by popular vote that those duties may in the future be performed by the county commissioners. I want to point out to the members particularly on the Democratic side of this House that it in no way affects the program or the thoughts of Governor Earle in his efforts to unify assistance in Pennsylvania. The only difference is that the poor boards of Pennsylvania would carry on the work that Senate Bill No. 876 would have the county commissioners perform. All of the phases of State activity proposed in the so-called Goodrich plan would still be carried on by the State of Pennsylvania, and all of the duties and functions of the so-called "out door relief" that are proposed to be exercised by Ctate agencies, will not cost Pennsylvania one cent under the proposed change. Every phase of the program would be carried out as enunciated by Governor Earle.

I wish to point out to the members of this House, particularly to the Democratic members of this House, that we are carrying out the Democratic theories if we adopt the amendments that I have offered to this House. I do wish to impress upon my Democratic colleagues that home rule, the right to determine what we desire, has been the principle upon which the Democratic party has been built; the principle upon which we have attained our success; it is the principle that has brought our party down through the entire history of this country, and the failure to observe it has been the cause of the destruction of other political parties. I wish to call to the attention of the Democratic members of the House and to refresh their minds that this is the principle of the Democratic party, as enunciated by Thomas Jefferson, whom you are

all inclined to follow, and you all desire to be called his followers. That principle, Mr. Speaker, is this:

"It is not by the consolidation or concentration of powers, but by their distribution, that good government is effected. Were not this country already divided into states, that distribution must be made that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Every state is again divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details, and every ward into farms, to be governed each by its individual proprietor. It is by this partition of cares, descending in graduation from general to particular, that the mass of human affairs may be best managed for the good and prosperity of all."

Mr. Speaker, it is indeed refreshing to find that all segments of the Democratic party have not lost sight of the precepts laid down by Thomas Jefferson and which have been followed by Democrats generally heretofore. Instead of ripping out the poor boards of Pennsylvania, my amendment leaves it to the voters of Pennsylvania to determine, and not the men here in Harrisburg, to decide what kind or form of government we should have.

Mr. Speaker, one of the most surprising things brought to me is that this Administration would endeavor to rip out the poor boards after commissions appointed by this House have gone forward and investigated local governments and have always came back with the same story, which is in favor of local government and local control.

I am reading from the first report of the Local Government Commission to the General Assembly of 1937.

"The Commission found very cordial support for its adherence to the long established principles of home rule in local affairs. Pronounced sentiment in favor of retention of the existing system of local government was manifested at all hearings of the Commission. The Commission recognizes the soundness of our traditional principle of local home rule and regards its outstanding feature to be the preservation to local communities of the right to determine local governmental policies. The Commission believes that local government should be protected from proposals which seek to undermine its fundamental nature and those which seek to use the home rule as the cloak to stultify the sound development and improvement of our local governmental system and its adjustment to changing economic conditions. Local government is the training school for the future leaders of the State and nation."

Again may I call to the attention of the members of the House that there was a Joint Legislative Committee appointed by the House and Senate to investigate this very story. That committee has not yet made a report, but I can say in all confidence that had that committee made a report that report would have been against the ripping out of local poor boards. I say very frankly to the members of this House that the committee report was not made out of deference to the statement of Governor Earle in which he stated he desired the poor boards ripped out. But I say frankly to you men and women here tonight, if you are here representing your constituency, not people here in Harrisburg, but the voters back home, to whom you must answer and to whom you are responsible, the question before you tonight is whether you feel that your people are fit to govern, whether your people can determine and decide whether or not they want their affairs administered by a local poor board, or whether or not they want such affairs administered here in Harrisburg, and I submit to the members of this House that these amendments are giving to the people back home that confidence that certainly we should place in them, a confidence that we believe that they are able to determine and decide what is best for them. It is a good, sound, solid Democratic principle, and, Mr. Speaker, I ask the support of the members of this House on the amendment.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, as I understand the amendments, presented by the gentleman from Monroe they seek to provide local option for the local districts to decide whether or not they wish to continue their poor boards. Just let us analyze the situation with which we are confronted. By a series of bills which we have before us for enactment, and which according to all indications will be enacted, we are taking away from the poor boards their supervision and their function in the service of out door relief. In addition to that, the poor boards have left but one function, the maintenance of the indigent homes and hospitals for the care of those who are unable to reside in homes outside of these indigent homes. The only function that the poor boards will have after the enactment of these laws is the function which I have indicated. After taking away out door relief, after taking away the functions that the Commonwealth of Pennsylvania have been forced to assume, functions which the poor boards could not meet in the dire days of the depressions, the poor boards are then left with one solitary function, the maintenance of those homes, and the problem before us now is should we give to the electorate back home the opportunity to decide whether or not the people shall continue the poor boards for that singular function, or whether that singular function can be administered by an agency already in existence, an agency which I know in the counties is assuming that function now, the maintenance of the county homes. Our county commissioners throughout the Commonwealth can take that additional function upon their shoulders without any great hardship. The problem with which we are confronted is whether or not we are going to give to the people back home the opportunity to vote on that problem. That problem is not a serious one. That problem is not a problem in which we as members of the Legislature should lack the courage to represent our people in our elective duties to voice their thoughts in the Halls of the Commonwealth. That problem is a problem which we are elected here to assume, and I say to you, members of the House, the problem is not whether or not we should allow the people back home to continue to decide whether or not the poor boards should be continued, but the problem with which we are confronted is whether or not the functions of the poor boards should be taken from them or whether they should be left with the poor boards, and if we have decided to take those functions away from the poor boards then there is nothing left for this House to do except to abolish the poor boards and give that single remaining function to the county commissioners where it can be justifiably placed. It is no impingement upon the doctrine of home rule. I just wish to read to the membership of the House the very statement that the gentleman from Monroe read, in commenting upon the first report of the Local Government Commission. I am quoting

as follows: "The Commission believes that the local government should be protected from proposals which seek to undermine its fundamental nature," and I agree with that one hundred percent. I further agree with the language of the report of that committee which says that "The Commission believes that the local government should be protected * * * from those seeking to use the home rule principle as the cloak to stultify the sound development and improvement of our local governmental system and its adjustment to changing economic conditions." Should we allow those people to use that cloak to stultify our local government? Are we hiding behind the issue of home rule to prevent the development of an adequate system of relief? Are we hiding behind the feigned issue of home rule to deprive the people of this Commonwealth of an adequate system in the administration of such affairs?

I say to the membership of this House that we are elected to perform a duty, and in that duty we must be courageous. We are elected to perform that duty and not to shift it back to the people who elected us, and I say to the membership of this House, both Democratic and Republican, that the greatest service you can do for the people who elected you is to assume that obligation tonight and to vote down the amendments of the gentleman from Monroe.

The yeas and nays were required by Mr. ACHTERMAN and Mr. LaRUE.

YEAS—51

Achterman,	Jirolanio,	O'Connor,	Stockham,
Baker, F. T.,	Kane,	Peale,	Turner,
Boose,	Kline,	Perry,	Van Allsburg,
Boyer,	LaRue,	Readinger,	Wall,
Cadwalader,	Leisey,	Rothenberger,	Wampole,
Chervenak,	Longaker,	Royer,	Watkins,
Coleman,	Lopresti,	Schrock,	Webster,
Dougherty,	Lyons,	Serrill,	Weidemann,
Fiss,	Marino,	Smith, John A.,	Westrick,
Hall,	Matthews, J. F.,	Snyder,	Wilson,
Hamilton, R. S.	McDevitt,	Sollenberger,	Wood,
Hess,	McKinney,	Sproul,	Woodside,
Huntley,	Muir,	Stewart,	Yeakel,
Imbrie,			

NAYS—114

Alexander,	Fitch,	Mellott,	Shepard,
Arnold,	Flanagan,	Mihm,	Shoemaker,
Baine,	Flannery,	Moomaw,	Shugarts,
Baker, J. J.,	Ganser,	Mooney,	Siegel,
Bierly,	Gorski,	Moran,	Simon,
Blank,	Hagerty,	Munley,	Skale,
Bohn,	Hamilton, F. P.,	Murrin,	Smith, James A.,
Bois,	Harkins,	Nagel,	Spengler,
Bradley,	Harmuth,	O'Brien,	Stank,
Brancato,	Hering,	O'Keefe,	Thomas,
Broad,	Hetrick,	Ominsky,	Toole,
Brown,	Hindman,	O'Neill,	Tronzo,
Brownfield,	Hirsch,	Ostroff,	Tumelty,
Caesar,	Holland,	Patterson, C. S.,	Valibus,
Caputo,	Holmes,	Patterson, J. W.,	VanSickle,
Coakley,	Hontz,	Pearson,	Vogt,
Cohen, H. B.,	Horting,	Powers,	Walsh,
Cohen, R. E.,	Keenan,	Reese,	Weiss, D. H.,
Coolahan,	Levy,	Reising,	Weiss, S. A.,
Corrigan,	Lewis,	Richter,	Welliver,
Costanzo,	Long,	Robinson,	Welsh,
Decker,	McArdle,	Ruffennach,	Whalen,
Dickinson,	McCullough,	Rush,	Whitenight,
Donohoe,	McDermott,	Sarraf,	Wright,
Dubbs,	McElroy,	Scanlon,	Yanoshat,
Dyson,	McFall,	Schor,	Yourishin,
Elpern,	McGee,	Schrope,	Zappala,
Falkenstein,	McShane,	Shea,	Furman,
Finnerty,	Melchiorre,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

Article II, section 201 was read as follows:

ARTICLE II

Institution Districts in Cities of the First and Second Class

Section 201 First Class City Institution Districts Abolition of Existing Offices of Poor Directors and Auditor In every city of the first class the offices of poor director and of poor auditor of each poor district created by local law or remaining in existence as a former borough or township poor district are hereby abolished except to the extent necessary to liquidate the affairs of the district Title to the real and personal property of each such district is hereby transferred to and vested in the city and its powers and obligations are hereby vested in and imposed on the city Thereafter the laws as to the care of dependents shall be administered throughout each city of the first class by the department of public welfare of the city and each such city shall constitute an institution district for the purposes of this act Such district shall not exist as an entity separate and apart from the city but shall be administered as a department of the city government The city shall employ each of the present paid poor directors of such districts until his present term of office shall expire in the liquidation of the affairs of the district and in the administration of this act paying him his present annual salary and if he now receives no fixed annual salary then such salary as may be fixed by the tax levying body of the city As soon as the affairs of each such district have been liquidated it shall cease to exist

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 201, page 5, line 6, by inserting after the word "class" the following: "where the electors of the local poor districts of the county shall have voted to create a city institution district"

On the question,

Will the House agree to the amendment?

Mr. ACHTERMAN. Mr. Speaker, I withdraw the remainder of my amendments.

On the question recurring,

Will the House agree to the section?

It was agreed to.

Article II, sections 202, 203, Articles III to VII inclusive, the preamble and title were separately read and agreed to as follows:

Section 202 Second Class City Institution Districts In each city of the second class the laws as to the care of dependents shall continue to be administered by the Department of Public Welfare of the city as provided by this act and the laws relating to such cities Each such city shall constitute an institution district Such district shall not exist as an entity separate and apart from the city but shall be administered as a department of the city government

Section 203 Records The Department of Public Welfare of each city of the first and second classes shall keep records of the work of the city as an institution district as prescribed by the State Department of Welfare and shall from time to time make such reports to said department as it shall require

ARTICLE III

County Institution Districts General Provisions

Section 301 County Institution Districts Each county as herein defined is hereby created a district to be known as ".....County Institution District" which district shall be a body corporate with the capacity to sue and be sued to take hold lease and convey real and personal property and to make contracts The property real and personal and the obligations of each existing county poor district are hereby transferred to vested in and imposed on the institution district of that county Any property so transferred or vested shall if suitable be used for the purposes of administering this act or to be disposed of as provided in this act

Section 302 Officers of County Institution Districts Abolition of Poor Directors The commissioners of each county shall be the executive and administrative officers of the institution district of that county and the county treasurer shall be its treasurer The office of county poor director is hereby abolished and the terms of the poor directors now in office are hereby terminated The commissioners shall however employ each of the present paid county poor directors until his existing term of office shall expire in the administration of this act paying him his present annual salary and if he now receives no fixed annual salary then such salary as may be fixed by the commissioners

Section 303 Salaries and Expenses of Officers For services as an officer of an institution district each commissioner of a seventh class county shall receive an additional annual salary of eight hundred dollars and each commissioner of an eighth class county shall receive an additional annual salary of three hundred dollars In every other county the commissioners and in every county the treasurer shall receive no additional compensation for services to the institution district In every county the commissioners and treasurer shall be allowed their necessary expenses incurred in services for the institution district

Section 304 Records The commissioners of each county shall keep records of the work of the institution district as prescribed by the State Department of Welfare and shall from time to time make such reports to said department as it shall require

Section 305 Powers and Duties as to County Institution District Property As a function of the institution district and with its funds the commissioners of each county shall have the power and it shall be their duty

(a) With the approval of the Department of Welfare to acquire by purchase or the right of eminent domain lands and buildings for the care of dependants and for farms taking title in the name of the county institution district

(b) To erect equip maintain repair alter and add to institutions for the care of dependants and to equip maintain cultivate and improve farms using their produce for the support of dependents Any plan for the erection or substantial alteration of an institution must be approved by the Department of Welfare

(c) To sell or lease real and personal property of the institution district

(d) To pay the other necessary expenses of the institution district

Section 306 Appointment of Employes The commissioners of each county shall have the power to appoint remove and fix the compensation of all necessary employes of the institution district and to require of any employe security for faithful performance

Section 307 Taxation For the purposes of the institution district and for the payment of the obligations of the predecessor poor district the commissioners of each county shall have the power to levy and collect on real estate trades occupations and professions in the same manner and at the same time as county taxes an annual tax to pay the current expense of the institution district not exceeding ten mills on the dollar of the last adjusted assessed valuation for county purposes The commissioners may also levy such annual special taxes as may be needed to pay interest and sinking fund charges on bonds issued to pay for the purchase of lands or buildings or for the erection and equipment of buildings or for the payment of debts of the institution district Such taxes shall be levied at the same time as the county tax and shall be collected in the same manner and subject to the same discounts and penalties as the county tax

Section 308 Borrowing Powers The commissioners of each county shall have power with the approval of the Department of Internal Affairs in the manner provided by law to issue and negotiate bonds of the institution district to raise funds for the acquisition of real estate for the erection and equipment of buildings for the payment of the obligations of the predecessor poor district and for the refunding of outstanding bonds issued by it or the predecessor poor district Such bonds shall be issued and sold in the manner provided by law for county bonds

The commissioners may also borrow moneys for current expenses giving notes of the institution district payable in not over six months bearing not over six per centum interest and negotiated for not less than par Payment of such notes shall be provided for in the next annual tax

Section 309 Budget and Financial Requirements The commissioners of every county institution district shall annually at least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the district in its several departments for the ensuing fiscal year Such proposed budget shall be prepared on a uniform form prepared and furnished as provided in this act and shall be apportioned to the several classes of expenditures of the district as the commissioners may determine Final action shall not be taken on any proposed budget until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The commissioners after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the commissioners shall file a copy of the same in the office of the Department of Internal Affairs

The commissioners shall have power to authorize the transfer within the same fund of any unencumbered balances or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by the commissioners in any amount which will cause the sums appropriated to specific purposes to be exceeded

Section 310 Accounts and Audits The commissioners of each county and the county treasurer shall keep accurate accounts of the moneys of the institution district Such accounts shall be audited by the county controller or county auditors as the case may be The county commissioners and the treasurer as officers of the institution district shall be subject to the same fiscal supervision and control as are provided by law with respect to county funds

Section 311 Reports to Department of Internal Affairs Within sixty days after the close of each fiscal year of any county institution district the county controller or the county auditors of each county shall report the financial condition of the district to the Department of Internal Affairs on forms furnished by the department

Section 312 Budget and Financial Report Forms The forms for the annual report to the Department of Internal Affairs as required by this act and the forms for the annual budget shall be prepared by a committee consisting of three persons designated by the president of the Pennsylvania Association of County Commissioners one representative from the Department of Welfare and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the Association of County Commissioners shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In the preparation of uniform forms for financial re-

ports the same shall be so arranged that corresponding information required to be reported to the Department of Welfare may be used for the information required to be furnished to the Department of Internal Affairs

It shall be the duty of the Secretary of Internal Affairs to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee shall for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After they are prepared he shall issue said forms and distribute them annually as needed to the commissioners

Section 313 Viewers to Inspect New Buildings Whenever a new institution shall have been completed in a county the commissioners shall certify the fact to the Court of Common Pleas of said county whereupon said court shall appoint three competent and disinterested persons as viewers to view and thoroughly examine said buildings and reports to the court whether the said contract or contracts have been faithfully and fully performed and completed and until such report be so made final payment on said contract or contracts shall not be made The said viewers shall be entitled to a sum not in excess of ten dollars per day for each day necessarily engaged in the performance of their duties as the court shall determine to be paid from the funds of the institution district

Section 314 Transfer of Dependents In counties where there was no county poor district or where no institution was maintained by a county poor district the county commissioners shall as soon as they are prepared to accommodate the dependents of their institution district provide for their removal to the institution or institutions provided by the institution district or to such other institution in another institution district with which provision has been made for the care of its dependents

Section 315 Contracts of Five Hundred Dollars or More to be in Writing It shall be the duty of the commissioners to purchase all supplies for the maintenance of the inmates of the institutions under their supervision by written contract where such contract involves an expenditure of five hundred dollars or more The commissioners shall by advertisement inserted in at least one newspaper of the county in which said institution is located once a week for two weeks invite sealed proposals for the furnishing of such supplies and shall award all such contracts to the lowest responsible bidder and shall take from such bidder a bond with sufficient sureties conditioned for the faithful performance of his contract

Any commissioner violating the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding six months or both

Section 316 Commissioners Not to be Interested in Contracts It shall be unlawful for any commissioner to be concerned or personally interested directly or indirectly in any contract for furnishing supplies for the maintenance of the dependents of his institution district or for the construction or improvement of property under his control Any violation of the provisions of this act shall constitute a misdemeanor in office and upon conviction thereof the party or parties so offending shall be fined in a sum not exceeding five hundred dollars and shall be adjudged by the court to be removed from office

Section 317 Bond for Protection of Labor and Material Men It shall be the duty of every county institution district to require any person copartnership association or corporation entering into a contract with such institution district for the construction erection installation completion alteration repair of or addition to any public work or improvement of any kind whatsoever where the amount of such contract is in excess of five hundred dollars before commencing work under such contract to execute and deliver to such institution district in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract an additional bond for the use of any and every person copartnership association or corporation interested in a sum not less than fifty per centum and not more than one hundred per centum of the contract price as such institution district may prescribe having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth conditioned for prompt payment for all material furnished and labor supplied or performed in the prosecution of the work whether or not the said material or labor enter into and become component parts of the work or improvement contemplated Such additional bond shall be deposited with and held by the institution district for the use of any party interested therein Every such additional bond shall provide that every person copartnership association or corporation who whether as subcontractor or otherwise has furnished material or supplied or performed labor in the prosecution of the work as above provided and who has not been paid therefor may sue in assumpsit on said additional bond in the name of the institution district for his their or its use and prosecute the same to final judgment for such sum or sums as may be justly due him them or it and have execution thereon Provided however That the institution district shall not be liable for the payment of any costs and expenses of any such suit

Section 318 Proceedings Where Eminent Domain Exercised In all proceedings for the exercise of eminent domain by a county institution district the proceedings for the ascertainment of damages for property taken injured or destroyed shall be the same in all respects as provided by law for the exercise of the power of eminent domain by counties for county purposes

ARTICLE IV

Powers and Duties of Institution Districts

Section 401 Powers and Duties as to Care of Dependents and Children The local authorities shall have the power and it shall be their duty with funds of the institution district or of the city according to rules regulations and standards established by the State Department of Welfare

(a) To care for any dependent having a settlement in the county or city who is not otherwise cared for

(b) to contract with other local authorities for the care of any such dependent

(c) To contract with any association in Pennsylvania organized to provide a home or employment for deaf and dumb or blind persons having a settlement in the county or city or to care for any dependent having a settlement in the county or city who is deaf and dumb or blind or to help him through employment

(d) To contribute moneys to the county to pay all or part of the county cost of maintaining children in foster homes and in institutions and homes for children

(e) To pay the cost or part of the cost of the care and maintenance of mental and other patients confined in institutions State mental hospitals and other State institutions in the same manner and to the same extent as provided by law in the case of poor districts and to assume the obligations imposed by law on poor districts in respect to such care and maintenance In like manner the Commonwealth shall be liable to institution districts maintaining institutions for mental patients for payment of part of the cost of the care and maintenance of such mental patients in the same manner as provided by law in respect to the liability of the Commonwealth to poor districts

(f) To take any other action authorized or required by law

Section 402 Care of Persons Referred by Department of Public Assistance The local authorities shall have power to care for any dependent or other indigent person in the county or city who is referred to them by the Department of Public Assistance or by a local board under its supervision pending the determination of such person's legal settlement

Section 403 Provision for Burial of Dependents and Other Persons Except as otherwise provided by law the local authorities of any institution district shall provide for the burial of any dependent who dies in the county or city or any person who dies suddenly within the county or city unless his body is claimed by a relative by blood or marriage or by a friend or by his fraternal or veterans' organization or by a charitable organization

or by the Anatomical Board of the State of Pennsylvania No such burial shall cost more than seventy-five dollars

Section 404 Treatment of Persons in Danger of Hydrophobia The local authorities of every institution district shall provide with approved medical care and proper attendance (including the so-called Pasteur treatment where prescribed) all indigent persons settled within their district who may be assumed to be in danger of suffering from hydrophobia or rabies by reason of having been bitten by an animal believed to have been suffering from said disease and to order payment of the expenses so incurred out of the funds of the district or city for the care of dependents

Section 405 Powers and Duties of Local Authorities as to Children The local authorities of any institution district shall have the power and it shall be their duty to place in foster homes or in institutions or homes for children all dependent children who are in or committed to their charge and whose placement and care are not otherwise provided for by law

No child under the age of sixteen years shall unless he is mentally or physically handicapped and no other care is available for him be admitted to or maintained in an institution conducted by the local authorities other than a hospital or sanitarium

Section 406 Contributions for Medical Care The commissioners of each county and the city council of each city of the first and second classes shall have the power to make annual appropriations from the funds of the institution district or of the city for the support of any public institution operated or to any non-profit corporation organized to give medical care to the dependents and children of the county or of the city without discrimination as to membership in any organization or as to race or sect

Section 407 Inspections by Department of Welfare The institutions and books accounts and records of each institution district shall at all times be open to the inspection of the State Department of Welfare and its agents

Section 408 Reports of Persons Applying for Treatment of Disease Each institution district shall make a record of all of the personal and statistical particulars relative to the inmates in their institutions as directed by the State Department of Health for statistical purposes and thereafter such record shall be by them made for all future inmates at the time of their admission In case of dependents admitted or committed for medical treatment of disease the physician in charge shall specify for entry in the record the nature of the disease and where in his opinion it was contracted The personal particulars and information required by this section shall be obtained from the individual dependent himself if it is practicable to do so and when they cannot be so obtained they shall be secured in as complete a manner as possible from the relatives friends or other persons acquainted with the facts

Section 409 Rules and Regulations The local authorities of each institution district shall have power to make such rules and regulations not inconsistent with this act and not inconsistent with the rules and regulations of the State Department of Welfare as may be deemed proper convenient and necessary for the government of its institutions and to properly care for dependents

ARTICLE V

Settlement and Removal

Section 501 Settlement (a) A legitimate person is first settled in the institution district of birth unless the father shall then have a known settlement elsewhere in which case the first settlement of such person is in the institution district where the father was then settled

(b) An illegitimate person is first settled in the institution district of birth unless the mother shall then have a known settlement elsewhere in which case the first settlement of such person is in the institution district where the mother was then settled

(c) The settlement of a person in an institution district continues until a new one is acquired in this Commonwealth or elsewhere A settlement is lost only by acquiring a new one

(d) Except as hereinafter otherwise provided every adult and every emancipated minor whether married or single legitimate or illegitimate may acquire a new settlement in any institution district of this Commonwealth or in the Commonwealth by coming bona fide to establish a permanent abode therein and continuing to reside therein for one whole year if such person or minor is of sufficient mental ability to make a bargain and is not or does not become a public charge during said year

(e) The settlement of a married woman during coverture follows that of her husband and continues after his death in the institution district or place where he was last settled but she may thereafter acquire a new settlement for herself If the husband has no known settlement then she is settled whether he be living or dead in the district or place where she was last settled The settlement of a woman after divorce absolute or from bed and board or desertion by the husband or withdrawal by the wife from cohabitation with the husband on account of his cruelty inebriety or lack of support continues in the district or place where the husband was last settled but she may acquire a new settlement for herself

(f) A minor whether legitimate or illegitimate cannot be emancipated before age sixteen and becomes emancipated absolutely at age twenty-one if then of sufficient mental ability to make a bargain After age sixteen and before age twenty-one a minor of sufficient mental ability to make a bargain may become emancipated by his own acts or the acts of the parent stepfather or stepmother having had the custody When a person is emancipated he or she is capable of establishing a new settlement

(g) A minor whether legitimate or illegitimate who is so mentally deficient as to be unable to make a bargain cannot be emancipated after age sixteen and such a person does not become emancipated at age twenty-one and so long thereafter as said mental condition continues The settlement of such a person shall at all times during mental disability be ascertained as provided in clauses (h) and (i) of this section for the settlement of minors not emancipated.

(h) Before emancipation the settlement of a legitimate minor is and remains that of the father unless

(1) The father is dead and the mother acquires a new settlement in which case it follows that of the mother or

(2) The father deserts his family in which case it follows that of the mother or

(3) The mother withdraws from cohabitation with the husband on account of his cruelty inebriety or lack of support in which case it follows that of the parent having the custody or

(4) The parents are divorced either absolutely or from bed and board in which case it follows that of the parent having the exclusive custody but where custody is divided between the parents the settlement remains that of the father or

(5) Both parents are dead and the minor is in the custody of a stepfather or stepmother in which case it follows that of the stepfather or stepmother having the custody

(i) Before emancipation the settlement of an illegitimate minor at all times follows that of the mother and in case of her death before emancipation of such minor continues in the institution district or place in which she was last settled until such person establishes a new settlement after emancipation

(j) If a person has no known settlement in this Commonwealth and cannot for any reason whatever be removed into the state or country where settled he shall have a quasi-settlement in the institution district where he or she becomes a public charge which district shall if he be a dependent be liable for his or her support otherwise such liability shall be upon the Commonwealth

(k) If a person becomes a public charge in an institution district other than the one in which settled such institution district if he be a dependent otherwise the Commonwealth shall be liable for support until the institution district state or country of settlement is discovered and removal to such institution district state or country takes place Any institution district of settlement shall be liable

to the institution district in which the person becomes a dependent for the cost of care advanced and the expenses of removal

Section 502 Removal to District of Settlement In case any person does not have a settlement in the institution district wherein he has become or is likely to become a dependent it shall be the duty of the local authorities to notify the local authorities of the district of his settlement of the facts If the local authorities so notified refuse or neglect to receive him or to make arrangements for his proper care and to pay the amount advanced the local authorities furnishing such care may apply to the court of quarter sessions of their county or to any judge thereof by petition asking for a citation to the local authorities so refusing or neglecting requiring them to appear before such court at a time specified therein and to show cause why an order should not issue for the removal of such dependent into their institution district The said court shall proceed to hear and determine the cause upon its merits and their decree shall be final unless an appeal therefrom be taken within thirty days

The citation accompanied by a copy of the petition shall be served by the sheriff of the county who may for that purpose deputize the sheriff of the county of the cited institution district upon one or more of the local authorities named therein or with the approval of the court service may be had by sending such copy by registered mail The service or mailing shall be at least ten days before the day fixed for such hearing Upon the hearing and argument before said court it shall be lawful for either of the parties to the issue to except to any decision of the court upon any point of evidence or law which exception shall be noted by the court and filed of record as in civil cases An appeal to an appellate court may be taken by either party from the judgment or decree of the court

Section 503 Liability for Costs In case an order of removal is granted by any Court of Quarter Sessions the court in the same order shall require the institution district of settlement to pay the petitioners the cost of the proceedings the expense of removal and the proper charges for the care of the dependent from the date of the notice first above provided for all of which expense cost and charges shall be ascertained and allowed by the court If an order of removal is refused the cost of the proceeding shall be paid by the institution district petitioning therefor

The court of quarter sessions shall have full and complete authority and jurisdiction to enforce by appropriate methods its orders or directions made in such proceeding

ARTICLE VI

Dissolution of Independent Poor Districts

Section 601 Officers of Independent Poor Districts Every independent poor district lying wholly or partly within any county is hereby abolished except to the extent necessary to liquidate its affairs as hereinafter provided Each of the present poor directors of every such independent poor district is hereby removed from office Each such poor director who is now paid for his services shall be employed by the commissioners of the county in which he resides until his present term of office shall expire in the administration of this act and in the liquidation of the affairs of the independent poor district receiving his present annual salary The office of poor auditor of every independent poor district is hereby abolished The commissioners are hereby constituted the poor directors of every district lying in only one county for the purpose of paying its obligations The commissioners of both counties are hereby constituted the poor directors of any poor district lying in two counties for the purpose of paying its obligations

Section 602 Independent Poor Districts in One County (a) Where an independent poor district lies in only one county the real and personal property of any such district coterminous with a municipality is hereby transferred to and vested in such municipality Title to the real and personal property of any district lying in two or more municipalities is hereby transferred to and vested in such municipalities in proportion to the last assessed valuations of real estate for county purposes in each of them for which purpose after all the obligations of the poor district have been paid a decree of distribution shall be made by the Court of Common Pleas on petition of any municipality interested or of the county commissioners Any such decree affecting the title to real estate shall be recorded in the office for the recording of deeds of the county Provided however That the transfer and vesting of such property in municipalities shall be subject to the following conditions The commissioners as officers of an institution district are hereby given possession of any real estate so transferred and vested and of all tangible personal property used in connection with it The commissioners shall remain in possession of such real and tangible personal property so long as they decide that the purposes of the institution district require it or until they shall acquire the property by purchase or by right of eminent domain During this period of possession the institution district shall pay a fair rental to be fixed and apportioned by the Court of Common Pleas on petition of the commissioners or of any municipality interested and this possession shall be good against any purchaser from the municipality If the municipality shall receive a bona fide offer to buy any of the property so transferred and vested the court shall on petition by any municipality interested require the commissioners within a reasonable time to be fixed by the court to match the offer or to make a better offer or to institute proceedings to take such property by eminent domain and if they do not do so shall permit the municipality or municipalities to sell in compliance with such offer free of the commissioners' right of possession

(b) If an independent poor district has any outstanding obligations the commissioners as poor directors of the district shall receive from the municipality or municipalities and they shall pay to the commissioners any moneys transferred or any money realized by the municipality or municipalities from any property transferred and vested by this section not however exceeding the amount of such obligations and the commissioners shall apply such sums to meet the obligations of the independent poor district The commissioners as poor directors of the independent poor district shall have the power to levy and collect annually a special tax within the former independent poor district for the payment of such obligations not otherwise paid for

Section 603 Independent Poor Districts in Two Counties (a) If an independent poor district lies in two or more municipalities and in more than one county the property real and personal of the independent poor district is hereby transferred to and vested in such municipalities in proportion to the last assessed valuations of their real estate for county purposes after all the obligations of the poor district have been paid For this purpose the Court of Common Pleas of the county in which the real estate of the district is situate shall have power to make a decree of distribution on petition of any municipality interested or of the commissioners of either county Any such decree affecting the title to real estate shall be recorded in the office for the recording of deeds of the county in which such real estate lies Provided however That the transfer and vesting of such property in municipalities shall be subject to the following conditions The commissioners of both counties as officers of the institution districts are hereby given possession of any real estate so transferred and vested and of all tangible personal property used in connection with it and shall remain in possession of such real and tangible personal property so long as a majority of the commissioners of each county shall decide that the purposes of the two institution districts require it or until one or both of the institution districts shall acquire the property by purchase or by right of eminent domain If a majority of the commissioners of either county shall decide that they no longer require such property for the purposes of their institution district the commissioners of the other county may remain in possession of the property so long as they shall decide that the purposes of their institution district require it During this period of possession the institution district or districts in possession shall pay a

fair rental to be fixed and apportioned by the Court of Common Pleas having jurisdiction on petition of the commissioners of either county or of any municipality interested Such possession shall be good against any purchaser from the municipalities If the municipalities shall receive a bona fide offer to buy any of the property so transferred and vested the Court of Common Pleas having jurisdiction shall on petition by any municipality interested require the commissioners of each county within a reasonable time to be fixed by the court to match the offer or to make a better offer or to take the property by right of eminent domain and if they do not do so the court shall permit the municipalities to sell in compliance with such offer free of the commissioners' right of possession The right of eminent domain shall be exercised only by the commissioners of the county in which the property to be taken is situated

(b) If the independent poor district has any outstanding obligations the commissioners of both counties as poor directors of the independent poor district shall receive from the municipalities and they shall pay to the commissioners any money transferred or any moneys realized by the municipalities from any property transferred and vested by this section not however exceeding the amount of such obligations and the commissioners shall apply such sums to meet the obligations of the independent poor district The commissioners of both counties as poor directors of the independent poor district shall have the power to levy and collect annually a special tax within the former independent poor district for the payment of such obligations not otherwise paid for

(c) If a majority of the commissioners of each county cannot agree as to the exercise of any power or the performance of any duty imposed on them by this section the dispute shall be settled by an order of the Court of Common Pleas having jurisdiction on petition of any party in interest

(d) The Court of Common Pleas of the county in which the real estate of the independent poor district is situate shall have exclusive jurisdiction of all proceedings brought in accordance with this section

(e) On petition of any party in interest the Supreme Court shall designate a judge to sit specially to decide any matter arising under the provisions of this section

Section 604 Appointment of Auditors In any proceeding in any Court of Common Pleas under the provisions of this article the court shall have power on its own motion to appoint an auditor to take testimony in such proceeding and make report thereof together with his recommendations to the court The compensation of such auditor shall be fixed by the court and paid as the court may direct

Section 605 Final Dissolution of Independent Poor Districts When the property of a district has been distributed as above provided and all of its obligations have been paid it shall cease to exist

ARTICLE VII

Effective Date and Repeals

Section 701 Effective Date This act except section one hundred five shall become effective on the first day of January one thousand nine hundred and thirty-eight Section one hundred and five of this act shall become effective immediately upon final enactment

Section 702 Repealer The following acts and parts of acts are hereby repealed absolutely except where otherwise indicated The repeal of an act or of part of an act repeals all amendments thereto

The act approved the ninth day of March one thousand seven hundred and seventy-one (1 Smith Laws 332) entitled "An act for the relief of the poor"

The act approved the first day of April one thousand eight hundred and thirty-four (P. L. 163) entitled "An act to provide for the incorporations of boroughs" insofar as it relates to overseers of the poor

The act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 539) entitled "An act relating to the support and employment of the poor"

The act approved the seventeenth day of April one thousand eight hundred and sixty-six (P. L. 110) entitled "An act relating to poor houses and lands"

The act approved the fifteenth day of April one thousand eight hundred and sixty-seven (P. L. 84) entitled "An act to provide for the payment of costs in the removal of paupers in certain cases"

The act approved the sixteenth day of March one thousand eight hundred and sixty-eight (P. L. 46) entitled "An act to authorize writs of error to the judgment of the Courts of Quarter Sessions on appeals from the orders of removal of paupers"

The act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 180) entitled "An act defining the duties of directors of the poor where such office exists in several counties of this Commonwealth"

The act approved the eighth day of May one thousand eight hundred and seventy-six (P. L. 149) entitled "An act to provide for the erection of a poor-house and for the support of the poor in the several counties of the Commonwealth"

The act approved the tenth day of April one thousand eight hundred and seventy-nine (P. L. 19) entitled "An act to authorize the directors of the poor and poor houses in the several counties of this Commonwealth to rebuild any poor houses in the respective counties where said poor houses have been or may hereafter be burnt down by fire and to authorize the county commissioners in such counties to levy and collect the taxes necessary to pay the expenses of such re-building"

The act approved the thirteenth day of May one thousand eight hundred and seventy-nine (P. L. 59) entitled "An act providing for the more speedy relief of poor and indigent persons in poor districts where directors of the poor are appointed by the Courts of Quarter Sessions"

The act approved the fourth day of June one thousand eight hundred and seventy-nine (P. L. 78) entitled "An act to create poor districts and to authorize purchase of lands and erection of buildings to furnish relief and give employment to the destitute poor and paupers in this Commonwealth"

The act approved the eighth day of June one thousand eight hundred and eighty-one (P. L. 75) entitled "An act defining what is taxable for poor purposes and providing for the assessing and apportioning the same"

The act approved the eighth day of June one thousand eight hundred and eighty-one (P. L. 85) entitled "An act to better provide for the auditing of the accounts of poor districts composed of one or more townships and boroughs of this Commonwealth"

The act approved the twenty-seventh day of June one thousand eight hundred and eighty-one (P .L. 120) entitled "An act regulating the election of overseers of the poor"

The act approved the twenty-fourth day of June one thousand eight hundred and eighty-five (Pamphlet Laws 163) entitled "An act to provide for filling vacancies in the office of director of the poor"

The act approved the twenty-fifth day of June one thousand eight hundred and eighty-five (Pamphlet Laws 184) entitled "An act for the relief and benefit of injured indigent persons whether resulting in death or not and to make provisions for the expenses incurred in taking charge of the same where such parties are not residents of the county wherein said accidents or injuries or deaths may have occurred"

The act approved the twenty-eighth day of April one thousand eight hundred and eighty-seven (Pamphlet Laws 75) entitled "An act to authorize the Courts of Common Pleas to decree the sale of real estate held for poor purposes in the several counties boroughs townships and poor districts in this Commonwealth and the re-investment of the proceeds thereof"

The act approved the twenty-third day of May one thousand eight hundred and ninety-three (Pamphlet Laws 116) entitled "An act limiting the liability of poor districts"

The act approved the sixth day of June one thousand

eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" insofar as it relates to overseers of the poor

The act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (Pamphlet Laws 240) entitled "An act providing that territory annexed to any city of the third class shall constitute a part of the poor district of such city of the third class or of the poor district of which said city is a part"

The act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws 299) entitled "An act authorizing and empowering the directors of the poor in counties having farm lands in connection with county almshouses to lease the lands for oil and gas purposes"

The act approved the twelfth day of May one thousand eight hundred and ninety-seven (Pamphlet Laws 63) entitled "An act in relation to the removal of poor persons from one district to another"

The act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws 222) entitled "An act authorizing contracts to be entered into between the overseers of the poor of any borough or township in counties not having county poor houses and the authorities in charge of the poor in adjoining counties having county poor houses for the maintenance of the poor of such boroughs and townships fixing the rate of compensation therefor and the method of collecting the same"

The act approved the fourteenth day of June one thousand nine hundred and one (Pamphlet Laws 561) entitled "An act authorizing the overseers of the poor director or directors of the poor and all other officers or boards having the charge or control of the poor in the several cities of the third class of this Commonwealth to furnish relief without first obtaining an order of relief in all cases where any such officers or authorities are satisfied that such relief is necessary"

The act approved the fifth day of March one thousand nine hundred and three (Pamphlet Laws 9) entitled "An act relating to the settlement of existing claims and demands the disposition of surplus money in the hands of the overseers of the poor and of uncollected taxes levied for the support of the poor in the several poor-districts of any county of this Commonwealth in which a county poorhouse hitherto has been or hereafter may be erected and the paupers chargeable to the several poor districts of such county hitherto have been or hereafter may be taken in charge by the commissioners or directors of the poor of such county under the provisions of any general law of the Commonwealth not in force"

The act approved the sixth day of March one thousand nine hundred and three (Pamphlet Laws 18) entitled "An act providing for the relief of needy sick injured and in case of death burial of indigent persons whose legal place of settlement is unkonwn or not within the State of Pennsylvania at the expense of the county where relief is required and with notice to the county commissioners thereof"

The act approved the twenty-third day of April one thousand nine hundred and three (Pamphlet Laws 290) entitled "An act to regulate the compensation of directors of the poor of poor-districts composed of several boroughs and townships situated in more than one county having a population of over seventy thousand"

The act approved the thirty-first day of March one thousand nine hundred and five (Pamphlet Laws 92) entitled "An act providing for necessary medical attention to needy persons who may be in danger of suffering from hydrophobia"

Sections one two three and five of the act approved the sixth day of April one thousand nine hundred and five (Pamphlet Laws 112) entitled "An act providing for the relief of poor persons regulating their settlements in poor-districts providing a means of enforcing the removal of a poor person to the district of his settlement the payment for relief furnished to him and the payment of costs thereto and authorizing Courts of Quarter Sessions to compel certain relations to contribute to the relief of poor persons"

The act approved the twenty-eighth day of May one thousand nine hundred and seven (Pamphlet Laws 285) entitled "An act providing that whenever any head of a family or a person shall be quarantined by any authority because of any infectious or contagious disease and by reason of such quarantine such person becomes unable to pay the expense of maintenance and treatment of his family or himself during the period of quarantine he shall be considered a 'poor person' or a 'needy and indigent poor' person within the meaning of the poor laws of this Commonwealth"

The act approved the eighth day of June one thousand nine hundred and seven (Pamphlet Laws 487) entitled "An act fixing the salaries of county poor-directors in counties of over one hundred and fifty thousand population"

The act approved the eighth day of June one thousand nine hundred and seven (Pamphlet Laws 487) entitled "An act fixing the salaries and providing for the expenses of the Directors of the Poor in the several counties of this Commonwealthth"

The act approved the twenty-second day of April one thousand nine hundred and nine (Pamphlet Laws 113) entitled "An act concerning incorporated poor-districts auditors other than county and township auditors and to provide for the audit of the accounts of said poor-districts the duties of said auditors and to provide for appeals from such audits"

The act approved the first day of May one thousand nine hundred and nine (Pamphlet Laws 307) entitled "An act to provide for the recovery by bureaus of health boards of health and boards of school directors of cities boroughs and townships of this Commonwealth of money expended to care for and maintain persons sick of contagious or infectious diseases when the person so sick has a settlement in some other city borough or township of this Commonwealth and providing for the payment of all expense by the party falling sick except poor persons and defining a settlement for the purposes of this act"

The act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws 392) entitled "An act relating to the settlements and audits of the accounts of all officers of boroughs townships poor districts and school districts and appeals therefrom to the Common Pleas and thence to the Supreme and Superior Courts and providing a penalty for violations thereof" insofar as it relates to poor districts

The act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws 649) entitled "An act empowering the proper officers of the several poor districts of the Commonwealth in their discretion to appropriate money to corporations organized for the purpose of assisting relieving and giving medical care and attention to the pauper injured or sick"

The act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws 865) entitled "An act relating to the settlement and audit of the accounts of all officers elected or appointed of boroughs townships poor districts and school districts prescribing the time for such settlement and audits for the matters to be contained in the report of settlement and audit for the filing of said report in the office of the clerk of quarter sessions and for appeals to the Court of Common Pleas and superior and supreme courts" insofar as it relates to poor districts

The act approved the fifteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 986) entitled "An act to fix and regulate the compensation of directors of the poor of poor districts composed of several townships boroughs and cities situate wholly within counties of this Commonwealth not exceeding five hundred thousand population"

The act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1052) entitled "An act fixing the time for the election of directors or overseers of the poor of the several poor districts

of the Commonwealth and their terms of office and extending the terms of office of the directors and overseers of the poor now in office where such term will expire upon any day after the first Monday of January in even-numbered years"

The act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws 1071) entitled "An act providing for the appointment by the Court of Common Pleas of any county of auditors to audit settle and adjust the accounts of the directors treasurer and tax collectors of any poor district composed of more than one municipality or municipal district wholly within but less extensive than said county the population of which poor district shall be not less than one hundred and fifty thousand and not more than three hundred thousand prescribing their powers duties and compensation the form contents filing and publishing of their report and providing for appeals to the Court of Common Pleas of such county and the superior and supreme courts

The act approved the twenty-first day of June one thousand nine hundred and eleven (Pamphlet Laws 1111) entitled "An act enlarging the powers of overseers of the poor in townships of the second class which constitute a separate poor-district by requiring such overseers upon petition to care for and maintain cemeteries not kept for profit and the expense thereof to be paid from the poor-fund of said townships

The act approved the twenty-first day of June one thousand nine hundred and eleven (Pamphlet Laws 1111) entitled "An act authorizing poor districts to acquire lands supply erect and equip hospitals for the care and treatment of indigent persons afflicted with tuberculosis"

The act approved the twenty-second day of April one thousand nine hundred and thirteen (Pamphlet Laws 111) entitled "An act to provide for necessary medical attention to indigent persons who may be assumed to be in danger of suffering from hydrophobia or rabies after having been bitten by any animal believed to be suffering therefrom repealing all prior acts relating hereunto and providing for the payment of expenses for such treatment heretofore incurred in good faith"

The act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 154) entitled "An act to change and fix the terms of directors of the poor and auditors authorized to audit settle and adjust accounts of said directors of the poor in incorporated poor districts where the number of said directors is eight and said directors are required to be elected in blocks of four each year fixing the time when the terms of such directors and auditors shall expire their successors be elected and assume office"

The act approved the eighth day of May one thousand nine hundred and thirteen (Pamphlet Laws 174) entitled "An act authorizing and empowering the overseers of the poor of any two or more poor districts in any county not having a county poorhouse with approval of the court to unite in the leasing or purchase of real estate and erection of buildings for the care and employment of the poor of such districts authorizing the overseers of such districts to issue bonds therefor and providing for the equipment maintenance and regulation of such poorhouse"

The act approved the twenty-third day of May one thousand nine hundred and thirteen (Pamphlet Laws 297) entitled "An act regulating certain contracts for the maintenance of inmates in county poor houses and hospitals for the insane in counties containing less than one hundred and fifty thousand inhabitants"

The act approved the twenty-third day of May one thousand nine hundred and thirteen (Pamphlet Laws 343) entitled "An act to change and fix the terms of managers of the poor and auditors authorized to audit settle and adjust accounts of said managers of the poor in incorporated poor districts where the number of said managers and auditors respectively is nine and said managers and auditors are required to be elected in blocks of three fixing the times when the terms of present managers and auditors shall expire their successors be elected and assume office"

The act approved the thirty-first day of May one thousand nine hundred and thirteen (Pamphlet Laws 394) entitled "An act relating to the reports of auditors of boroughs townships and poor districts and appeals therefrom giving certain powers to taxpayers in connection therewith and prescribing the practice to be pursued in all appeals from such auditor's reports" insofar as it relates to poor districts

The act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws 909) entitled "An act to change and fix the terms of guardians of the poor and auditors authorized to audit settle and adjust accounts of said guardians of the poor in incorporated poor districts where the number of said guardians and auditors respectively is four and two and said guardians and auditors are required to be elected in blocks of three fixing the times when the terms of present guardians and auditors shall expire their successors be elected and assume office

The act approved the twenty-first day of April one thousand nine hundred and fifteen (Pamphlet Laws 162) entitled "An act relating to appeals from the reports of auditors of boroughs townships and poor districts" in so far as it relates to poor districts

The act approved the fifth day of April one thousand nine hundred and seventeen (Pamphlet Laws 51) entitled "An act fixing the salaries of county poor directors in counties of over one million population and less than one million three hundred thousand population"

The act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 223) entitled "An act authorizing overseers and directors of the poor to enter into contracts with certain associations for the care and maintenance of indigent deaf and dumb persons and conferring certain powers on the Board of Public Charities its officers and agents"

The act approved the twenty-eighth day of June one thousand nine hundred seventeen (Pamphlet Laws 651) entitled "An act conferring upon poor districts the power to take land for the erection of buildings or for farming purposes and providing a method for the ascertainment of damages in connection therewith"

The act approved the sixth day of July one thousand nine hundred and seventeen (Pamphlet Laws 734) entitled "An act authorizing the directors and overseers of the poor or other officers having charge of the poor in the poor districts of this Commonwealth together with their solicitor steward or superintendent and such other executive officer as may be designated by said directors and overseers or other officers to attend the annual meeting of the association of directors of the poor and charities and corrections of Pennsylvania as part of their official duties and providing for the payment of the expenses thereof"

The act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1083) entitled "An act to empower certain county poor districts to purchase poor-farms providing the manner in which such purchases shall be made and providing for the mortgaging of such poor-farms to secure any part of the purchase price thereof"

The act approved the twenty-seventh day of May one thousand nine hundred and nineteen (Pamphlet Laws 303) entitled "An act authorizing the transfer by township poor districts to the township school districts of certain poor funds"

The act approved the thirtieth day of March one thousand nine hundred and twenty-one (Pamphlet Laws 62) entitled "An act declaring the directors of the poor in poor districts coextensive with a county to be county officers"

The act approved the fifth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 381) entitled "An act providing for the burial of the bodies of indigent persons by certain poor districts"

The act approved the fifth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 386) entitled "An act relating to poor districts coextensive with counties of the fourth class authorizing the directors of such district to sell real estate no longer suitable for the suport maintenance and employment of the poor of their

respective districts and to purchase such real estate as may be necessary for such support maintenance and employment and to construct thereon such buildings as may be necessary and to equip and furnish the same validating the title to real estate heretofore purchased by such directors and providing for the borrowing of money and the issue of bonds by the county commissioners to accomplish the purposes of this act"

The act approved the twelfth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 533) entitled "An act providing for county poor districts in counties of the sixth class providing for their management direction and control by the county commissioners defining their powers and duties imposing certain duties upon the county treasurer and county controller or county auditors abolishing the present poor district and transferring their property"

The act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1081) entitled "An act providing for county poor districts in counties of the seventh class providing for their management direction and control by the county commissioners defining their powers and duties imposing certain duties upon the county treasurer and county controller or county auditors abolishing the present poor districts and transferring their property"

The act approved the seventn day of June one thousand nine hundred and twenty-three (Pamphlet Laws 678) entitled "An act to provide for the erection of new or additional buildings for the maintenance care and treatment of the poor indigent insane and indigent persons afflicted with tuberculosis in poor districts in counties of the second class which now maintain or which shall hereafter maintain a poorhouse or a hospital or sanitarium for such purposes authorizing the county commissioners to borrow moneys issue and negotiate the sale of bonds and to levy taxes for the payment of the same"

The act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 885) entitled "An act authorizing poor directors of county poor districts to provide for the payment for the preparation of plans and specifications heretofore made for public buildings for such poor districts where no legal or valid contract was entered into as required by law"

The act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 762) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto"

The act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1212) entitled "An act authorizing directors of the poor of counties of the second class to expend moneys of the district for the care of persons suffering from communicable disease and for their burial in case of death therefrom"

The act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1667) entitled "An act fixing the compensation of directors of the poor in poor districts in counties of the first class"

The act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 181) entitled "An act creating borough and township poor districts in the counties of Union Snyder and Juniata to be administered by overseers of the poor and abolishing the county poor district"

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 880) entitled "An act making it the duty of counties of the first class cities incorporated towns and poor districts herein defined as municipalities to require persons co-partnerships associations and corporations entering into contracts with such municipalities for the construction erection installation completion alteration repair of or addition to any public work or improvement to give (in addition to any other bond which may now or hereafter be required by law) an additional bond conditioned for the payment of material and labor furnished supplied or performed in the prosecution of such work or improvement and providing for suits and recovery on such bonds and repealing existing laws" so far as it relates to poor districts

The act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 815) entitled "An act to require county commissioners poor boards public officers trustees and others having jurisdiction of funds available for poor or unemployment relief or to tax or borrow for such purposes to furnish information and exhibit their records to the State Emergency Relief Board and providing penalties" so far as it relates to poor districts

The act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 965) entitled "An act fixing the salaries of directors of the poor in counties of the second class"

The act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1517) entitled "An act providing for the appointment by the Court of Quarter Sessions of the directors of the poor of the Erie County Poor District and abolishing the elected directors providing for the appointment and compensation of a director of welfare investigators assistants experts and employes and for the employment and compensation of elected directors whose terms have not expired and repealing existing laws"

The act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 725) entitled "An act relating to the consolidation of poor districts having territories not coextensive with counties"

All other acts general local and special and parts of acts inconsistent with this act are hereby repealed

An Act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2517, (Senate Bill No. 882), entitled:

An Act to amend section seventeen of the act approved the twenty-fifth day of June one thousand nine hundred thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity

by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" by making further provision for the cost of administering the act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Mr. HERBERT B. COHEN. Mr. Speaker, House Bill No. 2378, Senate Bill No. 883, on page 52 of todays calendar is on third reading by mistake. I call this bill up for second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2378, (Senate Bill No. 883), entitled:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mother's Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board

The first to the sixth section inclusive were separately read and agreed to as follows:

Section 1 Short Title This act shall be known and may be cited as the "Public Assistance Law"

Section 2 Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money goods shelter services or burial provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act

"Local Board" means any county board of assistance established under the provisions of this act and shall include any county relief board or board of trustees of the Mothers' Assistance Fund or board of trustees of Pension Fund for the Blind until abolished in accordance with law

The masculine pronoun includes the feminine

Section 3 Administration of Act This act shall be administered by the Department of Public Assistance and the local boards in the several counties of this Commonwealth

Section 4 General Powers and Duties of Department of Public Assistance The Department of Public Assistance shall have the power and its duty shall be

(a) To allocate to the local boards on the basis of need and as may be required for blind pensions funds with which to provide assistance and funds for administrative expenses and as may be needed from time to time to keep a reasonable revolving fund in the hands of local boards which shall be used by the executive director for the furnishing of assistance in emergency cases upon application to him or under the direction of any member of the local board

(b) To establish with the approval of the State Board of Public Assistance rules regulations and standards consistent with law as to eligibility for assistance and as to its nature and extent

(d) To supervise the local boards and to establish for such boards rules regulations and standards consistent with law

(e) To cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the department under this act and particularly in projects for child welfare for the relief of persons in areas of special need and for the care of transient and homeless persons and to make such reports in such form and containing such information as the Social Security Board of the United States Government or any other agency of the United States may from time to time require and to comply with such provisions as such board or agency may from time to time find necessary to insure the correctness and verification of such reports

(f) To receive and to supervise the disbursement of funds provided by the Federal government or from any other source for use in this Commonwealth for assistance

(g) To gather and study current information constantly and to report at least annually to the Governor as to the nature and need of assistance as to the amount allocated to each local board and as to the work of each local board and to cause such reports to be published for the information of the public

(h) To report at least annually to the Governor as to the cost of living in the various counties as related to the standards of assistance and the amounts allocated for assistance and to cause such reports to be published for the information of the public

(i) To collect and report to the Governor and to cause to be published for the information of the public information as to the work of the department

(j) To direct and supervise the liquidation of the affairs of the Boards of Trustees of the Mother's Assistance Fund the Boards of Trustees of Pension Fund for the Blind and the State Emergency Relief Board

Section 5 Establishment of County Boards of Assistance

(a) For each county of the Commonwealth there is hereby established a county board of assistance to be known as the County Board of Assistance which shall be composed of men and women to be appointed as hereinafter provided The members of the board shall serve without compensation but shall be reimbursed for necessary expenses No member of a board shall hold office in any political party Not all of the members of a board shall belong to the same political party

(b) Each board shall be composed of eleven members in counties of the first and second classes and of seven members in other counties In each county having a board of seven the Governor shall with the advice and consent of two-thirds of all the members of the Senate appoint two members to serve for the term ending December thirty-first one thousand nine hundred thirty-eight two members to serve for the term ending December thirty-first one thousand nine hundred thirty-nine and three members to serve for the term ending December thirty-first one thousand nine hundred forty In each county having a board of eleven the Governor shall in the same manner appoint three members to serve for the term ending December thirty-first one thousand nine hundred thirty-eight four members to serve for the term ending December thirty-first one thousand nine hundred thirty-nine and four members to serve for the term ending December thirty-first one thousand nine hundred forty After the original appointments any vacancy caused by the expiration of a term shall be filled by an appointment in the manner above provided for a term of three years and any vacancy otherwise caused shall be filled for the duration of the unexpired term by appointment in the same manner No member of a board shall be eligible to serve for more than two consecutive terms

(c) Each board shall elect from among its members a chairman and a secretary

Section 6 Rules and Regulations The State Board of Public Assistance shall have the power to promulgate rules and regulations concerning the administration of this act including the establishment of standards of eligibility for assistance and its nature and extent

The County Boards shall determine the eligibility of an applicant under the standards so established subject to the right of appeal as provided under subsection (d) of section seven of this act

The seventh section was read as follows:

Section 7 Powers and Duties of County Boards of Assistance Each county board of assistance shall have the power and its duty shall be

(a) In accordance with the laws regulating employment in the Department of Public Assistance to appoint transfer lay off suspend and remove an executive director and other employes who shall on behalf of the board and under the supervision of the Executive Director provide assistance in the territory under its jurisdiction in accordance with law

(b) To conform to the rules regulations and standards established by the Department of Public Assistance as to accounting and as to forms records and reports

(c) To submit budgets to the Department of Public Assistance as the basis of the allocation of funds for assistance and for administrative costs

(d) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving assistance Any person applying for or receiving assistance of any type covered by the public assistance provisions of the Federal Social Security Act may appeal to the Department of Public Assistance from any decision of the board refusing or discontinuing his assistance in whole or in part In every such appeal an opportunity for a fair hearing shall be granted and the decision of the department on such appeal shall be final All such appeals shall be in accordance with rules and regulations established by the department with the approval of the State Board of Public Assistance

(e) To supervise the administration of any other public function related to assistance or to the work of the Department of Public Assistance or of the County Board of Assistance which shall be committed to the board by a political subdivision of the Commonwealth with the approval of the State Board of Public Assistance

(f) To receive and spend contributions from any source for purposes related to assistance or to the work of the Department of Public Assistance

(g) To make recommendations to the Department of Public Assistance as to rules regulations and standards as to eligibility for assistance and as to its nature and extent

(h) To study report and interpret its policies problems and work to the Department of Public Assistance and to the public

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk

The amendment was read by the Clerk as follows:

Amend sec. 7, page 7, line 12, by inserting after the word "law" the following: "Provided, That all appointees of county boards shall have been residents of the county for which appointed at least one year"

On the question,

Will the House agree to the amendment?

Mr. HERBERT B. COHEN. Mr. Speaker, I am informed by the gentleman from Franklin, Mr. Moomaw, that this amendment is contained in House Bill No. 877. It was placed in the bill this evening, and is unnecessary in this bill.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Franklin, Mr. Moomaw, to determine whether that is correct.

The SPEAKER. Will the gentleman from Franklin permit himself to be interrogated?

Mr. MOOMAW. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, does the amendment which the gentleman from Franklin made to Bill No. 877 provide that a person who has made an application for employment to the local boards should be a resident of that district for a period of six months?

Mr. MOOMAW. Mr. Speaker, my amendment provided that he should be a resident of the State of Pennsylvania one year and a resident of the district for a period of six months prior to the date of the application for employment.

Mr. WOODSIDE. Mr. Speaker, the provisions of bill No. 877 relate to employes of the Department of Welfare. It is my opinion that it is necessary to place this section in this bill in order to make it apply to the employes of the local boards. I, therefore, think in order to carry out the intention of Mr. Moomaw, that this amendment should be adopted in this bill, and I ask the members of the House to vote "aye".

Mr. MOOMAW. Mr. Speaker and members of the House, in answer to the statement of the gentleman from Dauphin, Mr. Woodside, I might say that if you will make a very close study of Senate Bill No. 877 you will find that the provisions which I have placed in Senate Bill No. 877 are applicable to both the employes in the Department of Public Assistance at Harrisburg and also those employes who may be employed by the Local Boards in any one of the counties. I believe, in fact I am positive, that my amendment covered the same thought that the gentleman from Dauphin, Mr. Woodside, has on the matter.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The eighth section was read and agreed to as follows:

Section 8 County Boards of Review Each County Board of assistance shall from time to time appoint such board of review as it sees fit and proper to hear and determine appeals by employes of the board from orders of demotion and of removal

The ninth section was read as follows:

Section 9 Eligibility for Assistance Except as hereinafter specifically otherwise provided in the case of pensions for the blind all persons of the following classes shall be eligible to receive assistance in accordance with rules regulations and standards established by the Department of Public Assistance with the approval of the State Board of Assistance as to eligibility for assistance and as to its nature and extent

(a) Dependent Children A dependent child is defined as any child under the age of sixteen who (1) resides with his mother and has been deprived of the support of his father by his father's death continued absence from home or physical or mental incapacity and (2) has resided in this Commonwealth for one year immediately preceding the date of application for assistance or has been born in this Commonwealth within one year immediately preceding the date of such application of a

mother who has resided in this Commonwealth for one year immediately preceding the birth of the child

(b) Aged Persons An aged person is defined as one who (1) is seventy years of age or more or who after December thirty-first one thousand nine hundred thirty-nine is sixty-five years of age or more (2) resides in this Commonwealth and has so resided therein for five years during the nine years immediately preceding the date of making application for assistance and has so resided continuously for one year immediately preceding the date of making such application (3) is not at the time of receiving assistance an inmate of a public institution and (4) has not conveyed or transferred his real or personal property of the value of five hundred dollars ($500.00) or upwards without fair consideration within two years preceding the date of making such application

Absence in the service of the Commonwealth or of the United States shall not be deemed to interrupt residence of an aged person in the Commonwealth if a domicile has not been acquired outside the Commonwealth

(c) Blind Persons A blind person is defined as one who (1) is twenty-one years of age or more (2) has three-sixtieth or ten-two hundredths or less normal vision (3) has resided in the Commonwealth for at least five years during the nine years immediately preceding his application for a pension and has resided therein continuously for one year immediately preceding the application (4) is not receiving assistance as an aged person during the period for which he is receiving assistance as a blind person (5) is not at the date making application an inmate of any prison jail insane asylum or any other public reform or correctional instituion The pension of a blind person shall be thirty dollars ($30) per month Provided That any blind person with an actual income of twelve hundred dollars ($1,200) or upwards and any blind person having real property with an assessed valuation of over five thousand dollars ($5,000) is not entitled to such pension And provided further That where a blind person has an income of less than twelve hundred dollars ($1,200) per year the pension shall be fixed in such amount so that the combined income and pension shall not exceed twelve hundred dollars ($1,200) a year And provided further That the Local Board of Assistance may upon application authorize grants of additional sums not to exceed one hundred dollars ($100) to meet the cost of medical and surgical treatment for conditions which if relieved may restore useful vision to those who are blind No person shall be denied a pension because of the fact that he or she is not a citizen of the United States In the event that any Act of Congress providing Federal aid toward pension for the blind requires the recipients to be citizens no such Federal aid moneys shall be expended in the payment of pensions to non-citizens but such persons shall receive pensions out of moneys appropriated by this Commonwealth

(d) Other persons who have resided in Pennsylvania for at least one year immediately preceding the date of application for assistance and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living

(e) Any person within any group defined in this section who has a quasi-settlement in this Commonwealth until he is removed to his place of legal settlement

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 9, page 9, lines 25 and 26, by striking out the words "seventy years of age or more, or who, after December thirty-first, one thousand nine hundred thirty-nine is"

On the question,

Will the House agree to the amendment?

Mr. HERBERT B. COHEN. Mr. Speaker, I am informed that this amendment will impose upon the Commonwealth an additional expenditure of ten million dollars. I haven't heard any suggestion whereby those funds could be raised. I haven't heard of any suggestion from the sponsor of the amendment of any means whereby the income of the Commonwealth could be increased to a sum necessary to provide for the expenditure to which this amendment would expose the Commonwealth. I can clearly remember the situation which was presented to the House in the 1935 session. At that time the gentleman from Philadelphia, Mr. Sowers, presented identically the same amendment. He did so in identically the same manner without presenting with those amendments an adequate tax bill. So, if there is any sincerity in the desire to decrease the age from seventy to sixty-five that should be accomplished by a tax measure which will increase the revenues of the Commonwealth so that the payment can be made.

I further wish to point out to the membership of the House that under our present act individuals from the age of sixty to seventy are taken care of under the State Emergency Relief Fund, and will be taken care of out of the general funds under the appropriation to the Department of Assistance for the maintenance of indigent relief. While individuals from seventy to sixty-five are not taken care of quite as adequately as they are under the old age pension, nevertheless they are taken care of, and I ask the membership of this House to vote down the amendments of the gentleman from Dauphin.

Mr. WOODSIDE. Mr. Speaker and members of the House, the gentleman from York has stated that there is no way to raise this money and that there is an estimated cost to the Commonwealth of ten million dollars on account of this amendment. As a matter of fact, from the best information which we have available from Dr. DeSchweinitz, the Director of Public Assistance, we find that the estimate is between seven and one half million dollars and ten million dollars, and from the experience which we have had in the past from these estimates we find that they are plenty high. As a matter of fact, if we continue the local home rule of poor boards and permit them to continue to operate in the manner in which they are operating now, we could adopt this amendment, and have a system without throwing the budget of the Commonwealth out of balance, and we could raise the money necessary. That is the plan which I suggest to the gentleman from York. It is a plan which is workable, which can be carried out and which will enable the poor people between the ages of sixty-five and seventy to get their just dues provided for in the Federal Social Security law. I want to call to the attention of the members of the House that the Social Security law provides an age of sixty-five and not seventy. We are losing here, if we refuse to reduce the age limit to sixty-five, millions of dollars in Federal funds which is available for Pennsylvania, if we would adopt this amendment to this bill. It will not throw the budget out of balance if you will follow it up by defeating the poor board bill or by amending it so that it will provide that the work of the poor boards shall be continued. It will not throw your budget out of balance one cent and you can go ahead and spend the money. There are only seventeen states in the United States which have not reduced their age limit to sixty-

five. I think that Pennsylvania should not remain among the backward states, that they should bring their laws to conform with the Federal requirements. I think we should not throw over our shoulders, as I say, that amount of money which the Federal Government makes available to us, by refusing to adopt this amendment. Inasmuch as the budget will not be thrown out of balance if the plan which I suggest is carried out, I ask that this amendment be adopted, and, Mr. Speaker, I ask for a roll call.

Mr. ACHTERMAN. Mr. Speaker, I rise to support the amendments offered by the gentleman from Dauphin, Mr. Woodside. Like the gentleman from York, Mr. Cohen, in 1935 I too voted to make the age limit seventy. I did it because I knew at that time that this State did not have the funds to assume the responsibility if the age limit was sixty-five, but the story is entirely different at this time. We do have the funds if we but pause to put our house in order, and when I say put our house in order I mean to get in line with the principles laid down by Franklin D. Roosevelt, who in his Social Security plan has made sixty-five as the beginning of old age assistance, and I say very frankly, from investigations and from the hearings we have had the eight and one-half million dollars that we are using in connection with the administration of the poor boards on outdoor relief would be sufficient for us to reduce the old age limit to sixty-five. As the gentleman from Dauphin has pointed out, clearly Pennsylvania does not want to be in the category of the seventeen backward states, where we now are. I feel, Mr. Speaker, that we would be performing the greatest duty possible to the citizens of Pennsylvania if we would provide for that great class now existing between the ages of sixty-five and seventy, many of whom, of course, are on the relief rolls, and many of whom are being maintained and supported by their children at the present time, at the expense of many necessities for their children and grandchildrn, who are trying to keep them from the relief rolls in many instances, by making the law conform to what the Democratic Administration in Washington desires, that is, cut the age limit down to sixty-five. We certainly do not have any justification in coming here and being out of step with their program because we do not have enough money, Mr. Speaker, when we do have the money. We cannot justify our position either to the Federal Government in Washington or to ourselves or to our constituency. It is our bounden duty, Mr. Speaker, to see that we get in line with the principle laid down by Franklin D. Roosevelt and that we do so immediately.

It has been stated by the gentleman from York, Mr. Cohen, that we will get some Federal contribution for outdoor relief that the State agency advances to that group between sixty-five and seventy. We differ very thoroughly on that. We have not been able to justify that statement. As a matter of fact, some of the statements of Dr De-Schweinitz previously made were to the effect that they had a reasonable expectation of getting a Federal contribution. I point out that if we make sixty-five the age limit there will be no expectation, but there will be the mandatory proposition laid down by the Federal law that we will receive that contribution. I want the members to know that if we would use the money where we should to take care of our State obligations we will be able to assume our full responsibility, and I ask my Democratic colleagues to join with me in support of the amendments.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I am not the least bit impressed by the argument of the gentleman from Dauphin or the argument of the gentleman from Monroe, because both of them clearly indicate the purpose of this amendment, namely to save the poor boards. The gentleman from Dauphin says we can raise the money by not transferring the funds from the department of relief to the poor boards. The gentleman from Dauphin further says that the money and the functions retained by the poor boards will allow the Commonwealth of Pennsylvania to reduce the age limit from seventy to sixty-five. The question in my mind is whether the gentleman from Dauphin wishes to reduce the age limit from seventy to sixty-five or whether the gentleman wishes to save the poor boards. I know only too well the history of the party that the gentleman from Dauphin represents on old age pensions. I sat in this House in the session of 1933, when it was necessary for the Democratic minority to join with a few liberal Republicans to discharge a Republican committee that held the old age pension bills. I know in the session of 1935 that the then Republican minority of the House again attempted to resort to subterfuge and made an about face in an attempt to reduce the age from seventy to sixty-five, again without providing the funds necessary so to do. And today that party is writing the same record, proposing a reduction of the age from seventy to sixty-five, in an attempt, not primarily to help the aged, but in an attempt to save the poor boards.

I further call attention of the membership of the House to the fact that by taking over outdoor relief, taking over that function of the poor boards, the taxpayers will be saved some ten million dollars a year. I call attention to the fact that when we assume the obligation of taking care of outdoor relief and relieving the poor boards of that obligation, that the tax millage in every county of this State should be proportionately decreased. I call attention of the members of the House to the fact that the oppressed real estate owners, the home owners and the farm owners are asking for a reduction in real estate taxes. I call your attention to the fact that when we in the Commonwealth of Pennsylvania assume that obligation of outdoor relief, we are giving the taxpayers on real estate tax relief.

I question whether any individual between the age of sixty-five and seventy cannot be taken care of just as adequately under our present system as under the old age pension. There is great doubt expressed by the gentleman from Monroe as to whether we will receive a contribution from the Federal government to help the Commonwealth of Pennsylvania in assuming this burden, but I say there is almost a certainty that we will receive that assistance. I say that under the Social Security Act the Commonwealth of Pennsylvania is given until 1941 to assume the obligation of taking care of the aged and bringing the pension age down to sixty-five. We know only too well how this Commonwealth in the past two years has assumed this obligation, not only to the aged but to every needy group. I say to the membership of this House that unless adequate tax measures are presented by the proponents of this amendment we should not make this change, keeping in mind our responsibility to the people of this Commonwealth, keeping in mind the constitutional provision that we cannot appropriate more

than one million dollars over our anticipated revenue. I call that to the attention of the membership of the House and ask you as honest and fair-minded legislators to again stand four square on this and defeat the amendment.

Mr. TURNER. Mr. Speaker and members of the House, I had not intended to say anything in the debate on this question because I felt that the matter was adequately handled by the gentleman from Dauphin, and I thought that the remarks of the gentleman from Monroe were sufficient. But I cannot sit here and remain quiet after hearing the gentleman from York with his usual astuteness endeavoring to becloud the issue by his usual references to the past history of the Republican party. I am amazed to find the gentleman from York, who was upon the floor, if I remember rightly, in the sessions of 1933 and 1935 many times crying out for the poor and the helpless, crying out that the State of Pennsylvania should not be behind the others in the care of these people taking his present position. Tonight I hear the Democratic floor leader in this House stand up before us and say, "We haven't the money, we must send these people back to relief to get the money, instead of being entitled to the pension which we are giving to the aged in this State." While he recites the fact that in 1933 there may have been a division in this House on the part of some of the members as to the advisability of the old age pension, I call to the attention of the gentleman from York the fact that it was the gentleman from Philadelphia, Mr. Blumberg, a representative of this House, who introduced the legislation and fought for it and carried it through the sessions of 1933 and 1935. I cannot understand why the gentleman from York would try to becloud the issue by saying that we are trying to save the poor boards by this maneuver, when he has so often urged us to give to the people of Pennsylvania, the poor and the helpless, the opportunities which they should have in their care. He says that we are not sincere because we have offered no plan to raise the money. Here on the floor of this House tonight, with little attention on the part of the membership of this House, without any opportunity to go into detail, I offered a plan which would have saved the Commonwealth at least two million dollars during the next biennium.

The gentleman from York is also mindful of the fact that out of the present amount of money which we are paying for relief, which will carry some of these people, there would be an additional saving. It would not be necessary to throw the entire burden back upon the poor boards. It would not be necessary to assess any other amount if we only had a total of seven mill five hundred thousand dollars, and as the gentleman from Dauphin has stated, there is no assurance that that is the lowest figure that would be required to carry it into effect. There was a sound reason in 1933 why perhaps this money could not be raised. We felt that no other taxation should be imposed upon the people of Pennsylvania to take care of the cost of relief, and we knew not to what extent it might go. Now, we turn around the corner, and, according to our Democratic colleagues, we are back on the way to recovery, and if I understand them correctly, we are already in recovery. We have piled taxes up in Pennsylvania, we have mounted them high, and when we needed the money we have gone to the Highway Fund or some other fund to carry along when we were short of funds. So I say that the gentleman is not sincere in his opposition to the program as laid down by the Goodrich Committee. That also is natural and is his duty as floor leader, but when he tries to impugn the motives of some of the members on this side of the House, who are interested in this I cannot remain in my seat. If he would but stop to read some of the mail that I get and that probably some of the other members of the House get, if he would but listen to the appeals of those who come to our offices and say that they are in need and entitled to this old age pension, but they are not within the age limit, what are we going to do, he would change his position. These people in Pennsylvania have used the very same terms which the gentleman on the other side has used, that they are entitled to this relief at our hands. They should not be cast back upon ordinary welfare and the good-heartedness of welfare and unemployment relief of this State. They are entitled to the pension under the Federal act. We are losing these millions of dollars, which it has been said are necessary—we are losing that from the Federal Government, and we are anticipating what we must do in 1940. Therefore we should support these amendments.

On the question recurring,

Will the House agree to the amendments

The yeas and nays were required by Mr. WOODSIDE and Mr. WEIDEMANN and were as follows:

YEAS—54

Achterman,	Kane,	Peale,	Stockham,
Baker, F. T.,	Kline,	Perry,	Thomas,
Boose,	LaRue,	Pershing,	Turner,
Boyer,	Longaker,	Piole,	Van Allsburg,
Cadwalader,	Lovett	Reising,	Wall,
Davies,	Lyons,	Rothenberger,	Wampole,
Dougherty,	Marino,	Royer,	Watkins,
Eckels,	Matthews, J. F.,	Schrock,	Webster,
Fiss,	McArdle,	Serrill,	Weidemann,
Haberlen,	McDevitt,	Sloan,	Wilson,
Hall,	McKinney,	Snyder,	Woodside,
Hamilton, R. S.	Moomaw,	Sollenberger,	Yeakel,
Huntley,	Muir,	Sproul,	Zappala,
Imbrie,	O'Neill,	Stewart,	

NAYS—111

Alexander,	Dyson,	McFall,	Shoemaker,
Arnold,	Eipern,	McGee,	Shugarts,
Baine,	Finnerty,	McShane,	Siegel,
Baker, J. J.,	Fitch,	Melchiorre,	Simon,
Bierly,	Flanagan,	Mellott,	Skale,
Blank,	Flannery,	Mihm,	Smith, James A.,
Bohn,	Gerard,	Mooney,	Smith, John A.,
Bois,	Gorski,	Moran,	Spengler,
Bradley,	Hagerty,	Munley,	Stank,
Brancato,	Hamilton, F. P.,	Murrin,	Toole,
Broad,	Harkins,	O'Connor,	Tronzo,
Brown,	Harmuth,	O'Keefe,	Tumelty,
Brownfield,	Hess,	Ominsky,	Valibus,
Caesar,	Hindman,	Ostroff,	VanSickle,
Caputo,	Hirsch,	Patterson, C. S.,	Vogt,
Cherveniak,	Holland,	Patterson, J. W.,	Walsh,
Coakley,	Holmes,	Pearson,	Weiss, D. H.,
Cohen, H. B.,	Hontz,	Powers,	Weiss, S. A.,
Cohen, R. E.,	Horting,	Preston,	Wellfiver,
Coleman,	Jirolanio,	Readinger,	Welsh,
Coolahan,	Keenan,	Reese,	Westrick,
Corrigan,	Levy,	Robinson,	Whalen,
Costanzo,	Lewis,	Ruffennach,	Whitenight,
Decker,	Long,	Rush,	Wright,
DeNote,	Loprestl,	Sarraf,	Yanoshat,
Dickinson,	McCullough,	Schor,	Yourishin,
Donohoe,	McDermott,	Scirope,	Furman,
Dubbs,	McElroy,	Shepard,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

REASONS FOR VOTE

Mr. SKALE offered the following reason for his vote:

Mr. Speaker and members of the House, I am voting "no" on the introduction of this amendment because it would increase the cost to the Commonwealth, the taxpayer, to the extent of about ten millions of dollars. While I advocated and still do so advocate that the age limit should be reduced from 70 to 65 years, nevertheless to do so at this late stage in the session after the budget has been fixed, would throw the entire program out of gear. In addition, the sponsor of the amendment has not offered a program for the raising of such additional funds which the amendment, if adopted, would necessitate.

It is my belief, and I am also reliably informed, that the people between 65 and 70 years of age who are entitled to such assistance are amply provided for in another manner.

Mr. McGEE filed the following reason for his vote:

I am voting "no" on this bill inasmuch as I believe it is impossible to raise the funds at this time.

Mr. WALSH filed the following reason for his vote:

I am voting "no" on the amendment to lower the old age limit to 65 years, because at this time the financial status of the State of Pennsylvania does not permit this.

Mr. SAMUEL A. WEISS offered the following reason for his vote:

I desire to be recorded as voting "no" on the amendments offered by the gentleman from Dauphin, Mr. Woodside, for the reason that it becomes vitally necessary to raise immediately $10,000,000 in additional revenue in order to reduce the age limit from 70 to 65 years.

If the funds were available without the necessity of taxing further the people or industries of this Commonwealth, I would not hesitate to vote for these amendments.

The tenth to the eighteenth sections inclusive, the preamble and title were separately read and agreed to as follows:

Section 10 Trustees for Certain Beneficiaries The Department of Public Assistance may appoint a trustee to take charge of the expenditure of assistance granted any person under this act when in its opinion such trustee is necessary In any such case payment shall be made direct to the trustee A trustee shall serve without compensation and shall be subject to such rules regulations and accounting as the department shall prescribe

Section 11 Assistance Due Deceased Beneficiaries Upon the death of any person entitled to assistance under this act the Department of Public Assistance may authorize the payment of any assistance due to such person to the spouse child father mother sister or brother (preference being given in the order named) of such deceased person as the department directs without requiring letters testamentary or of administration to be issued upon the estate of such person

Section 12 Federal Contributions Restitution

(a) All contributions received by the Department of Public Assistance from the United States government for assistance shall be paid into the State Treasury through the Department of Revenue and credited to the biennial appropriation made to the Department of Public Assistance for the purpose of carrying out the purposes of this act

(b) So long as required as a condition of Federal participation one-half of the net amount collected or recovered by way of restitution from any aged person or from his estate by or for the Department of Public Assistance shall be promptly paid to the United States and the remainder thereof shall be paid into the State Treasury and shall be credited to the current appropriation to the department for public assistance as provided by law

Section 13 Penalties Any person who by means of a wilfully false statement or misrepresentation or by impersonation or other fraudulent means secures or attempts to secure or aids or abets any person in securing assistance under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000.00) or to undergo imprisonment not exceeding one year or both at the discretion of the court and also shall be sentenced to make restitution of any moneys he has received by reason of any such false statement misrepresentation or fraudulent means

Section 14 Abolition of State Emergency Relief Board The State Emergency Relief Board is hereby abolished except to the extent necessary to liquidate its affairs and its property other than cash and all its powers and duties are hereby transferred to the Department of Public Assistance The Department of Public Assistance shall divide such property equitably among the county boards of assistance and the department The affairs of the State Emergency Relief Board shall be liquidated as soon as possible under the direction of the Department of Public Assistance and any balance of cash remaining from State appropriations after paying all obligations shall be paid into the State Treasury to the credit of the General Fund The Department of Public Assistance shall exercise the powers and discharge the duties of the State Emergency Relief Board in each county through the present County Relief Board or otherwise until the County Board of Assistance is set up in the county and then through such County Board of Assistance

Section 15 Abolition of Certain Local Boards Each Board of Trustees of the Mothers' Assistance Fund and Board of Trustees of Pension Fund for the Blind is hereby abolished except to the extent necessary to liquidate its affairs and its property other than cash and all its powers and duties with respect to a county are hereby transferred to the county board of assistance having jurisdiction in that county After the effective date of this act the affairs of each Board of Trustees of Mothers' Assistance Fund and Board of Trustees of Pension Fund for the Blind shall be liquidated as soon as possible under the direction of the Department of Public Assistance and any balance of cash after paying all obligations shall be paid into the State Treasury to the credit of the General Fund Upon liquidation each board of trustees shall be abolished and all its property other than cash and its powers and duties with respect to a county are hereby transferred to the County Board of Assistance having jurisdiction in that county After such liquidation each county shall pay contribution towards assistance and administrative expenses on requisition of the County Board of Assistance instead of on requisition of the Board of Trustees of the Mothers' Assistance Fund

Section 16 General Construction

(a) The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

(b) The provisions of this act shall be severable and if any provision hereof shall be held to be unconstitutional the decision so holding shall not be contrued to impair any other provisions of this act It is hereby de-

clared as the legislative intent that this act would have been adopted had any such unconstitutional provision not been included therein

Section 17 Effective Date and Saving Clause The provisions of this act shall become effective on the first day of July one thousand nine hundred thirty-seven except that

(a) The Boards of Trustees of the Mothers' Assistance Fund and the Boards of Trustees of Pension Fund for the Blind shall continue as now constituted by law until liquidated under the provisions of this act but shall not so continue after December thirty-first one thousand nine hundred thirty-seven

(b) The counties shall until January first one thousand nine hundred thirty-eight continue to pay contributions towards assistance and administrative expenses under the laws repealed by this act and for such purposes said laws shall be continued in force but thereafter such assistance and expenses shall be paid by the Commonwealth

Section 18 Repealer The following acts and their amendments and supplements are hereby repealed

The act approved the tenth day of July one thousand nine hundred nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State supervisor and assistants and fixing the salaries of such State supervisors and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of the act to appropriate certain moneys and providing penalties"

The act approved the ninetenth day of August one thousand nine hundred thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation"

The act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred twenty-one) (act number two hundred twenty) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing the appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welare to cooperate with and to accept and disburse moneys received from the United States government for assistance to the blind and providing penalties"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties authorizing the Department of Welare to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts"

All other acts or parts of acts general local or special inconsistent with this act are hereby repealed

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administraton of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. OMINSKY asked and obtained unanimous consent to call up out of order House Bill No. 1770, Senate Bill No. 153, Printer's No. 453, on page 53 of today's calendar, bill on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. OMINSKY,

The House resumed the consideration on third reading of House Bill No. 1770, (Senate Bill No. 153), entitled:

An Act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws six) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by including display or placard advertising and changing the penalties prescribed and the manner of proving violations.

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 1, page 3, line 7, by inserting after the word "imprisonment," the following:

"Section 2 Provided however that the provisions of this act shall not apply to any owner publisher printer agent or employe of a newspaper or other publication or periodical who in good faith and without knowledge of any false deceptive or misleading statements or assertions publishes causes to be published or takes part in the publication of such advertising or advertisements

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Mr. WRIGHT asked and obtained unanimous consent to call up out of order House Bill No. 1351, Senate Bill No. 308, Printer's No. 834, on page 6 of today's calendar, bills on final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1351, (Senate Bill No. 308), as follows:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania Motor Police and Patrolmen and Guards in State Parks

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That each member of the Pennsylvania Motor Police and each person employed as a Highway Patrolman or Park Guard in policing the State park areas and the highways therein shall be permitted to have at least twenty-four consecutive hours of rest in every calendar week except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration or public celebration and to have an annual vacation of not less than fourteen days without diminution of his salary or compensation as provided according to law

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. WRIGHT. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. FLANNERY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Luzerne, Mr. Wright, vote on the question?

Mr. WRIGHT. Mr. Speaker, I voted is the majority.

The SPEAKER. How did the gentleman from Luzerne, Mr. Flannery, vote on the question?

Mr. FLANNERY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 2, by striking out the word "State" and inserting in lieu thereof: "Motor"

Amend title page 1 ,line 3, by striking out the words "and the Pennsylvania State Highway Patrol"

Amend sec. 1, page 1, line 4, by striking out the word "State" and inserting in lieu thereof: "Motor"

Amend sec. 1, page 1, lines 4 and 5, by striking out the words "and each member of the Pennsylvania State Highway Patrol"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. BROWNFIELD asked and obtained unanimous consent to call up out of order House Bill No. 2231, Senate Bill No. 158, Printer's No. 832, on page 4 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2231, (Senate Bill No. 158), as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for health rooms altering the provisions regulating light areas floor space and cubical contents of school buildings providing for enumeration of minors in certain cases requiring enumeration of illiterate children and alien residents providing for home and school visitors in lieu of or in addition to other attendance officers and for their compensation making further provision for transportation of pupils and State reimbursement therefor changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children authorizing school districts to provide care and treatment of defective ears of pupils making uniform for all districts the required number of days school shall be kept open and authorizing school districts of the fourth class to provide medical inspection at their own expense

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred and eighteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 618 All public school buildings hereafter built or rebuilt shall [comply with the following conditions] conform to standards established by the State Council of Education as to light area floor space and cubical contents

In every school building the total light area must equal at least twenty per centum of the floor space and the light should not be admitted thereto from the front of seated pupils

Every school room shall have not less than fifteen square feet of floor space and not less than two hundred cubic feet of air space per pupil

Every public school building of ten class rooms or more hereafter erected shall contain a room to be known

as the Health Room which shall be not less than twenty-one feet in length and which shall be furnished and equipped for use as quarters in which regular school medical inspections may be given and as a first aid room for pupils requiring medical attention while attending classes

Section 2 That section one thousand four hundred and three of said act as amended by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1403 Unless otherwise directed by the board of school directors the admission of beginners to the public schools shall be confined to [two periods namely during] the first two weeks of the annual school term [and during the first two weeks of school following the first day of January in any school year] Provided That beginners becoming six years of age after the beginning of the school term and before the first day of [January] February of any year shall be admitted during the first two weeks of the annual school term [the period at the beginning of the school term and beginners becoming six years of age between the first day of January and the close of the term shall be admitted during the period following the first day of January] Provided further That the board of school directors in any school district may fix such additional periods for the admission of such beginners as it may determine

The term beginners as used in this section shall mean any child that should enter the lowest grade of the primary school or the lowest primary class

Section 3 Section one thousand four hundred and thirteen of said act as amended by section eight of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1152) is hereby further amended to read as follows

Section 1413 It shall be the duty of the secretary of the school board teachers school enumerators and attendance officers in every school district in this Commonwealth in accordance with rules of procedure prescribed by the Superintendent of Public Instruction to secure information and report [to the medical inspector of the school district and] to the district or county superintendent of schools on or before the fifteenth day of October of each year and thereafter as cases arise every child within said district between the ages of eight (8) and sixteen (16) years who is gravely retarded in his or her school work or any child between the ages of six (6) and sixteen (16) who because of apparent exceptional physical or mental condition is not being properly educated and trained and as soon thereafter as possible the child shall be examined by a mental clinic approved by the State Council of Education or by a person certified by the Department of Public Instruction as a public school psychologist or psychological examiner and a report shall be made concerning his fitness for special education [the medical inspector shall examine such child in accordance with rules of procedure prescribed by the Secretary of Health and report whether such child is a fit subject for special education and training] In school districts of the first second and third class having a district superintendent of schools said report shall be made to the superintendent of the district In all other districts the report shall be made to the Secretary of Health and by him reported to the superintendent of school of the county

[Pupils may also be designated as candidates for special education by mental clinics approved by the Council of Education or by a psychologist or a psychological examiner who has been certified by the Superintendent of Public Instruction and is employed by any school district]

The county or district superintendent of schools shall submit to the board or boards of school directors plans for establishing and maintaining special classes in the public schools or special public schools for the proper education and training of all such children reported to him as fit subjects for special education and training and except as herein otherwise provided it shall be the duty of the board of directors of any district having such children to provide and maintain or to jointly provide and maintain with neighboring districts such special classes or schools Provided however That if it is not feasible to form a special class with a minimum attendance of ten children in any district or if for any other reason it is not feasible to provide such education for any such child in the public schools of the district the board of school directors of that district shall except as herein otherwise provided unless approved provision for the education of such child is made by the parents or guardian secure such proper education and training outside the public schools of the district or in special institutions or by providing for teaching the child in his home in accordance with rules and regulations prescribed by the Department of Public Instruction on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children

[If in any district in which ten or less feeble-minded children between the ages of eight and sixteen have their legal residences the board of school directors shall be of the opinion that it is not feasible to establish a special class for such children such board shall report such feeble-minded children to the Department of Welfare for enrollment in a school for feeble-minded children] Any child who is reported by an approved mental clinic or by a person who is certified as a public school psychologist or psychological examiner as being uneducable in the public schools may be reported by the board of school directors to the Department of Welfare in accordance with regulations approved by the State Council of Education After any such board shall have thus reported any child [ren] it shall be relieved of the obligation of providing education for such child [ren]

The Department of Welfare shall thereupon [provide adequate facilities] arrange for the education and training of such child [ren]

Any physically or mentally handicapped child who is regularly enrolled in a special class that is approved by the Department of Public Instruction may be furnished with free transportation by the school district The Commonwealth shall reimburse any school district furnishing such transportation in the same manner and amounts as provided for in this act for the transportation of pupils from closed schools

When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided that in no case shall the State's share of the cost exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week

School districts maintaining special classes in the public schools or special public schools or providing special education as hereinafter specified in this section shall receive reimbursement as provided by law so long as such classes such schools and such special education are approved by the State Council of Education as to location constitution and size of classes conditions of admission and discharge of pupils equipment courses of study methods of intruction and qualifications of teachers

The State Superintendent of Public Instruction shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act

On or before the first day of October of each year the secretary of hte board of school directors in each district in which special education for physically or mentally handicapped children is provided shall make such reports in regard to such special education maintained during the previous school year and that for which the approval of the State Council of Education for the current year is desired as may be required by the Department of Public Instruction When any child between the ages of six (6) and twenty-one (21) years of age resident in this Commonwealth who is blind or deaf is enrolled with the approval of the Department of Public Instruction as a pupil in any of the schools or institutions for the blind or deaf under the supervision of and approved by the Department of Public Instruction the school district in which such child is resident shall pay twenty-five per centum (25%) of the cost of tuition and maintenance of such child in such

school or institution as determined by the Department of Public Instruction and for the tuition and maintenance of such children the Commonwealth shall pay out of funds appropriated to the department for special education seventy-five per centum (75%) of the cost of their tuition and maintenance as determined by the department When any person less than six (6) or more than twenty-one (21) years of age resident in this Commonwealth who is blind or deaf is enrolled with the approval of the Department of Public Instruction as a pupil in any of the schools or institutions for the blind or deaf under the supervision of and approved by the Department of Public Instruction the Commonwealth shall pay to such school or institution out of moneys appropriated to the department for special education the cost of tuition and maintenance of such person as determined by the Department of Public Instruction To facilitate payments by the several school districts to the schools or institutions in which deaf or blind children are enrolled of amounts due by such districts for their proportion of the cost of tuition and maintenance of such children the Superintendent of Public Instruction shall withhold from any moneys due to such districts out of any State appropriation for the assistance as reimbursement of school districts the amounts due by such districts to such schools or institutions for the blind or the deaf and amounts so withheld shall be paid to such schools or institutions by warrant of the Auditor General upon the State Treasurer after requisition of the Superintendent of Public Instruction for which purpose all amounts so withheld are hereby specifically appropriated to the Department of Public Instruction Payments of the Commonwealth's proportion of the cost of tuition and maintenance of blind or deaf pupils enrolled in schools or institutions for the blind or for the deaf as hereinbefore provided shall be made quarterly out of moneys appropriated to the Department of Public Instruction for special education by warrant of the Auditor General upon the State Treasurer after requisition by the Superintendent of Public Instruction For the purpose of enabling the Department of Public Instruction to determine from time to time what amounts are due to schools for the blind or for the deaf hereunder such schools shall forward to the department at such times and in such form as the department shall prescribe sworn statements setting forth the names ages and residences of all pupils enrolled hereunder specifying the school districts liable for a part of the cost of tuition and maintenance of any such pupils the per capita cost of and maintenance of pupils and such other information as the Department shall require

[Every child having a legal residence in this Commonwealth as herein provided between the ages of eight and sixteen years and every migratory child between such ages] is required to attend a day school in which the [common English branches provided for in this act] subjects and activities prescribed by the State Council of Education are taught in the English language and every parent guardian or other person in this Common wealth having control or charge of any child or children [between the ages of eight and sixteen years] is required to send such child or children to a day school in which the common English branches are taught in the English language and such child or children shall attend such school continuously through the entire term during which the public elementary schools in their respective districts shall be in session or in cases of migratory children during the time the schools are in session in the districts in which such children are temporarily domiciled Provided that the certificate of any principal or teacher of a private school or of any institution for the education of children in which the common English branches are taught in the English language setting forth that the work of said school is in compliance with the provisions of this act shall be sufficient and satisfactory evidence thereof And provided further That the term "Migratory child" wherever used in this act shall include any child domiciled temporarily in any school district for the purpose of seasonal employment but not acquiring residence therein and any child accompanying his parent or guardian who is so domiciled Regular daily instruction in the English language for the time herein required by a property qualified private tutor shall be considered as compyling with the provisions of this section if such instruction is satisfactory to the proper county or district superintendent of schools

Every parent guardian or other person in this Commonwealth having control or charge of any child between the ages of six and sixteen years who is deaf or blind or is so crippled or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident shall allow such child to be sent to some school where proper provision is made for the education of the deaf or of the blind or of crippled children or shall provide for the tuition of such child by a legally certified private tutor

Section 5 Section one thousand four hundred and sixteen of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1034) is hereby further amended to read as follows

Section 1416 The provisions of this act requiring regular attendance shall not apply to any child between the ages of [fourteen and sixteen years who has completed a course of study equivalent to six yearly grades of the public school and] is regularly engaged in any useful and lawful employment or service during the time the public schools are in session and who holds an employment certificate issued according to law or who has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner and has been found to be unable to profit from further school attendance and who has been reported to the board of school directors and excused in accordance with regulations prescribed by the State Council of Education nor shall the said provisions apply to any child between the ages of [fourteen and sixteen] years engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe

Section 6 Section one thousand four hundred and seventeen of said act is hereby amended to read as follows

Section 1417 Every principal or teacher in [every] any public school and every principal teacher or tutor in any school other than a public school and in every institution for children and every private teacher in every school district in this Commonwealth shall immediately after their admission to such school or institution or at the beginning of such private teaching furnish to the district superintendents supervising principals attendance officers home and school visitors or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside lists of the names and residences of all children between [eight and sixteen] six and eighteen years of age enrolled in such school or institution or taught by such private teacher and shall further report at once to such district superintendent supervising principal or secretary of the board of school directors the name and date of withdrawal of any such pupil withdrawing from any such school or institution or from such private instruction if such withdrawal occurs during the period of compulsory attendance in said district And every principal or teacher in a school other than a public school and every private teacher shall also report at once to the superintendent supervising principal attendance officer home and school visitor or secretary of the board of school directors of the district any such child who has been absent three days or their equivalent during the term of compulsory attendance without lawful excuse

Section 7 Section one thousand four hundred and eighteen of said act as last amended by section one of the act approved the twenty-ninth day of March one thousand nine hundred and twenty-seven (Pamphlet Laws 75) is hereby further amended to read as follows

Section 1418 In case there is no public school in session within two miles by the nearest public highway of the residence of any child such child shall be exempt from

the provisions of this act relating to compulsory attendance unless proper free transportation be furnished to such child to and from school Provided If proper free trassportation is furnished to any such child under sixteen years of age to and from school the Commonwealth shall reimburse any school district of the fourth class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools

After the first day of July one thousasd nine hundred and thirty-nine in case there is no public school in session within two miles by the nearest public highway of the residenc eof any child in a school district of the fourth class or in a school district of the third class which is located wholly within the boundary lines of a township such child shall be furnished free transportation to and from school from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education For such proper free transportation furnished to any child to and from school the Commonwealth shall reimburse any school district of the fourth class or any school district of the third class which is located wholly within the boundary lines of a township furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools

When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided That in no case shall the State's share of the cost exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week

Section 8 Sections one thousand four hundred and nineteen and one thousand four hundred and twenty of said act are hereby amended to read as follows

Section 1419 Every person firm association or corporation in this Commonwealth accepting service from or employing a child or children between the ages of fourteen and [sixteen years during the hours when the public schools are in session shall on or before the first day of September in each year and quarterly thereafter during the period of compulsory attendance] eighteen years shall semi-annually on the first day of January and on the first day of July in each year furnish to the superintendent of schools supervising principal or secretary of the board of school directors of the district in which such child or children reside the name age place of residence and name of parent or guardian of every such child in his or its employ or service Such report shall be made upon blanks to be furnished by the Superintendent of Public Instruction at the expense of the Commonwealth

Section 1420 Every person firm association or corporation in this Commonwealth accepting service from or employing a child or children between the ages of fourteen and [sixteen] eighteen years during the hours when the public schools are in session and during the period of compulsory attendance in any school district shall make a true and correct list of all such children giving their names ages places of residence names of parents or guardians the dates of and names of the persons issuing the employment certificates and the time of beginning and ending of service with him or it which list shall be clearly written or printed and kept publicly posted at the place of employment of such child where the same may be inspected by any member of the board of school directors or the secretary thereof by the district superintendent the supervising principal or the attendance officer of any school district at any time during the business hours

Section 9 Section one thousand four hundred and twenty-one of said act as amended by section one of the act approved the twenty-third day of April one thousand nine hundred and fifteen (Pamphlet Laws 174) is hereby further amended to read as follows

Section 1421 No person in this Commonwealth either for himself or for any firm association or corporation shall [during the term of compulsory attendance as fixed by the board of school directors in any school district and] during the hours the public schools are in session accept service from engage or employ any child [or children between eight and fourteen years of age nor shall he accept service from engage or employ any child or children between the ages of fourteen and sixteen years] unless [such child shall first furnish and deliver to] such employer shall have on file an employment certificate or farm or domestic service permit issued according to law Provided however That any male minor over sixteen years of age employed in the distribution sale exposing or offering for sale of any newspaper magazine periodical or other publication shall not be required to procure an employment certificate under this act

If the child leaves such employment or is absent from such employment five days the employer shall immediately in writing notify accordingly the school official who issued the certificate

Section 10 Section one thousand four hundred and twenty-two of said act as last amended by section thirty-six of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1422 Any person or persons accepting service from or engaging or employing any child between eight and [fourteen] eighteen years of age [during the term of compulsory attendance and] while the public schools are in session [or accepting service from engaging or employing any child during the same period of time between the ages of fourteen and sixteen years] without [being first furnished by] having on file for such child [with] an employment certificate or farm or domestic service permit or failing to furnish to the district superintendent of schools supervising principal attendance officer or secretary of the board of school directors the information required by this act concerning the children employed by him or them or shall fail to post for inspection at the place of employment of such children the list of children engaged by him or them as required by the provisions of this act who shall fail to notify the proper school offiicial as required by the last preceding section of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished for first offense by a fine of not less than ten dollars ($10.00) or more than twenty-five dollars ($25.00) or ten days' imprisonment in the county jail or either or both at the discretion of the court and for a subsequent offense shall be punished by a fine of not less than twenty dollars ($20.00) or more than fifty dollars ($50.00) or ninety days' imprisonment in the county jail or either or both at the discretion of the court

Section 11 The first paragraph of section one thousand four hundred and twenty-three of said act is hereby amended to read as follows

Section 1423 Every parent guardian or person in parental relation in this Commonwealth having control or charge of any child or children [between the ages of eight and sixteen years] who shall fail to comply with the provisions of this act regarding compulsory attendance shall be guilty of a misdemeanor and on conviction thereof before any alderman magistrate or justice of the peace shall be sentenced to pay a fine for the benefit of the school district in which such offending person resides not exceeding two dollars ($2.00) for the first offense and not exceeding five dollars ($5.00) for each succeeding offense together with costs and in default of the payment of such fine and costs by the person so offending shall be sentenced to the county jail for a period not exceeding five days Provided That any person sentenced to pay any such fine may at any time within five days thereafter appeal to the Court of Quarter Sessions of the proper county upon entering into a recognizance with one or more proper sureties in double the amount of penalty and costs And provided That before any proceedings are instituted against any parent guardian or person in parental relation for failure to comply with the provisions

of this act such offending person shall have three days' written notice given him by the superintendent of public schools supervising principal attendance officer or secretary of the board of school directors of such violation and if after such notice has been given the provisions of this act regarding compulsory attendance are again violated by the persons so notified at any time during the term of compulsory attendance such person so again offending shall be liable under the provisions of this act without further notice

Section 12 Section one thousand four hundred and twenty-four of said act is hereby amended to read as follows

Section 1424 Whenever the board of school directors or the attendance officer home and school visitor superintendent supervising principal or secretary of any board of school directors in this Commonwealth ascertains that any child between eight and sixteen years of age who is by the provisions of this act required to attend the public schools in the district over which such board of school directors has control is unable to do so on account of lack of necessary clothing or food such case shall be promptly reported to any suitable relief agency operating in the school district or if there be no such suitable relief agency to which the case can be referred it shall be reported to the proper directors or overseers of the poor for investigation and relief

Section 13 Section one thousand four hundred and twenty-five of said act as amended by section one of the act approved the third day of May one thousand nine hundred and fifteen (Pamphlet Laws 238) is hereby further amended to read as follows

Section 1425 The board of school directors in every school district in this Commonwealth shall between [April] March first and September first of each year cause to be made by the attendance officers teachers or other persons employed for this purpose a careful correct and accurate enumeration on census cards provided by the district at the expense of the district or in a substantial book or books provided by the Superintendent of Public Instruction at the expense of the State for that purpose of all the children between the [age of six and sixteen] ages of six and eighteen years within their district giving the full name date of birth age sex nationality place of residence in such school district name and address of parent or persons in parental relation the name and location of the school where the child is enrolled or belongs and the name and address of the employer of any child under [sixteen] eighteen years of age who is engaged in any regular employment or service Such enumeration shall be made by careful inquiry at the residence of each family in the district and the person making the same upon completion thereof shall make a proper oath or affirmation as to its correctness Such enumeration shall also include the names and addresses of all persons firms or corporations employing or accepting service from children under eighteen years of age The board of school directors in any school district in the Commonwealth shall have authority to cause to be made an enumeration of all minors residing within the district and the Superintendent of Public Instruction may at his discretion require such enumeration

Beginning in the year one thousand nine hundred and thirty-eight and thereafter in the year one thousand nine hundred forty the year one thousand nine hundred forty-five and each fifth year following said board of school directors shall and at more frequent intervals may also cause to be recorded in the same or separate books or on the same or separate census cards in like manner to and in conjunction with said enumeration of children an enumeration of all persons ten years of age or over resident within their district who are unable to write the English language according to standards hereinafter provided giving the full name age sex race nationality place of residence in such school district whether able to write English whether able to read English and whether able to speak English and of all persons twenty-one or more years of age resident within their district who are not citizens of the United States of America giving their full name age sex nationality place of residence in school district whether declarants and whether petitioners for naturalization

The standards used in determining whether residents are able to speak English able to read English and able to write English shall be formulated by the State Council of Education for the purpose of recording the facts of said enumeration

Such enumeration shall be made by careful inquiry at the residence of each family in the district and the persons making the same upon completion thereof shall make a proper oath or affirmation as to its correctness If any person shall hinder or prevent or attempt to hinder or prevent any attendance officer or teacher or other person from performing any duty provided for in this section he shall on conviction thereof before any alderman or justice of the peace of the county be sentenced to pay a fine not exceeding five dollars or to undergo an imprisonment not exceeding five days

Section 14 Section one thousand four hundred and twenty-six of said act is hereby amended to read as follows

Section 1426 The secretary of each board of school directors or such other person as is directed by the board shall at or before the opening of the school term furnish to the principal or teacher of each school a correct list of the names and residences of all aliens of all residents over ten years of age unable to read or write the English language and of children assigned to such school who are subject to the provisions of this act The said secretary or other person shall also forward on or before the first day of October of each year to the county or district superintendent to be by him forwarded on or before the first day of November of each year to the Superintendent of Public Instruction a summary of such statistics regarding the children in each district as is required by the Superintendent of Public Instruction on blanks provided by him for that purpose

Section 15 Section one thousand four hundred and twenty-seven of said act is hereby amended to read as follows

Section 1427 The cost and expense of making a proper enumeration of the children and of aliens and of persons unable to write English of each school district as herein provided shall be paid per diem or by the name or in such other manner as the board of school directors may [see] deem proper out of the funds of the district Provided That the attendance officer the superintendent of schools supervising principal or the secretary of the board of school directors shall have the power to add to this enumeration the names of any children and of any aliens and of persons unable to write English whose names do not appear thereon together with other information required by this act

Section 16 Section one thousand four hundred and twenty-eight of the said act is hereby amended to read as follows

Section 1428 It shall be the duty of every principal or teacher of a public school to report immediately to the attendance officer superintendent of schools supervising principal or secretary of the board of school directors the names of all children in the list furnished to him who have not appeared for enrollment and he shall also properly report from time to time to the attendance officer superintendent of schools supervising principal or secretary of the board of school directors the names of all children who having enrolled have subsequently withdrawn from school or who have been absent three days or their equivalent during the term of compulsory attendance without lawful excuse Such person shall thereupon serve upon the parent guardian or other person in parental relation to such children unlawfully from school the written notice hereinbefore provided and if it shall appear that within three days thereafter any child parent guardian or other person in parental relation shall have failed to comply with the provisions of this act the superintendent supervising principal attendance officer or secretary of the board of school directors in the name of the school district shall proceed against the person so offending in accordance with the provisions of this act

Section 17 Section one thousand four hundred and thirty-two of said act as amended by section six of the act

approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 497) is hereby further amended to read as follows

Section 1432 The board of school directors of every school district in this Commonwealth of the first second or third class shall and in any school district of the fourth class may employ one or more persons to be known as attendance officers or home and school visitors whose duties shall be to enforce the provisions of this act regarding compulsory attendance Such attendance officers or home and school visitors shall in addition to the duties imposed upon them by the provisions of this act have full police power without warrant and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act or who is incorrigible insubordinate or disorderly during attendance at school or on his way to or from school Provided That all home and school visitors shall be legally certified as such by the Department of Public Instruction upon meeting such requirements as shall be prescribed by the State Council of Education and when so certified any district employing such home and school visitors shall be reimbursed for their salaries on the same basis as they are now reimbursed for elementary school teachers

Section 18 Section one thousand four hundred and thirty-five of said act is hereby amended to read as follows

Section 1435 Any officer director superintendent manager employe or other person at any place where any child between fourteen and sixteen years of age is engaged who refuses to permit or in any way interferes with the entrance therein of the attendance officer any member of the board of school directors the secretary thereof the district superintendent or supervising principal of any school district as provided for in this act shall be guilty of a misdemeanor and on conviction thereof before any magistrate alderman or justice of the peace shall be sentenced to pay a fine of not less than five dollars ($5.00) or more than twenty-five dollars ($25.00) in default of which he may be sentenced to imprisonment not exceeding thirty days Provided That any person sentenced to pay any such fine may upon giving proper surety in double the amount of penalty and costs at any time within five days thereafter appeal to the court of quarter sessions of the proper county

Section 19 Section one thousand four hundred and thirty-six of said act as last amended by section one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1087) is hereby further amended to read as follows

Section 1436 Such attendance officers or home and school visitors may be employed for the full calendar year and shall be paid such amounts and in such manner as the board of school directors appointing them may decide and they shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them Provided That in districts of the first class the compensation [shall not be less than twelve hundred dollars ($1.200) per annum] of attendance officers shall be according to the same salary schedule as for elementary teachers of such districts Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance asd the cost thereof in such details as said Superintendent of Public Instruction shall request

Section 20 Section one thousand five hundred and three of said act as amended by section two of the act approved the twenty-third day of June one thousand nine hundred and nineteen (Pamphlet Laws 572) and section three of the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws 997) is hereby further amended to read as follows

Section 1503 In every school district of the fourth class in this Commonwealth the State Department of Health shall provide in such manner as it may determine medical inspection for all the pupils in the public schools by proper medical inspectors to be appointed by the State Commissioner of Health at the expense of said department In the event that such department because of lack of funds is unable to provide adequate medical inspection at its expense the school district may at its own expense provide such medical inspection or additional medical inspection All such medical inspectors shall be legally qualified physicians who have had not less than two years' experience in the practice of their profession Such medical inspection shall be made in the presence of the parent or guardian of the pupil when so requested by parent or guardian

Section 21 Section one thousand five hundred and eleven of said act as added by section one of the act approved the seventeenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1032) is hereby amended to read as follows

Section 1511 Any school district may provide for the care and treatment of defective eyes ears and teeth of all pupils of its public schools

Section 22 Section one thousand six hundred and one of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 983) is hereby further amended to read as follows

Section 1601 [All the public elementary and high schools in the school district of the first second and third classes in this Commonwealth shall be kept open each year as follows For the school year beginning the first Monday of July one thousand nine hundred and twenty-one and each school year thereafter one hundred eighty (180) days All the public elementary and high schools of school districts of the fourth class in this Commonwealth shall be kept open each year as follows For the school year beginning the first Monday of July one thousand nine hundred twenty-one not less than one hundred fifty (150) days for the school year beginning the first Monday of July one thousand nine hundred and twenty-two and each school year thereafter not less than one hundred sixty (160) days] During the school year beginning the first Monday of July one thousand nine hundred and thirty-seven and each school year thereafter each public elementary and high school in all of the school districts of this Commonwealth shall be kept open at least one hundred and eighty (180) days each year Unless otherwise provided by this act the board of school directors in any district may keep such other schools or departments as it may establish open during such time as it may direct

Section 23 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 24 Except as hereinbefore otherwise specifically provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

On the question,

Will the House agree to the bill on third reading?

Mr. BROWNFIELD. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 22 (sec. 1601), page 33, line 5 by striking out the following: "thirty-seven" and inserting in lieu thereof: "thirty-nine"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON THIRD READING

Mr. YOURISHIN asked and obtained unanimous consent to call up out of order House Bill No. 2487, Senate Bill No. 1075, Printer's No. 831, on page 46 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2487, (Senate Bill No. 1075), as follows:

An Act to protect the public health and welfare by regulating employment in this Commonwealth with respect to hours and conditions of employment providing for certain exceptions imposing duties liabilities and conditions on employers defining the powers and duties of the Department of Labor and Industry and its officers and representatives and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Definitions Whenever used in this act

(a) "Employ" includes permit or suffer to work

(b) "Employer" includes every person firm corporation partnership stock association agent manager representative or foreman or other person having control or custody of any employment place of employment or of any employe

(c) "Day" includes any period of twenty-four consecutive hours

Section 2 Hours of Work Except as hereinafter provided no employer shall employ any person for more than forty-four hours in any one week or eight hours in any one day or on more than five and one-half days in any period of seven consecutive days

(a) A person may be employed in more than one place of employment provided the aggregate number of hours such person is employed does not exceed eight in any one day or forty-four in any one week provided that one day of rest may be sub-divided into two days of twelve hours each for employes in hotels boarding houses and in charitable educational and religious institutions at the discretion of the Department of Labor and Industry with the approval of the Industrial Board

(b) Where the strict application of the schedule of hours provided for by this section imposes an unnecessary hardship and violates the intent and purpose of this act the Department of Labor and Industry with the approval of the Industrial Board may make alter amend and repeal general rules and regulations prescribing variations from said schedule of hours

(c) Nothing in this section or any other provisions of this act shall apply to employment in agricultural field occupations or in domestic service in private homes or to the work of persons over twenty-one years of age earning at least twenty-five dollars a week in bona fide executive positions or learned professions

Section 3 Meal Period No employer shall employ any person for a period of more than five hours of continuous labor unless such period is broken by a meal period of at least one-half hour and for the purpose of this section no period of less than thirty minutes shall be deemed to interrupt a continuous period of work

Section 4 Posting of Law Every employer shall post and keep conspicuously posted in or about the premises wherein any person is employed a printed abstract of this act to be furnished by the Department of Labor and Industry

Section 5 Posting of Schedule of Hours

(a) Every employer shall post and keep conspicuously posted in or about the premises wherein any person is employed a schedule of hours of employment which shall contain the maximum number of hours each person shall be employed during each day of the week with the total hours per week the time of commencing and stopping work and the time of commencing and stopping the meal periods If more than one schedule of hours is in operation at a particular place of employment the posted schedule shall also contain the names of the employes working on the different shifts and shall clearly indicate the hours required of each person or group of persons An employer may permit a person to begin work after the time for beginning and to cease work before the time for ending stated in such schedule but he shall not otherwise employ him except as stated in such schedule Said schedule shall be on a form provided by the Department of Labor and Industry and shall remain the property of said department

(b) In any place of employment wherein owing to the character of the work it is difficult to fix the hours of employment weekly in advance the Department of Labor and Industry on application accompanied by evidence which satisfies it of the necessity therefor may grant a permit dispensing with the schedule required in this section Any employer to whom such a permit is granted shall post such information as to hours required of employes as the department may require.

Section 6 Enforcement It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act Any authorized representative of said department shall have the power and authority to enter any place of employment and in the enforcement of this act shall enter and inspect as often as practicable all such places of employment Such representatives shall investigate complaints of violations of this act received by them and shall have power to institute prosecutions as hereinafter provided for violations of this act

Section 7 Power As To Witnesses The Secretary of Labor and Industry or his authorized representative in the performance of any duty or execution of any power prescribed by this act shall have the power to administer oaths take and cause to be taken depositions of witnesses issue subpoenas compel the attendance of witnesses and the production of papers books accounts payrolls documents records and testimony In case of failure of any person to comply with any such order of the Secretary of Labor and Industry or any subpoena lawfully issued or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated it shall be the duty of any Court of Common Pleas of the Commonwealth or any judge thereof upon application of the Secretary of Labor and Industry or of his authorized representative to compel obedience by issuing its subpoena and any refusal to obey the subpoena of the court shall be punished as for contempt

Section 8 Interference With Enforcement No person shall hinder or delay any authorized representative of the Department of Labor and Industry in the performance of his duties nor shall any person refuse to admit to or lock out from any place of employment any such authorized representative or refuse to give such authorized representative information required for the proper enforcement of this act

Section 9 Violation of Act Except as hereinafter otherwise provided any person who whether on his own behalf or for another or through an agent manager representative foreman or other person shall violate any provision of this act shall be guilty of a misdemeanor And upon conviction thereof shall be sentenced to pay a fine of one thousand dollars ($1,000.00) or undergo imprisonment of one year or both at the discretion of the court

Section 10 Penalties Whoever violates any provision of sections one or two of this act shall be punished by a fine of not less than twenty-five dollars ($25) or more than two hundred dollars ($200) or by imprisonment for not more than sixty days or by both at the discretion of the court and whenever any person shall have been notified by the department or its authorized representative or by the service of a summons in a prosecution that he is violating such provision he shall be punished by like penalties in addition for each and every day that such violation shall have continued after such notification Provided further That the employment of any person in violation of such provisions with respect to each person so employed shall constitute a separate and distinct offense

Whoever violates any of the provisions of sections four five six or nine of this act shall be punished for the first offense by a fine of not less than twenty-five dollars ($25) or more than two hundred dollars ($200) or imprisonment for not more than sixty days or both at the discretion of the court and whenever any person shall have been notified by the Department of Labor and Industry or its duly authorized representative that he is violating such provisions and shall have been given a reasonable time in which to remedy the conditions which shall constitute such violations he shall be punished in addition to the penalties aforesaid by like penalties for each and every day that such violation shall have continued after the expiration of the time allowed by the Department of Labor and Industry or its duly authorized representative for remedying the aforesaid conditions Provided That no person shall be sentenced to imprisonment for more than one year at one time for violation of this act

Section 11 Intimidating Witnesses Whoever shall by force intimidation threat or procuring dismissal from employment or by any other manner whatsoever induce or attempt to induce an employe to refrain from giving testimony in any investigation or proceeding relating to or arising under this act or whoever discharges or penalizes any employe for so testifying shall upon conviction in a summary proceeding be punished by a fine of not less than twenty-five dollars ($25) or more than two hundred dollars ($200)

Section 12 Constitutionality of Act Except as to subsection (b) of section two the provisions of this act shall be severable and if any provision thereof shall be held unconstitutional the decision so holding shall not be construed to affect or impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein Provided however That the provisions of subsection (b) of section two are hereby declared not to be severable from the other provisions of this act and in the event the provisions of such subsection are held to be unconstitutional it is hereby declared that the legislative intent is that the entire provisions of this act shall not be in force or effect

Section 13 This act shall become effective on November first one thousand nine hundred thirty-seven

On the question,

Will the House agree to the bill on third reading?

Mr. YOURISHIN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 9, page 7, line 3, by striking out the entire line and all of lines 4 to 10 inclusive.

Amend section 10, page 7, line 11 by striking out before the word "penalties" the figure "10" and insert in lieu thereof the figure :"9"

Amend section 10, page 7, line 12 by inserting after the word "shall" the following: "upon conviction thereof in a summary proceeding"

Amend section 10, page 7, line 12 by striking out after the word "of" the words "sections one or two of"

Amend section 10, page 7, line 14 by striking out before the word "by" the word "or" and inserting in lieu thereof the words "and upon non-payment thereof"

Amend section 10, page 7, line 15 after the word "days" strike out the remainder of the line and on line 16 strike out the following "cretion of the Court."

Amend section 10, page 7, line 19 by inserting after the word "shall" the following: "upon conviction as aforesaid"

Amend section 10, page 7, line 26 by srtiking out the entire line and all of lines 27 to 29 inclusive and all of lines 1 to 15 inclusive on Page 8 of the same section.

Amend section 11, page 8, line 16 by striking out before the word "intimidating" the figure "11" and insert in lieu thereof the figure "10"

Amend section 12, page 8, line 26 by striking out before the word "Constitutionality" the figure "12" and insert in lieu thereof the figure "11"

Amend section 13, page 9, line 12 before the letters "HC" strike out the figure "13" and insert in lieu thereof the figure "12"

Amend section 13, page 9, line 14 by striking out after the word 'on'' the word "November" and inserting in lieu thereof the word "December"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. KANE. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 2, page 3, line 15, after the word "professions" by inserting "and except persons employed on operating transportation vehicles by rail, water, air and highway"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. YOURISHIN. I might say, Mr. Speaker, that there was a sort of a gentleman's agreement with the gentleman from McKean, Mr. Kane, that I would not object to offering the amendment but would ask the House to vote them down.

Mr. KANE. Mr. Speaker and members of the House, I appreciate the agreement of the gentleman from Luzerne County that he would not object to the offering of the amendment. I have made no objection to this amendment, of which I approve. I would like to say to the members of the House on behalf of the amendment which I have just offered, that it briefly does nothing more than this: It exempts from the operation of this bill persons who are employed on vehicles engaged in transportation. In the trucking industry in particular it is practically impossible for people who are engaged in operating vehicles to be laid off and put on and dismissed for meal periods, and all that sort of thing, in accordance with the provisions of this bill.

I am very well aware of the fact that the bill contains a provision that the Department may suspend these rules when compliance with the law creates an unnecessary hardship on any particular industry. But, let me say to you, members of the House, is it our duty as Legislators to express our judgment as to what is good for our constituent, rather than the wishes of a single department head, especially when as we well know the department head may resign or may be replaced by another person, and when the defects which we present to them in such a wide measure may lead to flagrant abuse at some other time. It is little enough that we exercise our judgment in the reservation of power in this respect, and I ask you to vote in favor of the amendment.

Mr. YOURISHIN. Mr. Speaker and members of the House, the amendment that the gentleman from McKean, Mr. Kane, seeks to place in this bill is taken care of by the Federal regulations and in the present bill by the following language: "Where the strict application of the

schedule of hours provided for by this section imposes an unnecessary hardship and violates the intent and purpose of this act the Department of Labor and Industry, with the approval of the Industrial Board may make, alter, amend and repeal general rules and regulations prescribing variations from said schedule of hours."

I might say in the trucking business we have several truck drivers' unions that have agreements with the owners whereby they work forty-eight to fifty-four hours. This bill does not prevent them from continuing on this same basis, as the Department of Labor and Industry through the Industrial Board will grant exemptions, and all of the exemptions that may be sought by industry or by any particular business can be gotten through the Department of Labor and Industry, which is a regulatory department, to take care of business and industry, where the bill imposes an unnecessary hardship.

I ask he members of the House to vote down this amendment.

The SPEAKER. Will the House give its unanimous consent to the insertion of the amendments at this time? Are there objections?

Mr. TUMELTY. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

On the question recurring,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2339, (Senate Bill No. 743), entitled:

An Act to amend sections five, six and twelve of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1050), entitled 'An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by providing for a secretary-treasurer in lieu of a secretary, and a vice president of the board; and establishing a method for determining classification of beneficiaries.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2442 ,(Senate Bill No. 1228), entitled:

An Act authorizing county commissioners of any county to hold in trust for the inhabitants and citizens of the county any real estate and property appropriate for agriculture fairs or exhibits and to lease the same without expense or liability to the county to any incorporated agriculture association to operate and conduct an annual fair within the county

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.	Munley,	Stewart,

Bohn,	Harkins,	Murrin,	Stockham,
Bois,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Eipern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL RETURNED TO COMMITTEE

Mr. HERBERT B. COHEN. Mr. Speaker, earlier in the day the Committee on State Government reported out House Bill No. 2431, (Senate Bill No. 783), as committed. I ask unanimous consent to withdraw the bill from the House for further consideration by the Committee on State Government.

The SPEAKER. Will the House give unanimous consent to return this bill to the Committee on State Government? Are there objections?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask the gentleman from York if he will explain what this bill is?

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the interrogation of the gentleman from Delaware, Senate Bill No. 783 is the bill which establishes for the Pennsylvania Motor Police a retirement system. By inadvertance the bill was reported from the Committee on State Government without correctional amendments. It was my thought to have the bill returned to the Committee on State government, where I am directed by the Chairman to re-report the bill with the correctional amendments. This will save the necessity of having the bill lie over until it appears on the calendar tomorrow, then placing the amendment in the bill requiring it to lie over for printing.

Mr. TURNER. Mr. Speaker, may I ask whether this bill is necessary by reason of the proposed merger of the State Police and the Motor Patrol?

Mr. HERBERT B. COHEN. Mr. Speaker, this bill possibly is not entirely germane to the merger, but it provides a retirement system for the members of the Motor Patrol.

Mr. TURNER. Mr. Speaker, the members of the Motor Patrol at present do not have the retirement system, is that correct?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, so that the use of the term "Motor Patrol" has no other significance than the fact that you hope to put through a merger, the title of which will be Motor Patrol or Motor Police?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, therefore if that should not go through, this bill would still be a proper piece of legislation and would only need an amendment to take out the title "Motor Police"?

Mr. HERBERT B. COHEN. Mr. Speaker, this bill could be utilized by changing the name from Motor Police to State Highway Patrol, and could be utilized for the benefit of our present State Highway Police.

The SPEAKER. The Chair hears no objection and consent is granted. The bill is returned to the Committee on State Government for amendment.

REPORT FROM COMMITTEE

Mr. HERBERT B. COHEN, from the Committee on State Government, re-reported as amended, House Bill No. 2431, (Senate Bill No. 783), entitled:

An Act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employes Retirement Fund under the Administration of the State Employes Retirment Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties.

ADJOURNMENT

Mr. O'CONNOR. Mr. Speaker, I move that this House do now adjourn until tomorrow at 3:00 p. m.

The motion was agreed to, and (at 3:27 a. m.) the House adjourned until Thursday, June 3, 1937, at 3:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., THURSDAY, JUNE 3, 1937. No. 70.

SENATE

THURSDAY, June 3, 1937.

The Senate met at 2 o'clock p. m.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

O God, Creator and Ruler, Father of our spirits, and providence over all: Thine eyes are on the sparrow—and Thou hast not forgotten us. Under a threatening sky we pray for peace. Give unto all nations a sense of kinship, of familyhood in Thee. Spare our own beloved land from the scourge of war. Forbid that we beat our plow-shares into swords, our pruning-hooks into spears. Make us, in spirit and example, leaders in the ways of peace and good will. Thy blessing be upon all the servants of the Commonwealth, upon the members of this Assembly and all associated with them in fellowship of service. May we bring our best to Thee, even to the last moments. that we may stand unashamed and unafraid before the world and before our God. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Camille Consales, McKeesport.
C. L. Netting, Gulf Bldg., Pittsburgh.
James C. Nichols, 205 S Mathilda St., Pittsburgh.

DAUPHIN COUNTY

Mrs. Helen V. Kemp, Harrisburg.

DELAWARE COUNTY

Miss May C. Reese, Rutledge, Ridley Twp.

ERIE COUNTY

Miss Kathryn McCarty, Erie City.

LACKAWANNA COUNTY

Joseph Gorski, Dickson City.

PHILADELPHIA COUNTY

Rudolph A. Herzog, Schaff Bldg., Philadelphia.
Miss Rosanna M. Hill, 1520 Locust St., Philadelphia.
Chas. P. LaGrossa, 343 S. 13th St., Philadelphia.
Miss Elizabeth L. Miglio, 1211 Chestnut St., Philadelphia.

VENANGO COUNTY

Miss Edith M. Leach, Oil City.

GEORGE H. EARLE.

HOUSE MESSAGES

SENATE BILL NO. 32 RETURNED WITHOUT AMENDMENTS

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 32, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 83 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 83, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 127 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 127, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 147, RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 147, entitled:

An Act making an appropriation to the Department of Agriculture to compensate land owners for cedar trees destroyed, to prevent damage to apple orchards by cedar apple rust.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 166 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No 166, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 207 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 207, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Engineering.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 232 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 232, entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to; and including the place where fifty soldiers killed in the battle of Bushy Run are buried, as well as other portions of said battlefield; and making an appropriation.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 376 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 376, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, and the Board of Trustees of the Kutztown State Teachers College to acquire certain tracts of land for the use of said college; and making an appropriation.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 430 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 430, entitled:

An Act making an appropriation to the Department of Health for the prevention of blindness in infants.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 514 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 514, entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia, Pennsylvania.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 561 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 561, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania, Philadelphia, Pennsylvania.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 743 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 743, entitled:

An Act t oamend sections five, six and twelve of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by providing for a secretary-treasurer in lieu of a secretary, and a vice president of the board; and establishing a method for determining classification of beneficiaries.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 860 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 860, entitled:

An Act supplementing the act of July twenty-second, one thousand nine hundred and thirty-six (P. L. 70), and authorizing the Governor directly or through such agency as he may designate to provide, plan, prepare, supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Cele-

bration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39, and making an appropriation.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1048 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1048, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1113 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1113, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, and the Board of Trustees of the Edinboro State Teachers College to acquire certain tracts of land for the use of said college; and making an appropriation.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1166 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1166, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college, and making an appropriation.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1225 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1225, entitled:

An Act making an appropriation out of The State Stores Fund to the Department of Property and Supplies for the acquisition of land (With or without buildings thereon) and for the erection, construction and equipment of an office building thereon for the use of the Pennsylvania Liquor Control Board.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1228 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1228, entitled:

An Act authorizing county commissioners of any county to hold in trust for the inhabitants and citizens of the county, any real estate and property appropriate for agriculture fairs or exhibits, and to lease the same without expense or liability to the county, to any incorporated agriculture liability association; to operate and conduct an annual fair within the county.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1298 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1298, entitled:

An Act to amend sections one and two of the act, approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 126), entitled "An act making an appropriation to the Department of Property and Supplies for increasing the capacity of overcrowded State institutions; eliminating fire and other hazards to safety at State institutions; providing for the purchase of safety and other equipment; the erection and construction of new buildings and repairs, alterations, and additions to and replacement of existing buildings an dequipment," authorizing the use of said appropriation to remove hazards to health.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1415 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1415, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May, one thousand nine hundred thirty-seven, and such time as the funds provided by the General Appropriation Act became available.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1417 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1417, entitled:

An Act making an appropriation out of the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1310 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1310, entitled:

An Act to amend sections two and four of the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (Act No 127), entitled 'A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Governor, together with its recommendations, as to such regulatory legislation as may be needful to correct any abuses

and evils connected with such industry, which are prejudicial to the interests of the citizens of this Commonwealth, authorizing the commission to employ counsel and employes, and making an appropriation" by authorizing the several Courts of Common Pleas, upon application, to adjudge persons, refusing to comply with subpoenas of the commission in contempt of court; and by increasing the appropriation to the commission.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1299 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1299, entitled:

An Act making an appropriation to the Department of Property and Supplies for the East Stroudsburg State Teachers' College.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 387 RETURNED WITH AMENDMENTS

Mr. RICE, Mr. President, I call up at this time Senate Bill No. 387, returned from the House of Representatives with amendments.

Agreeably to order.

The Senate resumed the consideration of Senate Bill No. 387, entitled:

A Further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of public lands, by the United States, to the several states for the endowment of Agricultural College"; and making appropriations for carrying the same into effect.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Haluska,	Lanius,	Reed,
Cavalcante,	Henney,	Law,	Rice,
Dando,	Heyburn,	Mallery,	Rodgers,
Deitrick,	Homsher,	McCreesh,	Shapiro,
Dent,	Huffman,	McGinnis,	Sipe,
DiSilvestro,	Jacobs,	Mundy,	Sones,
Eroe,	Jaspan,	Owlett,	Stiefel,
Frey,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Rankin,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 516 RETURNED WITH AMENDMENTS

Mr. RICE, Mr. President, I call up at this time Senate Bill No. 516, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 516, entitled:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Henney,	Lanius,	Reed,
Cavalcante,	Heyburn,	Law,	Rice,
Dando,	Homsher,	Mallery,	Rodgers,
Deitrick,	Howell,	McCreesh,	Sipe,
Dent,	Huffman,	McGinnis,	Sones,
DiSilvestro,	Jacobs,	Mundy,	Stiefel,
Eroe,	Jaspan,	Owlett,	Thompson,
Frey,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,	Rankin,	Woodward,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 556 RETURNED WITH AMENDMENTS

Mr. RICE, Mr. President, I call up at this time Senate Bill No. 556, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 556, entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry, Philadelphia School of Design for Women, at Philadelphia, Pennsylvania.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Henney,	Law,	Rice,
Cavalcante,	Heyburn,	Mallery,	Rodgers,
Dando,	Homsher,	McCreesh,	Shapiro,
Deitrick,	Huffman,	McGinnis,	Sipe,
Dent,	Jacobs,	Mundy,	Sones,
DiSilvestro,	Jaspan,	Owlett,	Stiefel,
Eroe,	Kilgallen,	Pytko,	Thompson,
Frey,	Kunkel,	Rankin,	Wolfenden,
Gilson,	Lanius,	Reed,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1238 RETURNED WITH AMENDMENTS

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1238, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1238, entitled:

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines; defining its powers and duties; and making an appropriation.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Henney,	Law,	Rice,
Cavalcante,	Heyburn,	Mallery,	Rodgers,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Huffman,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Owlett,	Sones,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson,	Lanius,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 406 RETURNED WITH AMENDMENTS

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 406, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 406, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Henney,	Law,	Rice,
Cavalcante,	Heyburn,	Mallery,	Rodgers,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Huffman,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Owlett,	Sones,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson,	Lanius,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1429 RETURNED WITH AMENDMENTS

Mr. RICE. Mr. President, I call up at this time Senate Bill No. 1429, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1429, entitled:

An Act making an appropriation to the Department of Welfare for pensions for the blind.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Henney,	Law,	Rice,
Cavalcante,	Heyburn,	Mallery,	Rodgers,
Dando,	Homsher,	McCreesh,	Ruth,
Deitrick,	Huffman,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Owlett,	Sones,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson	Lanius,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy), announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 32 entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

Senate Bill No. 83 entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Senate Bill No. 127 entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the

University of Pittsburgh, and for the maintenance of teaching facilities ni hospitals for students in the School for Medicine.

Senate Bill No. 147 entitled:

An Act making an appropriation to the Department of Agriculture to compensate land owners for cedar trees destroyed to prevent damage to apple orchards by cedar apple rust.

Senate Bill No. 166 entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Senate Bill No. 207 entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Engineering.

Senate Bill No. 232 entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to; and including the place where fifty soldiers killed in the battle of Bushy Run are buried, as well as other portions of said battlefield; and making an appropriation.

Senate Bill No. 376 entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, and the Board of Trustees of the Kutztown State Teachers' College to acquire certain tracts of land for the use of said college; and making an appropriation.

Senate Bill No. 430 entitled:

An Act making an appropriation to the Department of Health for the prevention of blindness in infants.

Senate Bill No. 514 entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia, Pennsylvania.

Senate Bill No. 561 entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania, Philadelphia, Pennsylvania.

Senate Bill No. 743 entitled:

An Act to amend sections five six and twelve of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand fifty) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payments to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by providing for a secretary-treasurer in lieu of a secretary and a vice president of the board and establishing a method for determining classification of beneficiaries.

Senate Bill No. 860 entitled:

An Act supplementing the act of July twenty-second, one thousand nine hundred and thirty-six (P. L. 70), and authorizing the Governor directly or through such agency as he may designate to provide, plan, prepare, supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39, and making an appropriation.

Senate Bill No. 1048 entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

Senate Bill No. 1113 entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Edinboro State Teachers' College to acquire certain tracts of land for the use of said college; and making an appropriation.

Senate Bill No. 1166 entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers' College to acquire a certain tract of land for the use of said college, and making an appropriation.

Senate Bill No. 1225 entitled:

An Act making an appropriation out of The State Stores Fund to the Department of Property and Supplies for the acquisition of land (With or without buildings thereon) and for the erection, construction and equipment of an office building thereon for the use of the Pennsylvania Liquor Control Board.

Senate Bill No. 1228 entitled:

An Act authorizing county commissioners of any county to hold in trust for the inhabitants and citizens of the county, any real estate and property appropriate for agriculture fairs or exhibits, and to lease the same without expense or liability to the county, to any incorporated agriculture liability association; to operate and conduct an annual fair within the county.

Senate Bill No. 1298 entitled:

An Act to amend sections one and two of the act, approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 126), entitled "An act making an appropriation to the Department of Property and Supplies for increasing the capacity of overcrowded State institutions; eliminating fire and other hazards to safety at State institutions; providing for the purchase of safety and other equipment; the erection and construction of new buildings and repairs, alterations, and additions to and replacement of existing buildings and equipment" authorizing the use of said appropriation to remove hazards to health.

Senate Bill No. 1299 entitled:

An Act making an appropriation to the Department of Property and Supplies for the East Stroudsburg State Teachers' College.

Senate Bill No. 1310 entitled:

An Act to amend sections two and four of the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (Act No. 127), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Governor, together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry, which are prejudicial to the interests of the citizens of this Common-

wealth; authorizing the commission to employ counsel and employes, and making an appropriation" by authorizing the several Courts of Common Pleas, upon application, to adjudge persons, refusing to comply with subpoenas of the commission in contempt of court; and by increasing the appropriattion to the commission.

Senate Bill No. 1415 entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May, one thousand nine hundred thirty-seven, and such time as the funds provided by the General Appropriation Act became available.

Senate Bill No. 1417 entitled:

An Act making an appropriation out of the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

Senate Bill No. 387 entitled:

A Further Supplement to the act, approved the first day day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of public lands, by the United States to the several states for the endowment of Agricultural College"; and making appropriations for carrying the same into effect.

Senate Bill No. 406 entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

Senate Bill No. 516 entitled:

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products.

Senate Bill No. 556 entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry, Philadelphia School of Design for Women, at Philadelphia, Pennsylvania.

Senate Bill No. 1429 entitled:

An Act making an appropriation to the Department of Welfare for pensions for the blind.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Judiciary Special re-reported as committed, Senate Bill No. 1012, (House Bill No. 843), entitled:

An Act to regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent assignees, receivers, trustees, removal or closing-out sale, or sale of goods damaged by fire, smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith; and providing penalties for the violation thereof, and for the imposition of license fees for permission to conduct the same.

Mr. EROE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE, from the Committee on Law and Order reported as committed amended, Senate Bill No. 1316, entitled:

An Act to add sections two three and four to the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 130) entitled "An act to provide civil rights for all people regardless of race or color" as amended further amplifying and extending the provisions of said act and providing for the payment of penalties to the person or persons aggrieved and providing for the revocation or cancellation of license to do business in this Commonwealth.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 708

Mr. DENT. Mr. President, I ask unanimous consent to present a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT offered the following resolution, which was twice read, considered and agreed to:

In the Senate, June 3, 1937.

Resolved (if the House of Representatives concur), that Senate Bill No. 708, Printer's No. 800, entitled: "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

ELECTION OF PRESIDENT PRO TEMPORE

Mr. RICE. Mr. President, I move that the Senate do now proceed to the election of a President Pro Tempore to serve during the interim.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Mr. RICE. Mr. President, I desire to nominate for the office of President Pro Tempore to serve during the interim, Mr. Harvey Huffman.

Mr. SONES. Mr. President, I second the nomination.

Mr. RODGERS. Mr. President, I second the nomination.

Mr. CAVALCANTE. Mr. President, I second the nomination.

Mr. HOMSHER. Mr. President, I am directed by the Republican members of the Senate—through the caucus of the Republican members of the Senate—to place in nomination for the office of President Pro Tempore to serve during the interim, the name of the Honorable Charles H. Ealy, of Somerset County.

Mr. GELDER. Mr. President, I second the nomination.

The PRESIDENT. Are there any further nominations? If not, the Chair declares the nominations closed.

On the election of a President Pro Tempore to serve during the interim, the Chief Clerk will call the roll, and the Clerks of the Senate will act as tellers. The roll was called and resulted as follows:

FOR MR. HUFFMAN

Barthold,	Gilson,	McCreesh,	Rupp,
Cavalcante,	Henney,	McGinnis,	Ruth,
Dando,	Heyburn,	Rodgers,	

Dent,	Jacobs,	Mundy,	Shapiro,
DiSalvestro,	Kilgallen,	Pytko,	Sipe,
Ealy,	Kunkel,	Rankin,	Sones,
Eroe,	Lanius,	Reed,	Stiefel,
Frey,	Law,	Rice,	Thompson,

FOR MR. EALY

Bean,	Homsher,	Owlett,	Woodward,
Chapman,	Howell,	Salus,	
Deitrick,	Huffman,	Scarlett,	
Gelder,	Mallery,	Wolfenden,	

Present and not voting: Jaspan.

The PRESIDENT. The Clerks having agreed in their tally, the Honorable Harvey Huffman having received thirty-one votes, and the Honorable Charles H. Ealy thirteen votes, I declare that the Honorable Harvey Huffman has been duly elected President Pro Tempore of the Senate during the interim between the closing of the present regular session and the next session of the Senate, and appoint the Senator from Adams, Mr. Rice, and the Senator from Somerset, Mr. Ealy, a Committee to escort the President Pro Tempore to the rostrum.

Mr. HUFFMAN. Mr. President, and members of the Senate: I just desire to thank you for your confidence in electing me for the interim I trust the duties from now on to the end of the session, that is to say, the end of the interim will not be as arduous as they have been in the last few months.

BILL SIGNED

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) announced that the Chief Clerk having reported that the following bill has passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 1238, entitled:

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines; defining its powers and duties; and making an appropriation.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

McKEAN COUNTY

Fred B. Nicholas, Bradford.

WESTMORELAND COUNTY

Miss Esther L. Feldman, Monessen.

GEORGE H. EARLE

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 1127 (House Bill No. 1246), entitled: An Act t oprohibit any person firm or corporation not directly involved in a labor strike or lockout recruiting or securing or offering to secure employment for persons to take the places of employes where a labor strike or a lockout exists and providing for the legally established employment service.

is not on the desks of the Senators, therefore, the bill go over in its order.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 1411, (House Bill No. 1177), as follows:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as The General Appropriation Act of one thousand nine hundred thirty-seven

Section 2 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive Legislative and Judicial Departments of the Commonwealth for the purposes hereinafter set forth for the two years beginning June first one thousand nine hundred and thirty-seven and for the payment of the bills incurred by said agencies and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

EXECUTIVE DEPARTMENT

To the Governor

For the payment of the salary of the Governor the sum of thirty-six thousand dollars ($36,000)

For the payment of salaries wages or other compensation of the Secretary to the Governor the Budget Secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Governor his Secretary the Budget Secretary and the Executive Board for the expenses incurred in the conduct of the Executive Mansion and the entertainment of official guests and for the expense incident to the participation of the Governor in the Governor's Conference the sum of three hundred twenty-five thousand five hundred dollars ($325,500)

To the Lieutenant Governor

For the payment of the salary of the Lieutenant Governor the sum of sixteen thousand dollars ($16,000)

For all necessary expenses including postage telegrams telephone toll charges and travelling clerical stenographic and discretionary expenses and for the care and maintenance of an automobile and mileage charges to the Department of Property and Supplies for the use of automobiles for the Lieutenant Governor the sum of ten thousand dollars ($10,000)

To the Department of the Auditor General

For the payment of the salary of the Auditor General the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages and other compensation of a deputy Auditor General and other employes for the payment of general expenses for the payment of rentals of patented leased office devices for the purchase of automobiles furniture furnishings and equipment and

for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of one million four hundred eighty thousand dollars ($1,480,000)

For the payment to the State's Fiscal Agent for the custody and safekeeping of the books and records pertaining to loans of the Commonwealth as provided by law the sum of one thousand dollars ($1,000)

For the payment of the cost of painting a portrait of Auditor General Frank E Baldwin to be placed in the office of the Auditor General in the Capitol Building the sum of seven hundred fifty dollars ($750)

For the payment of fees to county officers for furnishing information to the officers of the Commonwealth as provided by law the sum of four thousand dollars ($4,000)

To the Treasury Department

For the payment of the salary of the State Treasurer the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy State Treasurer and other employes for the payment of general expenses for the purchase of insurance covering the loss of any or all cash and securities of which the Treasury Department or State Treasurer is custodian and covering forgeries of all kinds on checks drafts warrants and requisitions for the payment of rentals of patented leased office devices and for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of seven hundred thousand dollars ($700,000)

For the payment of the cost of painting a portrait of State Treasurer Charles A Waters to be placed in the office of the State Treasurer in the Capitol Building the sum of seven hundred fifty dollars ($750)

For the payment of salaries or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the Board of Finance and Revenue the sum of sixty-five thousand dollars ($65,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Employes' Retirement Board the sum of seventy-two thousand dollars ($72,000)

For the payment into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of three hundred ninety-seven thousand nine hundred dollars ($397,900)

For the payment into the State Employes' Retirement Fund to the credit of the Contingent Reserve Account the sum of two hundred ninety-eight thousand nine hundred fifty dollars ($298,950)

For payment into the State Employes' Retirement Fund to cover the additional liability for reserves required by reason of the creation of the Pennsylvania Motor Police Retirement System the sum of fifty thousand dollars ($50,000)

For the payment of the difference between the interest earned by the moneys in the Agricultural College Land Scrip Fund and in the State College Experimental Farm Fund and the interest guaranteed by the Commonwealth of Pennsylvania to State College the sum of twelve thousand six hundred dollars ($12,600)

For the payment of legal fees publication of advertisements cost of engraving and any other expenses incurred in the issuing of tax anticipation notes the sum of twenty-five thousand dollars ($25,000)

For the payment of the expenses of publishing monthly statements of the general fund sinking fund and other funds of the Commonwealth as required by law the sum of sixty thousand dollars ($60,000)

For refunding the balance due or to become due retired county officers on account of overpayment of any taxes licenses fees or other moneys collected for and paid to the Commonwealth the sum of one thousand dollars ($1,000)

For refunding to purchasers of stock transfer tax stamps any sums that may be due them upon the surrender and return of such stamps as may be spoiled canceled mutilated or defaced unintentionally by accident or error the sum of two thousand five hundred dollars ($2,500)

For refunding transfer inheritance taxes on estates of resident decedents paid in error or overpaid the sum of one hundred thousand dollars ($100,000)

For refunding transfer inheritance taxes on estates of non-resident decedents paid in error or overpaid the sum of five hundred dollars ($500)

For refunding moneys paid by any person to any professional examining board or advisory committee or to the Department of Public Instruction on behalf of any such board or advisory committee the sum of one thousand five hundred dollars ($1,500)

For refunding fees paid for notary public commissions when such commissions have not been issued or if issued have not been received and have been canceled the sum of one thousand dollars ($1,000)

For refunding moneys subject to escheat which were paid into the State Treasury either voluntarily or by order of the court to any persons making proof of their ownership or right of possession thereto in the manner provided by law the sum of twenty-five thousand dollars ($25,000)

For the purpose of refunding moneys other than taxes paid into the State Treasury to the credit of the General Fund which refunds are not specifically authorized by any other appropritaion the sum of two thousand five hundred dollars ($2,500)

For the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue for moneys collected or received by the Department of Revenue for the maintenance support care treatment housing fees or other fees or costs of any inmate pupil patient or student in any State-owned institution and for the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue to reimburse the Commonwealth for the share which it was supposed to have paid towards the support care and treatment of any pupil or patient in any mental hospital or institution for the feeble-minded in part supported by the Commonwealth the sum of twenty thousand dollars ($20,000)

For the purpose of refunding fees paid to the Pennsylvania Securities Commission in connection with renewal applications for registration under The Securities Act which have been canceled before January first of the year for which the fees were paid the sum of five hundred dollars ($500)

For the payment of approved claims for refunds of liquor taxes including moneys paid for spiritous and vinous liquor tax stamps the sum of five thousand dollars ($5,000)

For the payment of approved claims for refund of cigarette tax permit fees and cigarette tax stamps the sum of one thousand dollars ($1,000)

For payment of approved claims for refund of documentary tax stamps the sum of twenty thousand dollars ($20,000)

For the payment of approved claims for refund of amusement tax which the Department of Revenue is not authorized to refund or to credit in subsequent tax periods the sum of one thousand dollars ($1,000)

For refunding liquid fuels tax erroneously paid or overpaid into the General Fund the sum of twenty-six thousand dollars ($26,000)

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the general expense bonds issued under authority of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eleven) the sum of six million one hundred twenty-five thousand dollars ($6,125,000) according to the following schedule

Requirements

Date of Payment	Principal	Interest	Total
December 1 1937	$2,500,000.00	$ 328,125.00	$2,828,125.00
June 1 1938	.....	281,250.00	281,250.00

December 1 1939	2,500,000.00	281.250.00	2,781,250.00
June 1 1939	.....	234,375.00	234,375.00
Total	$5,000,000.00	$1,125,000.00	$6,125,000.00

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the Veterans' Compensation Bonds issued under authority of the act approved the fifth day of January one thousand nine hundred and thirty-four (one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four Pamphlet Laws page two hundred nineteen) the sum of seven million four hundred fifty thousand one hundred ninety-two dollars and fifty cents ($7,450,192.50) according to the following schedule

Requirements

Date of Payment	Principal	Interest	Total
September 1 1937	$.....	$ 487,500.00	$ 487,500.00
November 1 1937	.....	300,000.00	300,000.00
March 1 1938	1,237,253.21	487,500.00	1,724,753.21
May 1 1938	912,843.04	300,000.00	1,212,843.04
September 1 1938	.....	487,500.00	487,500.00
November 1 1938	.....	300,000.00	300,000.00
March 1 1939	1,237,253.21	487,500.00	1,724,753.21
May 1 1939	912,843.04	300,000.00	1,212,843.04
Total	$4,300,192.50	$3,150,000.00	$7,450,192.50

For the payment of the compensation of the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on general expense bonds and Veterans' Compensation Bonds and for other services required to be performed by the said Loan and Transfer Agent the sum of twenty-two thousand five hundred dollars ($22,500)

To the Department of Agriculture

For the payment of the salary of the Secretary of Agriculture the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including the purchase of insecticides for gypsy moth work For testing of animals to prevent spreading of dangerous contagious and infectious diseases and for the payment of any loss or damage by dogs to live stock domestic game birds and poultry as provided by law the sum of two million sixty-two thousand five hundred dollars ($2,062,500)

For the payment of the salaries wages or other compensation of employes and for the payment of all other expenses necessary for the proper conduct of the Pennsylvania Official Egg-Laying Contest as provided by the act of May twentieth nineteen hundred thirty-one (Pamphlet Laws one hundred thirty-six) the sum of twenty-one thousand dollars ($21,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the State Farm Products Show Commission for the payment of premium awards for exhibits at the State Farm Products Show and for the maintenance of the State Farm building ing and the grounds surrounding it the sum of seventy-five thousand dollars ($75,000)

For the purpose of reimbursing incorporated agricultural associations for premiums paid for exhibits of live stock products horticultural products handiwork cereals bees and bee products as provided by law Provided That such associations file such reports as may be required by the Secretary of Agriculture the sum of one hundred twenty-five thousand dollars ($125,000)

For the payment of indemnities for payment of expenses of testing animals appraised and destroyed to prevent the spread of dangerous contagious and infectious diseases as provided by law the sum of one million two hundred thousand dollars ($1,200,000)

To the Department of Banking

For the payment of salaries wages or other compensation of the members and employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania Securities Commission the sum of one hundred forty-five thousand three hundred dollars ($145,300)

For the payment of liquidating and dissolution expenses of building and loan associations taken in charge by the Secretary of Banking when the cash assets are insufficient to pay such expenses the sum of twenty-five thousand dollars ($25,000) and in addition there is hereby appropriated for the same purposes the full amount of all sums received from such liquidated assets by way of reimbursement for expenditures previously made from this appropriation which sums so received shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Forests and Waters

For the payment of the salary of the Secretary of Forests and Waters the sum of twenty-thousand dollars ($20,000)

For the payment of the salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to forests parks and waters and the Pymatuning Dam project the Water and Power Resources Board the Geographic Board the State Forest Commission and Flood Prevention and maintenance of dikes along Darby Creek and the Delaware River in Tinicum Township Delaware County for maintenance of Emergency Conservation Work Projects for the purchase of telephone equipment and the cost of telephone rentals at towers district offices ranger stations and other necessary locations for the erection and repairs of buildings the sum of one million three hundred thirty-five thousand dollars ($1,335,000)

For the payment of expenses incurred for the extinction and control of forest fires the sum of one hundred fifty thousand dollars ($150,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Washington Crossing Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographic distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of thirty-one thousand dollars ($31,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the Valley Forge Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of seventy-one thousand seven hundred fifty dollars ($71,750)

For the acquisition of land for Valley Forge Park by purchase or condemnation for survey of boundary lines and title examination the sum of fifty thousand dollars ($50,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania State Park and Harbor Commission of Erie for the repair and construction of roads dams parking spaces camp sites and buildings for the repair and construction of jetties and other necessary work to protect Presque Isle Peninsula from erosion for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued

by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of seventy-three thousand two hundred dollars ($73,200)

For the supervision maintenance improvement regulation and preservation of State Parks he sum of seventy-five thousand dollars ($75,000)

For the payment of maintenance and improvement of Fort Washington Park the sum of two thousand dollars ($2,000)

For the payment of annual fixed charges as provided by law for county school township and road purposes on lands owned or classified by either the Commonwealth of Pennsylvania or the Federal Government and held or administered as forest reserves auxiliary forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks the sum of two hundred eighteen thousand five hundred dollars ($218,500)

For the payment of annual fixed charges on lands acquired for the purpose of conservation of water or the prevention of flood conditions as provided by law the sum of fourteen thousand dollars ($14,000)

To the Department of Health

For the payment of the salary of the Secretary of Health the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Sanitary Water Board the Advisory Health Board and other boards the sum of two million eight hundred ninety-three thousand five hundred dollars ($2,893,500) and in addition to said amount all contributions received by the department from private sources for the express use of the department in public health work shall be paid into the General Fund and credited to this appropriation

For the payment of salaries wages or other compensation of superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishing and live stock for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Tuberculosis Sanatoria and the State Hospital for Crippled Children including the incidental expenses necessary for the proper conduct of the orthopaedic work of the department and for the purchase of braces jackets artificial limbs and crutches the sum of three million two hundred eighty-five thousand dollars ($3,285,000)

To the Insurance Department

For the payment of the salary of the Insurance Commissioner the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the payment of costs in court proceedings to forfeit charters of extinct companies the sum of six hundred seventy thousand dollars ($670,000)

And in addition to said amount all income and all moneys collected by the Insurance Department from foreign insurance companies for examinations made by the Insurance Department and paid into the General Fund of the State Treasury are hereby appropriated out of the General Fund to the Insurance Department

For the payment of liquidating and dissolution expenses of companies taken in charge by the Insurance Commissioner when the cash assets are insufficient to pay such expenses the sum of twenty-five thousand dollars ($25,000) and in addition there is hereby appropriated for the same purposes the full amount of all sums received from such liquidated assets by way of reimbursement for expenditures previously made from this appropriation which sums so received shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Internal Affairs

For the payment of the salary of the Secretary of Internal Affairs the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the board of Property and for the payment of fees to the county commissioners of the several counties of the Commonwealth for data and statistics furnished relative to local taxes the sum of four hundred fifty-five thousand seven hundred fifty dollars ($455,750)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to the Topographic and Geologic Survey the sum of one hundred twenty thousand two hundred fifty dollars ($120,250)

For the payment of the expenses of organizing and supervising conferences of local governmental officials selected from the State associations of county commissioners third class city officials borough officials township officials and school officials and the expenses of delegates attending such conferences for the purpose of evaluating and determining the proper sphere and activities of local governments the proper allocation of governmental functions and sources of revenue between the State and local governments the elimination of non-essential functions and to cooperate and advise with any official commission created to study local government the sum of ten thousand dollars ($10,000)

To the Department of Justice

For the payment of the salary of the Attorney General the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of three hundred two thousand five hundred dollars ($302,500)

For the payment of the salaries wages or other compensation of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to other departments boards or commissions except the counsel and assistant counsel of the Public Service Commission of the Commonwealth of Pennsylvania and except departments boards or commissions the work of which is supported mainly out of moneys in funds other than the General Fund for the payment of the salaries wages or other compensation of special deputy attorneys general assistant deputy attorneys general and attorneys appointed to represent the Commonwealth and the several departments boards and commisisons thereof in legal matters arising or to be handled in cities counties or districts outside the State Capitol or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for traveling and other incidental expenses incurred by the special deputy attorneys general assistant deputy attorneys general or

attorneys whose compensation is payable out of this appropriation for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles for any such special deputy attorneys general assistant deputy attorneys general or attorneys and for any contingent expenses incident to their work the sum of two hundred twenty-five thousand dollars ($225,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the Board of Pardons the sum of twenty-one thousand dollars ($21,000)

For the payment of salaries wages and other compensation of the Supervisor of Paroles chief field agents field agents and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Board of Pardons in supervising prisoners released on parole from the State penitentiaries and the Pennsylvania Industrial School and for other parole work of the board the sum of two hundred sixty-one thousand dollars ($261,000)

For the payment of compensation and general expenses incident to the preparation by the Department of Justice for the presentation to the General Assembly at its session of one thousand nine hundred thirty-nine of a revision of the insurance laws and the laws relating to the formation of public utilities the sum of ten thousand dollars ($10,000)

For the payment of expenses necessary for the proper conduct of the work of the Board of Commissioners on Uniform State Laws the sum of two thousand five hundred dollars ($2,500)

To the Department of Labor and Industry

For the payment of the salary of the Secretary of Labor and Industry the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of the members of the Workmen's Compensation Board Workmen's Compensation Referees Pennsylvania Labor Relations Board the members of the Industrial Board a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department of Workmen's Compensation Board the Workmen's Compensation Referees Pennsylvania Labor Relations Board and the Industrial Board and for compensation and expenses of wage boards the sum of three million five hundred sixty-three thousand three hundred dollars $3,563,3000)

For the payment of salaries wages or other compensation of employes engaged in the administration of the State and State-Federal Employment Service and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of this service the sum of four hundred eighty-one thousand four hundred dollars ($481,400) And be it provided that with approval of the Federal Government contributions under the Wagner-Peyser Act or any other Federal law toward the expense of conducting this service may be paid into the General Fund and credited to this appropriation

For the payment of salaries wages or other compensation of employes engaged in administration of the laws relating to rehabilitation of persons injured in industry and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to rehabilitation and for the purchase of artificial appliances for and the payment of maintenance cost of physically handicapped persons in training and all other expenses necessary to carry out the provisions of the Rehabilitation Acts the sum of three hundred three thousand eight hundred dollars ($303,800) And be it provided that contributions from the Federal Government or from any other source for rehabilitation shall be paid into the General Fund and credited to this appropriation

For the payment of the statutory amounts of workmen's compensation and medical hospital surgical and burial expenses to injured employes and dependents of deceased employes of the various departments of the State government upon claims arising prior to June first one thousand nine hundred and twenty-nine under the Workmen's Compensation Act of one thousand nine hundred and fifteen its amendments and supplements the sum of five thousand dollars ($5,000)

To the Department of Military Affairs

For the payment of the salary of the Adjutant General the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy adjutant general and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and advisory commissions connected with the department for the making of improvements additions or repairs to existing buildings roads and utilities on the State Military Reservation and State Arsenal the sum of four hundred thirty-seven thousand two hundred dollars ($437,200)

For the purpose of placing at the disposal of the Governor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania Soldiers in Federal or State service when in the field on active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or draught conditions throughout the State or when a disaster occurs for payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard as provided by law for the payment of all necessary expenses supplies printing and equipment including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to The Pennsylvania National Guardsmen for distribution to officers and men of the Pennsylvania National Guard the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard for the payment of claims made by the War Department based upon approved reports of survey covering loss damage or destruction of Federal property for the payment of salaries of members of the Armory Board of the State of Pennsylvania and inspectors for the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of one million two hundred twenty thousand dollars ($1,220,000) Provided however That there is hereby appropriated for the same purposes the full amount of all rentals of armories and receipts from public or private sources in payment of costs and material expended by the Guard in furnishing relief from disaster which shall be collected as heretofore and paid into the General

Fund and credited to the appropriation made by this paragraph

For the payment of the salary of the Division Commander the sum of sixteen thousand dollars ($16,000)

For the payment of salaries of the members of the State Athletic Commission for the payment of salaries wages or other compensation of a secretary and deputies and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Athletic Commission as approved by the Adjutant General the sum of ninety-nine thousand seven hundred dollars ($99,700)

For the payment of salaries wages or other compensation of the superintendent and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for improvements to land for repairs alterations and improvements to plant and equipment for the purchase of equipment furniture furnishing and live stock for expenses of the Board of Trustees and incidental expenses for burial expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Soldiers' and Sailors' Home at Erie as may be authorized and approved by the Adjutant General the sum of two hundred forty thousand dollars ($240,000) Provided That all moneys received from the United States Government by the Governor of Pennsylvania on account of maintenance of the honorably discharged soldiers and sailors or marines in the Pennsylvania Soldiers' and Sailors' Home at Erie shall be paid into the State Treasury through the Department of Revenue

For the payment of traveling expenses and for other authorized disbursements of the State Veterans' Commission and for the assistance of such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means as may be authorized and approved by the Adjutant General the sum of forty thousand dollars ($40,000)

To the Department of Mines

For the payment of the salary of the Secretary of Mines the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the sum of eighty-three thousand six hundred fifty dollars ($83,650)

For the payment of salaries postage supplies printing and equipment traveling expenses telephone toll charges telegram freight express cartage and incidental expenses of the anthracite and bituminous mine inspectors the sum of five hundred thirty-eight thousand nine hundred dollars ($538,900)

For the payment of expenses of conducting the examination of applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses as provided for by law the sum of ten thousand dollars ($10,000)

To the Department of Property and Supplies

For the payment of the salary of the Secretary of Property and Supplies the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and Capitol Police the Board of Commissioners of Public Grounds and Buildings and other boards attached to the department for the care maintenance and preservation of public grounds and buildings including the Executive Mansion for the payment of the advertising schedules of supplies the sale of unserviceable property proposals for executing the State Printing and binding proposals for any contract work re-advertising any schedules or proposals when necessary and all other advertising necessary for the proper conduct of the work of the department the sum of one million eight hundred fifteen thousand dollars ($1,815,000) Provided however That the department shall not use any part of this appropriation for the payment of the salaries wages or other compensation of employes necessary for the cleaning and care of offices or other quarters either in the Capitol Building or elsewhere used by the Department of Banking the Department of Highways the Department of Revenue and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds the General Assembly the Judicial Department the Department of the Auditor General the Treasury Department the Board of Game Commissioners the Board of Fish Commissioners the Pennsylvania Liquor Control Board the Milk Control Board or the State Workmen's Insurance Board for the cleaning and care of offices or other quarters outside the city of Harrisburg used by any other department board or commission or for the cleaning and care of the State Arsenal or any barracks used by the Pennsylvania State Police

For payment into the Purchasing Fund created by the Act of June 1 1933 Appropriation Acts page 30 the sum of fifteen thousand dollars ($15,000)

For the cost of printing and distributing records of the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States The American Legion and the Disabled American Veterans of the World War as provided by law the sum of ten thousand dollars ($10,000)

For the cost of printing and distributing the Capitol News Clip Sheet and the Pennsylvania State Manual the sum of forty thousand dollars ($40,000)

For the purchase of fuel water gas steam and electric current and necessary devices for the reception and use of same and for alterations materials supplies repairs equipment renovations and improvements to for or on to the State Capitol buildings the public grounds and buildings connected with the State Capitol the Publications Buildings the Executive Mansion and any buildings or monuments of historical interest located anywhere in the Commonwealth for the payment of rents fuel water gas steam electric current and any necessary alterations for any buildings offices or storage space in the City of Harrisburg required for the accommodation of departments supported from the General Fund which had heretofore been provided entirely with space in the Capitol Buildings the sum of five hundred fifty thousand dollars ($550,000)

For the payment of premiums on surety bonds on policies of liability insurance covering all motor vehicles owned by the Commonwealth and on policies of insurance insuring the Commonwealth against workmen's compensation liability to employes bills and invoices for which covering the period ending May 31 1937 may remain unpaid on that date and for the payment of premiums on surety bonds for such officers and employes of the General Assembly and the several administrative departments boards and commissions supported by appropriation from the General Fund who may be required by statute or otherwise to furnish bonds with corporate surety the sum of sixty-five thousand dollars ($65,000)

For the purchase of automotive equipment aeroplanes and accessories thereto as may be required for use by the several administrative departments boards commissions and officers of the State government except those required for permanent use by the Department of Banking the Department of Highways and the Department of Revenue and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commissioners the Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board and the State Workmen's Insurance Board for the payment of the cost of minor repairs to automotive equipment permanently assigned to departments boards and commissions except the Department of Highways and stored at the garage maintained by the Department of Property and

Supplies in the City of Harrisburg and for the payment of the cost of oil gasoline tires repair parts for and repairs to automotive equipment which is not permanently assigned to any department board commission or officer of the State government the sum of four hundred thousand dollars ($400,000)

For the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of the General Assembly including the printing of the Pamphlet Laws and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law the sum of two hundred fifty thousand dollars ($250,000)

To the Department of Public Assistance

For the payment of the salary of the Secretary of Public Assistance the sum of twenty thousand dollars ($20,000)

For the payment of the salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the sum of one million four hundred fifty-two thousand dollars ($1,452,000)

To the Department of Public Instruction

For the payment of the salary of the Superintendent of Public Instruction the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy superintendent and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the State Council of Education the sum of six hundred thirty-two thousand five hundred dollars ($632,500)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment and for the purchase of books maps charts manuscripts records exchange pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the department with respect to the State Library and Museum the sum of two hundred twenty-three thousand dollars ($223,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses including the cost of newspapers and periodicals deemed necessary for the work of the State Library with respect to collecting press information and distributing it to the several departments boards commissions and legislative offices and legislative agencies the sum of fifteen thousand dollars ($15,000)

For the payment of salaries wages or other compensation of a deputy members and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Department of Public Instruction with respect to professional education and licensure and the professional examining boards and advisory committees within the department the sum of five hundred fifty-two thousand three hundred dollars ($552,300) Provided that no part of this appropriation shall be expended for any purpose other than the work of the department with respect to the certification of teachers professional education and licensure and the professional examining boards and advisory committees within the department

For the payment of salaries wages or other compensation of employes and the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Board of Pharmacy in enforcing the provisions of the act approved the eighth day of May one thousand nine ehundred and nine (Pamphlet Laws 470) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word 'drug' prescribing penalties for violation of this act and the method of its enforcement" and its amendments the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of members and other employes for the payment of general expenses supplies printing and equipment necessary for life proper conduct of the work of the Pennsylvania State Board of Censors the sum of one hundred thirty-one thousand seven hundred fifty dollars ($131,750)

For the payment of salaries wages or other compensation of a secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania Historical Commission and for the purchase of archaeological collections and maintenance of historical monuments buildings and markers as provided by law and as authorized and approved by the Superintendent of Public Instruction the sum of fifty-five thousand dollars ($55,000)

For payment of salaries wages or other compensation of the presidents or principals and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Teachers Colleges and the Cheyney Training School for Teachers as may be authorized and approved by the Superintendent of Public Instruction the sum of three million seven hundred sixty thousand dollars ($3,760,000) and in addition to said amount all income and all moneys collected at the various State Teachers Colleges and the Cheyney Training School and paid into the General Fund of the State Treasury under existing law are hereby appropriated out of the General Fund to the several State Teachers Colleges and Training Schools for same purpose each college and school to receive from such appropriation the exact amount which was collected at said school or college during the said fiscal years

For the payment of salaries wages or other compensation of superintendents and other employes for the expenses of maintaining and operating automobiles and other equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for th epurchase of equipment furniture furnishings and live stock for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the Superintendent of Public Instruction in the amounts hereinafter specified

Pennsylvania State Oral School for the Deaf at Scranton Pennsylvania	$160,000
Pennsylvania Soldiers' Orphan School at Scotland Pennsylvania	$335,000
Thaddeus Stevens Industrial School at Lancaster Pennsylvania	$95,000

For the payment of salaries of the county superintendents of public schools as required by law the sum of four hundred eighty-two thousand twenty-seven dollars ($482,027)

For the payment of the expenses of county superintendents of public school as required by law the sum of fifty thousand dollars ($50,000)

For the payment of the salaries of assistant county superintendents of public schools as required by law the sum of four hundred fifty-nine thousand five hundred dollars ($459,500)

For the payment of the expenses of assistant county superintendents of public schools as required by law the sum of seventy thousand dollars ($70,000)

For the payment of salaries of members of county boards of school directors the sum of thirty-nine thousand six hundred dollars ($39,600)

For reimbursement to school districts for transportation of school children as required by law the sum of three million five hundred thousand dollars ($3,500,000)

For aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics and other vocational and practical education for the salaries and expenses of employes and the payment to the Department of Property and Supplies of mileage charges for the use of automobiles by traveling vocational education supervisors and for the cost of training vocational teachers in such institutions as the State Council of Education may designate and under such regulations as the State Council of Education may prescribe as provided by law the sum of eight hundred thousand dollars ($800,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as rerequired by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of two hundred eighty-three thousand dollars ($283,000)

For reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of sixty million dollars ($60,000.000) Provided That the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he shall deem it necessary to make such advanced payments to enable school districts to keep their public schools open

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction) of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf under the supervision of and approved by the department in accordance with law the sum of one million one hundred fifty thousand dollars ($1,150,000)

For the payment into the School Employes' Retirement Fund to the credit of the Contingent Reserve Account of the School Employes' Retirement Fund as required by law the sum of two million four hundred fifty thousand dollars ($2,450,000)

For the payment into the School Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two of the School Employes' Retirement Fund as required by law the sum of three million six hundred thousand dollars ($3,600,000)

For the payment of compensation to former teachers principals supervising principals or superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interest as provided by law the sum of two hundred fifty thousand dollars ($250,000)

To The Pennsylvania Public Utility Commission

For the payment of the salary of the chairman and members of the commission the sum of one hundred one thousand dollars ($101,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the commission the sum of three million two hundred thousand dollars ($3,200,000)

For the payment of such proportion of the cost of installing warning signals for the protection of the public where tracks of railroad corporations or street railway corporations cross public highways other than those State highways designated as primary routes as shall be determined by the commission to be paid by the Commonwealth the sum of fifteen thousand dollars ($15,000)

To the Department of Revenue

For the payment of the salary of the Secretary of Revenue the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses rentals equipment and other expenses incidental to the collection of inheritance and estate taxes and mercantile license taxes Supplies printing and equipment necessary for the proper conduct of the work of the department for the payment of cost of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and proeprty to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of three million nine hundred twenty-three thousand dollars ($3,923,000) Provided however That to the extent to which appropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

For the payment of the compensation of informants in escheats and the fees and expenses of escheators in connection with escheat proceedings the sum of ten thousand dollars ($10,000)

For the payment of the mileage of appraisers of mercantile and other license taxes the sum of thirty-five thousand dollars ($35,000)

For the payment of costs in suits against delinquent dealers for mercantile and other license taxes the sum of fifteen thousand dollars ($15,000)

To the Department of State

For the payment of the salary of the Secretary of the Commonwealth the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for proof-reading the Pamphlet Laws the sum of one hundred fifty-one thousand five hundred dollars ($151,500)

For the payment of the cost of the dissemination of information pertaining to the affairs of the Commonwealth including information pertaining to civil rights and constitutional guarantees as provided by law the sum of seventeen thousand five hundred dollars ($17,500)

For the payment of State employes who have retired in accordance with the provisions of the act of Assembly approved June fourteenth one thousand nine hundred fifteen (Pamphlet Laws nine hundred seventy-three) as amended the sum of thirty-three thousand four hundred twenty dollars ($33,420)

For the payment of pensions and gratuities that have been granted by law or that may hereafter be granted

by law the sum of one thousand eight hundred forty-eight dollars ($1,848)

For the payment of the cost of publishing in various newspapers throughout the State the several proposed amendments to the Constitution of the Commonwealth of Pennsylvania the sum of thirty thousand dollars ($30,000)

To the Pennsylvania Motor Police

For the payment of the salaries wages or other compensation and necessary traveling expenses of the Commissioner and Deputy Commissioner of the Pennsylvania Motor Police the members of the Motor Police Force and the other employes of the Pennsylvania Motor Police for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Motor Police for the payment of the board lodging uniforms arms and equipment of the Pennsylvania Motor Police Force and for medical attendance and hospital charges not covered by insurance for members of such force injured in the line of duty for the payment of premiums on policies insuring the Commonwealth against workmen's compensation liability to all employes or dependents of employes of the Pennsylvania Motor Police for the payment of premiums on policies of insurance covering motor vehicles operated by the Pennsylvania Motor Police and surety bonds for employes of the Pennsylvania Motor Police required to furnish such bonds for the operation and maintenance of the Pennsylvania Motor Police Training School including any branches thereof for the payment of traveling expenses and witness fees in the amount of two dollars per capita per diem to witnesses testifying for the Commonwealth at hearings in connection with the work of the Pennsylvania Motor Police and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess o ffive dollars shall be paid to any physician for any such examination for the maintenance and operation of a radio broadcasting station or stations and for the purpose of installing operating and maintaining a teletype or other inter-communication system linking the central office of the Pennsylvania Motor Police and the offices of the various organized police forces of the political subdivisions of the Commonwealth maintaining night offices and linking such central office with other States using similar systems which cooperate with Pennsylvania in broadcasting police information the sum of one million dollars ($1,000,000) and any additional sums from time to time transferred from the Motor License Fund and credited to this appropriation in the manner provided by law

To the Department of Welfare

For the payment of the salary of the Secretary of Welfare the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including the cost of a central accounting system for State-owned institutions subject to the supervision of the department the sum of three hundred eighty-eight thousand five hundred dollars ($388,500)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to the administration of the laws relating to Mothers' Assistance Pensions for the Blind and Old Age Assistance for the month of June one thousand nine hundred thirty-seven the sum of twenty-eight thousand dollars ($28,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Council for the Blind the sum of fifty-one thousand dollars ($51,000)

For the payment of salaries wages or other compensation of the superintendents or wardens and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses for the payment of gratuities clothing and parole expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Pennsylvania Industrial School at Huntingdon the Pennsylvania Training School at Morganza the State Industrial Home for Women at Muncy the Eastern State Penitentiary at Philadelphia and Graterford the Western State Penitentiary at Pittsburgh the State Penitentiary at Rockview and any other institution hereafter established for the custody of prisoners as may be authorized and approved by Secretary of Welfare the sum of six million four hundred thousand dollars ($6,400,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation town State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Torrance State Hospital at Torrance the Warren State Hospital at Warren the Wernersville and any other institution established for the care and treatment of the insane State Hospital at Wernersville as may be authorized and approved by the Secretary of Welfare the sum of nine million five hundred fifty thousand dollars ($9,550,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Laurelton State Village at Laurelton the Pennhurst State School at Pennhurst the Polk State School at Polk the Selinsgrove State Colony for Epileptics at Selinsgrove and any other institution established for the care and treatment of mental defectives and epileptics as authorized and approved by the Secretary of Welfare the sum of three million two hundred thousand dollars ($3,200,000)

For the payment of salaries wages or other compensation of the Superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazleton the Locust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of two million seven hundred thousand dol-

lars ($2,700,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Penal and Correctional Institutions the Mental Hospitals The schools for mental defectives and Epileptics and the Medical and Surgical Hospitals as may be allocated by the Secretary of Welfare and approved by the Governor the sum of one million dollars ($1,000,000)

To the State Planning Board

For the two fiscal years beginning June first one thousand nine hundred thirty-seven for the purpose of carrying into effect the provisions of the Act of July thirtieth one thousand nine hundred thirty-six (Pamphlet Laws page eighty-one) the sum of one hundred twenty-five thousand dollars ($125,000)

II LEGISLATIVE DEPARTMENT

For the payment of the expenses of the Legislative Department for two years beginning June one one thousand nine hundred and thirty-seven and also for the expenses of the session and recess of one thousand nine hundred and thirty-seven not previously provided for the following sums or as much thereof as may be necessary to be paid in the manner prescribed by law Provided That the salaries stationery and mileage of the Members of the Senate and House of Representatives and all the salaries and mileage of the session officers and employes of the legislative session of one thousand nine hundred and thirty-nine shall only be paid after statement of the amounts due the several Senators Members officers and employes shall have been certified to the Auditor General by the President Pro Tempore of the Senate and the Speaker of the House of Representatives respectively and that the Senators and Members also the officers receiving fixed salaries for said session shall each be paid one-fifth of his total salary each month for the first four months of the session if the Legislature shall be in session that long and the balance on the day fixed for the final adjournment of the Legislature or during the two days previous thereto and that the session officers and employes receiving per diem salaries shall be paid amounts due them at the end of each month during the session except the last month when payment shall be made on the day fixed for final adjournment of the Legislature or during the two days previous thereto

To the Senate

For the payment of the salaries of fifty Senators and extra compensation allowed by law to the President Pro Tempore of the Senate session of one thousand nine hundred and thirty-nine the sum of one hundred thirty-eight thousand five hundred dollars ($138,500)

For the payment of the mileage of fifty Senators session of one thousand nine hundred and thirty-nine the sum of eighteen thousand dollars ($18,000)

For the payment of postage session of one thousand nine hundred and thirty-nine allowed by law to fifty Senators the sum of seven thousand five hundred dollars ($7.500)

For the payment of postage Session of one thousand nine hundred and thirty-nine for the chief clerk and assistants the sum of one hundred fifty dollars ($150)

For the payment of postage session of one thousand nine hundred and thirty-nine to the Lieutenant Governor the sum of one hundred fifty dollars ($150)

To the chief clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars session of one thousand nine hundred and thirty-nine the sum of four thousand five hundred dollars ($4,500)

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and thirty-nine also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in this section the sum of ninety-six thousand dollars ($96,000) for the two years ending May thirty-first one thousand nine hundred and thirty-nine

For the payment of the mileage of the officers and employes of the Senate session of one thousand nine hundred and thirty-nine the sum of two thousand seven hundred dollars ($2,700)

For the payment of the salaries of the returning officers of the Senate at the beginning of the session of one thousand nine hundred and thirty-nine the sum of eight thousand dollars ($8,000)

For the payment of the mileage of the returning officers of the Senate at the beginning of the session of one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000)

For the payment of the salary of the clerk to the President of the Senate for two years ending May thirty-one one thousand nine hundred and thirty-nine the sum of four thousand eight hundred dollars ($4,800)

For the payment of the salary of the secretary of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven the sum of fifteen thousand dollars ($15,000)

For the payment of the salary of the chief clerk of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven the sum of twelve thousand dollars ($12,000)

For the payment of the salary of the assistant clerk of the Senate for the session of one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000)

For the payment of the salary of the assistant clerk of the Senate for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of three thousand eight hundred dollars ($3,800)

For the payment of the salary of the librarian of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven the sum of nine thousand dollars ($9,000)

For the payment of the salary of the assistant librarian of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the assistant to the secretary of the Senate for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of four thousand two hundred dollars ($4,200)

For the payment of the salary of the stenographer to the President of the Senate for the two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of three thousand two hundred forty dollars ($3,240)

For the payment of the salary of the clerk to the President Pro Tempore of the Senaae for two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of four thousand eight hundred dollars ($4,800)

For the payment of the salaries of the stenographers to the Senate Librarian for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of six thousand three hundred dollars ($6,300)

For the payment of the salaries of two watchmen of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the superintendent of the storeroom of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of six thousand dollars ($6,000)

For the payment of the salaries of the custodian of the washroom and of the custodian of the basement of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salaries of one custodian of the Senate Chamber and three assistant custodians of the Senate Chamber for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of nine thousand two hundred fifty-five dollars ($9,255)

For the payment of the salary of the messenger in the Senate Library for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of two thousand four hundred dollars ($2,400)

To the Secretary of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate session of one thousand nine hundred and thirty-seven the sum of two thousand five hundred dollars ($2,500)

For the payment of the expenses of the Committee on Appropriations of the Senate session of one thousand nine hundred and thirty-nine in investigating schools reformatories prisons asylums hospitals and other institutions supported in whole or in part from the Treasury of the Commonwealth and for the necessary clerical assistance the sum of twelve thousand dollars ($12,000) to be paid on the warrant of the Auditor General drawn in favor of the chairman of said committee on the presentation of his requisition for same and said chairman shall file an account of the committee's expense with the Auditor General within thirty days after the adjournment of the Legislature

For the payment of expenses incident to issuing certificates of election of Senators for the session of one thousand nine hundred and thirty-nine the sum of seventy-five dollars ($75) (Act of June fourteenth one thousand nine hundred and eleven)

For the payment of the contingent expenses including clerical stenographic traveling and discretionary charges of the President Pro Tempore of the Senate during the recess ending January first one thousand nine hundred and thirty-nine the sum of three thousand dollars ($3,000) or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and thirty-nine the sum of three thousand dollars ($3,000)

For the payment of the necessary expenses including extra labor in the office of the chief clerk for the year ending May thirty-first one thousand nine hundred and thirty-eight the sum of five thousand dollars ($5,000) and for six months ending November thirtieth one thousand nine hundred and thirty-eight the sum of two thousand five hundred dollars ($2,500)

For the payment of the incidental expenses of the Senate for six months commencing December first one thousand nine hundred and thirty-eight and for the entire period of the session of one thousand nine hundred and thirty-nine should the same extend beyond May thirty-first such sum as may be necessary to be expended by the chief clerk of the Senate who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts but said chief clerk shall at no time have in his hands more than two thousand dollars ($2,000) for which accounts have not been rendered and settled and the whole amount expended by said chief clerk shall not exceed the sum of eight thousand dollars ($8,000) out of which amount such necessary extra labor in the Senate shall be paid as shall be certified by the President Pro Tempore and the chief clerk.

For the payment of the postage labor and incidental expenses in the office of the Secretary of the Senate for the year ending May thirty-first one thousand nine hundred and thirty-eight the sum of two thousand five hundred and thirty-eight the sum of three thousand dollars ($3,000) and for the year ending May thirty-first one thousand nine hundred and thirty-nine the sum of three thousand dollars ($3,000)

For the payment of postage labor express charges and all other expenses in the office of the librarian of the Senate for the year ending May thirty-first one thousand nine hundred and thirty-eight the sum of two thousand eight hundred dollars ($2,800) and for the year ending May thirty-first one thousand nine hundred and thirty-nine the sum of two thousand eight hundred dollars ($2,800)

To the Secretary of the Senate for the payment of the expenses of the Senate or committees of the Senate in attending funerals or expenses incident thereto of Senators officers of the Senate or State officials during the two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of one thousand dollars ($1,000)

To the House of Representatives

For the payment of the salaries of two hundred and eight Members of the House of Representatives and extra compensation allowed by law to the Speaker of the House session of one thousand nine hundred and thirty-nine the sum of six hundred and twenty-five thousand dollars ($625,000)

For the payment of the mileage of two hundred and eight Members of the House session of one thousand nine hundred and thirty-nine the sum of eighty-five thousand dollars ($85,000)

For the payment of postage session of one thousand nine hundred and thirty-nine allowed by law to two hundred and eight Members one hundred fifty dollars ($150) each the sum of thirty-one thousand two hundred dollars ($31,200)

For the payment of postage session of one thousand nine hundred and thirty-nine to the chief clerk and assistants the sum of one hundred fifty dollars ($150)

To the chief clerk of the House of Representatives for the payment of postage on the Legislative Journal bills and calendar session of one thousand nine hundred and thirty-nine the sum of ten thousand dollars ($10,000)

For the payment of salaries of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-nine also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of one hundred twenty thousand dollars ($120,000) for the two years ending May thirty-first one thousand nine hundred and thirty-nine

For the payment of the mileage of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-nine the sum of four thousand dollars ($4,000)

For the payment of the salaries of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and thirty-nine the sum of thirteen thousand dollars ($13,000)

For the payment of the mileage of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and thirty-nine the sum of three thousand dollars ($3,000)

For the payment of the salary of the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-seven the sum of fifteen thousand dollars ($15,000)

For the payment of the salary of the assistant to the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-seven the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the chief stenographer to the chief clerk for the time employed during the recess periods in the two years beginning June first one thousand nine hundred thirty-seven the sum of three thousand seventy-five dollars ($3,075)

For the payment of the salary of the assistant clerk of

the House of Representatives for the session of one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000)

For the payment of the salary of the assistant clerk of the House of Representatives for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of three thousand six hundred dollars ($3,600)

For the payment of the salary of the superintendent of storerooms of the House of Representatives for the time employed during the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of six thousand dollars ($6,000)

For the payment of salaries of one day watchman and one night watchman of the House of Representatives for the time employed during the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the custodian of the basement of the House of Representatives for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of three thousand six hundred dollars ($3,600)

For the payment of the salary of the custodian of the Hall of the House of Representatives for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of three thousand six hundred dollars ($3,600)

For the payment of salaries of the four assistant custodians of the Hall of the House of Representatives for the time employed in the recess period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of seven thousand nine hundred eight dollars ($7,908)

For the payment of the salary of the messenger in the House Library for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of two thousand four hundred dollars ($2,400)

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives during the recess ending January first one thousand nine hundred and thirty-nine the sum of three thousand dollars ($3,000) or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and thirty-nine the sum of three thousand dollars ($3,000)

For the payment of the salary of the stenographer to the Speaker of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-seven the sum of three thousand six hundred dollars ($3,600) or as much thereof as may be necessary

For the payment of the salary of the parliamentarian of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-seven the sum of six thousand dollars ($6,000) or as much thereof as may be necessary

For the payment of necessary expenses including extra labor in the office of the chief clerk and library for the year ending May thirty-first one thousand nine hundred and thirty-eight the sum of nineteen thousand dollars ($19,000) and for the six months ending November thirtieth one thousand nine hundred and thirty-eight the sum of nine thousand one hundred dollars ($9,100)

For the payment of the incidental expenses of the House of Representatives for the six months commencing December first one thousand nine hundred and thirty-eight and for the entire period of the session of one thousand nine hundred and thirty-nine should the same extend beyond May thirty-first those accounts are to be expended by the chief clerk who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts The whole amount thus expended by the chief clerk shall not exceed the sum of twenty thousand dollars ($20.000)

For the payment of the expenses of the Committee on Appropriations of the House of Representatives session of one thousand nine hundred and thirty-nine in investigating schools reformatories prisons asylums hospitals and other institutions supported in whole or in part from the treasury of the Commonwealth and for necessary clerical assistance the sum of twelve thousand dollars ($12,000) to be paid on the warrant of Auditor General drawn in favor of the chairman of the said committee on presentation of his requisition for same the said chairman shall file an account of the committee's expenses with the Auditor General within thirty days after the adjournment of the Legislature

For the payment of the expenses incident to issuing certificates of election to Members of the House of Representatives for the session of one thousand nine hundred and thirty-nine (Act of June fourteenth one thousand nine hundred and eleven) the sum of seven hundred fifty dollars ($750) to be paid by the State Treasurer on warrants of the Auditor General upon presentation of vouchers approved by the Speaker of the House of Representatives

To the chief clerk of the House of Representatives for the payment of the expenses of the House of Representatives or committee of the House of Representatives in attending funerals or expenses incident thereto of Members of the House of Representatives officers of the House of Representatives or State officials during the two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of three thousand dollars ($3,000)

Legislative Journals

The expenses for paper and printing of the Legislative Journals shall be paid out of the appropriation for paper and printing made to the Department of Property and Supplies contained in this act

For the payment of the chief clerk of the Senate and the chief clerk of the House of Representatives for making indices for the journals of each House for the session of one thousand nine hundred and thirty-seven the sum of one thousand five hundred dollars ($1,500)

For the work of the Legislative officials after the close of the session of one thousand nine hundred and thirty-seven on the Legislative Journals also the proof-reading of the appendix and index thereto as provided by law the sum of four thousand five hundred dollars ($4,500)

For the payment of the person or persons appointed to index the Legislative Journals session of one thousand nine hundred and thirty-nine the sum of one thousand five hundred dollars ($1,500) in accordance with the act establishing said journals

Legislative Miscellaneous

To the chief clerk of the House of Representatives for the purpose of paying unpaid bills of Joint Legislative or Senate or House Investigations held prior to the fifteenth day of May one thousand nine hundred and thirty-seven in amounts not exceeding those hereinafter specified

For reporting and furnishing daily copies of transcript of testimony taken in proceedings before the Committee appointed pursuant to Resolution Number Ten of the House of Representatives adopted the seventeenth day of February one thousand nine hundred and thirty one the sum of fifteen thousand six hundred forty dollars and forty cents ($15,640.40)

For reporting and transcribing proceedings before the House Committee to investigate the Pittsburgh Board of Public Education under Resolution Number Twenty-seven session of one thousand nine hundred thirty-seven the sum of three hundred ninety-two dollars ($392)

For reporting and transcribing proceedings before the House Committee to investigate the Pennsylvania Working Home for the Blind under Resolution Number Twenty-nine First Extraordinary session of one thousand nine hundred thirty-six the sum of three thousand seven hundred nineteen dollars and seventy cents ($3,719.70)

For reporting and transcribing proceedings before the House Committee to investigate the Fairmount Park Commission under Resolution Number One hundred fifty-four Session of one thousand nine hundred thirty-five the sum of eight thousand six hundred forty-six dollars and forty-six cents ($8,646.46)

For the payment of salaries wages and expenses in-

curred by the Joint Committee to investigate the advisability of constructing flood walls to protect the triangle of the city of Pittsburgh under Resolution number seventeen session of one thousand nine hundred thirty-seven the sum of three thousand five hundred dollars ($3,500)

For reporting and transcribing proceedings before the House Committee to investigate the penal institutions of the Commonwealth of Pennsylvania under Joint Resolution Special Session of one thousand nine hundred thirty-three the sum of four hundred ninety-nine dollars and twenty cents ($499.20)

Provided That the amounts hereby appropriated to the chief clerk of the House shall be distributed by him only after the receipt by him of detailed itemized vouchers satisfactory to the Department of the Auditor General and the Treasury Department covering the several amounts disbursed

For the payment of wages and other compensation of employes for the payment of expenses of members in attending conferences and for the payment of the general expenses necessary for the proper conduct of the work of the Commission on Interstate Cooperation the sum of ten thousand dollars ($10,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission The chairman shall file an accounting of said expenses with the Auditor General

For the payment of wages and other compensation of employes for the payment of expenses of members in attending conferences and for the payment of the general expenses necessary for the proper conduct of the work of the Interstate Commission on the Delaware River Basin created by the Commission on Interstate Cooperation the sum of twenty-five thousand dollars ($25,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission The chairman of said commission shall file an accounting of said expenses with the Auditor General

For the payment of traveling and other expenses of the delegates of the General Assembly of Pennsylvania in attending the meetings of the American Legislators' Association the sum of two thousand five hundred dollars ($2,500).

For the support of the American Legislators' Association and the Interstate Legislative Reference Bureau established by it to coordinate the work of the various State Legislative Reference Bureaus and other official agencies dealing with legislative matters the sum of two thousand dollars ($2,000) One-half of said appropriation shall be paid during each fiscal year of the biennium in equal quarterly instalments on requisition drawn by the Auditor General Warrants for such payments shall be drawn to the order of the Director of the Interstate Legislative Reference Bureau

For the payment of wages and other compensation of the employes and for the payment of general expenses necessary for the proper conduct of the work of the Joint State Government Commission the sum of twenty-five thousand dollars ($25,000) to be paid on Auditor General Warrants drawn in favor of the chairman of said committee on the presentation of his requisition for the same The said chairman shall file an accounting of the expense of the committee with the Auditor General thirty days after the convention of the next regular session of the Legislature following his appointment

To the Legislative Reference Bureau

For the payment of the salaries of the director assistant director chief compiler compiler and bill drafter compiler and bill reading clerk search clerk messenger and file clerk chief clerk reference librarian stenographers charwomen regularly employed and bill book clerks and stenographers for the two fiscal years beginning June first one thousand nine hundred and thirty-seven and for the session of the General Assembly of one thousand nine hundred and thirty-nine and for maintenance law books incidental expenses traveling expenses and emergency clerical help and emergency assistants if needed for two years for the Legislative Reference Bureau the sum of ninety-four thousand dollars ($94,000)

JUDICIAL DEPARTMENT

For the payment of the salaries of the judges of the Supreme Court and Superior Courts the salaries and mileage of the president and other law judges of the several Courts of Common Pleas in the Commonwealth and the judges of the several Orphans' Courts and for the compensation of common pleas judges holding court in other districts and for the payment of salaries and mileage of associate judges the following sum or as much thereof as may be necessary for the two fiscal years beginning June first one thousand nine hundred and thirty-seven payments to be made monthly by warrant drawn by the Auditor General on the State Treasurer except in the case of associate judges who shall be paid quarterly on August thirty-first November thirtieth February twenty-eighth and May thirty-first of each year but when by reason of death or resignation salary for a fraction of a quarter is due any judge it shall be computed according to the ratio it bears to the whole quarter so as not however to increase or diminish the salary he is entitled to receive under the several acts of Assembly fixing the compensation of judges Provided That at the beginning of the term the interval from first Monday of January to the first Monday of March shall be reckoned as two-thirds of a quarter and at the close of the term the interval from the first day of December to the first Monday of January shall be reckoned as one-third of a quarter

Supreme Court

For the payment of the salaries of the Supreme Court Judges the sum of two hundred seventy-four thousand dollars ($274,000)

For the payment of the salaries or compensation of the briefers investigators stenographers typewriters and clerks and to reimburse the judges of said court for expenses incurred in the discharge of their duties or attendant upon execution of the duties of the office the sum of fifty-six thousand dollars ($56,000)

For the payment of the salary of the deputy prothonotary eastern district the sum of eight thousand six hundred dollars ($8,600)

For the payment of the salary of a chief clerk in the office of the prothonotary of the Supreme Court for the eastern district the sum of six thousand dollars ($6,000)

For the payment of the salary of an assistant chief clerk in the office of the prothonotary of the Supreme Court for the eastern district the sum of three thousand nine hundred dollars ($3,900)

For the payment of the salary of a clerk as assistant to the chief clerk of the prothonotary's office of the Supreme Court in the eastern district the sum of three thousand nine hundred dollars ($3,900)

For the payment of the salary of a record clerk in the office of the prothonotary of the eastern district the sum of six thousand dollars ($6,000)

For the payment of the salaries and expenses of the librarian assistant librarian and for the purchase of books for the library of the Supreme Court at Philadelphia the sum of seventeen thousand three hundred dollars ($17,300)

For the payment of the salary of the deputy prothonotary and clerk middle district the sum of four thousand eight hundred dollars ($4,800)

For the payment of an attendant of the Supreme Court room and office and showroom adjacent thereto middle district the sum of one thousand two hundred dollars ($1,200) payable monthly

For the payment of the salary of a clerk in the office of prothonotary of the Supreme Court western district the sum of six thousand six hundred dollars ($6,600)

For the payment of the salary of a court clerk in the office of the prothonotary of the Supreme Court western district the sum of four thousand eight hundred dollars ($4,800)

For the payment of the salary and expenses of the crier tipstaves official stenographers court officers and social clerk to the Chief Justice of the eastern middle and western districts the sum of sixty-nine thousand five hundred ninety-six dollars ($69,596) Provided That the crier for the middle district shall receive no other compensation from the State

For the purchase of stationery supplies and the payment of the necessary expenses of the said Supreme Court for the eastern district thereof the sum of fifteen thousand five hundred dollars ($15,500) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Supreme Court for the eastern district thereof

For the purchase of stationery supplies books for the library and other necessary expenses of the Supreme Court western district the sum of five thousand five hundred dollars ($5,500) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said court for the said western district thereof

For the payment of the fees of the prothonotaries of the Supreme Court of the eastern middle and western districts on assignment of judges to counties other than their own under an order of the Supreme Court dated February nineteen one thousand nine hundred and nineteen the sum of five thousand dollars ($5,000) payments to be made monthly by the State Treasurer on warrants drawn by the Auditor General

For the payment of the expenses of the Supreme Court in the middle district and the Superior Court of Harrisburg the sum of fifteen hundred dollars ($1,500)

For the payment of expenses of Board of Governance of the Pennsylvania Bar the sum of five thousand dollars ($5,000)

For the payment of the expenses of the Procedural Rules Committee appointed by the Supreme Court to assist it in the preparation revision promulgation publication and administration of general rules of practice for the Courts of this Commonwealth the sum of twenty thousand dollars ($20,000) or as much thereof as may be necessary

Superior Court

For the payment of the salaries of the judges of the Superior Court the sum of two hundred fifty-three thousand dollars ($253,000)

For the payment of the salaries or compensation of the clerks briefers investigators stenographers and typewriters of the Superior Court and to reimburse the judge of said court for expenses incurred in the discharge of their duties the sum of forty-nine thousand dollars ($49,000)

For the payment of the salaries and expenses of the crier and necessary tipstaves of the Superior Court the sum of fifty-six thousand dollars ($56,000)

For the purchase of dockets stationery supplies books for the library and other necessary expenses of the said Superior Court of its officers the sum of ten thousand dollars ($10,000) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Superior Court Philadelphia Harrisburg and Pittsburgh

Common Pleas Courts

For the payment of the salaries of the judges of the Courts of Common Pleas learned in the law in the several judicial districts of the Commonwealth the sum of three million thirty-one thousand five hundred dollars ($3,031,500)

For the payment of the compensation carfare and expenses of judges for holding court outside of their own judicial districts in accordance with law the sum of one hundred thousand dollars ($100,000)

For the payment of mileage allowed common pleas judges in judicial districts containing more than one county as provided by law the sum of five thousand dollars ($5,000)

For the payment of the judges of the Courts of Common Pleas of Dauphin County for clerk hire in accordance with the law the sum of fourteen thousand four hundred dollars ($14,400)

Orphans' Court

For the payment of the salaries of the orphans' court judges in the several judicial districts in which separate Orphans' Courts have been established by law the sum of six hundred eighteen thousand dollars ($618,000)

Family Court of Philadelphia

For the payment of the salaries of the judges of the Family Court of Philadelphia in accordance with law the sum of one hundred sixteen thousand seven hundred dollars ($116,700)

County Court of Allegheny County

For the payment of the salaries of the judges of the County Court for County of Allegheny the sum of one hundred twenty-one thousand dollars ($121,000)

To the Juvenile Court of Allegheny County

For the payment of the salary of the judge of the Juvenile Court of the County of Allegheny the sum of twenty thousand dollars ($20,000)

Retired Judges

For the payment of the salaries of the judges of the Supreme Superior Common Pleas and Orphans' Courts who may resign or retire in accordance with the provision of the Act of Assembly approved June twelfth Anno Domini one thousand nine hundred and nineteen (Pamphlet Laws four hundred sixty-one) the sum of one hundred sixty thousand dollars ($160,000)

Associate Judges

For the payment of the salaries of the associate judges the sum of fifty thousand dollars ($50,000)

For the payment to the associate judges of mileage for the two fiscal years beginning June first one thousand nine hundred and thirty-seven the sum of seven thousand dollars ($7,000)

State Reporter

For the payment of the salary of the State Reporter the sum of ten thousand dollars ($10,000)

For the payment of the salary of the Assistant State Reporter the sum of six thousand dollars ($6,000)

For the payment of stationery clerk hire and assistants the sum of twelve thousand dollars ($12,000)

Section 3 This act is not intended to be inconsistent with or to repeal any provision of any act enacted at this or any prior session of the General Assembly regulating the purchase of supplies the ordering of printing and binding the purchase maintenance and use of automobiles the method of making payments from the State Treasury for any purpose or the functioning of any administrative department board or commission

Section 4 No appropriation made by this act to any department board commission or agency of the Executive Department shall be available unless and until such department board commission or agency shall have complied with sections 604 605 and 606 of The Administrative Code

Section 5 The term "employes" as used in this act shall include all directors superintendents bureau of division chiefs assistants directors assistant superintendents assistant chief experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants in any department board and commission

Section 6 The term "general expenses" shall include all printing binding and stationery food and forage materials and supplies traveling expenses motor vehicle supplies and repairs freight express and cartage postage telephone and telegraph rentals and toll charges newspaper advertising and notices light heat power and water contracted repairs rent of real estate and equipment premiums on workmen's compensation insurance premiums on policies of liability insurance covering the operation of permanently assigned automobiles the purchase of equipment and machinery other than passenger motor vehicles and all other incidental costs and expenses including payment to the Department of Property and Supplies of mileage charges for the use of automobiles and of expenses or costs of service incurred through the Purchasing Fund

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSantis,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 1451, (House Bill No. 2099), as follows:

An Act to further amend sections two hundred forty-six two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) are hereby further amended to read as follows

Section 246 Qualifications Eligibility Compensation The district attorney shall be a person learned in the law who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth [at] for at least two years preceding the time of his election or appointment and who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county In counties of the third class the district attorney shall receive a salary of seven thousand five hundred dollars ($7,500) per annum

In counties of the fourth class the district attorney shall receive a salary of six thousand dollars ($6,000) per annum

In counties of the sixth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Fifty thousand and more but less than sixty thousand twenty-four hundred dollars ($2400)

(b) Sixty thousand and more but less than seventy thousand twenty-seven hundred dollars ($2700)

(c) Seventy thousand and more but less than eighty thousand three thousand dollars ($3000)

(d) Eighty thousand and more but less than ninety thousand thirty-three hundred dollars ($3300)

(e) Ninety thousand and more but less than one hundred thousand thirty-eight hundred dollars ($3800)

In counties of the seventh class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Twenty thousand and more but less than thirty thousand fifteen hundred dollars ($1500)

(b) Thirty thousand and more but less than forty thousand eighteen hundred dollars ($1800)

(c) Forty thousand and more but less than fifty thousand twenty-one hundred dollars ($2100)

In all other classes of counties the district attorney shall receive the salary now provided by law

No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the State excepting in office or commission in the militia of the State during his continuance in office

Section 256 Assistant District Attorneys Number Compensation In counties of the second third fourth fifth and sixth classes the district attorney may appoint such number of assistants learned in the law to assist him in the discharge of his duties as is fixed by this section

In counties of the second class the district attorney shall have authority to appoint one or more assistants learned in the law not exceeding sixteen in number One of said assistants district attorneys who shall be designated as the first assistant shall receive a salary of seventy-five hundred dollars ($7,500) per annum One of said assistant district attorneys who shall be designated as the second assistant shall receive a salary of sixty-five hundred dollars ($6,500) per annum Two of said assistant district attorneys shall receive salaries of six thousand dollars ($6,000) per annum each Four of said assistant district attorneys shall receive salaries of fifty-five hundred dollars ($5,500) per annum each Two of said assistant district attorneys shall receive salaries of five thousand dollars ($5,000) per annum each Two of said assistant district attorneys shall receive salaries of forty-five hundred dollars ($4,500) per annum each and four of said assistant district attorneys shall receive salaries of four thousand dollars ($4,000) per annum each In the event of the appointment of a less number of assistants than sixteen the district attorney shall have the power to determine into which class as to salaries the appointee or appointees shall be placed Said salaries herein provided shall be paid out of the county treasury

For all counties of the third class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of four thousand dollars ($4,000) and three assistant district attorneys at annual salaries of three thousand five hundred dollars ($3,500) each and two assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In all counties of the fourth class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of three thousand five hundred dollars ($3,500) and three assistant district attorneys at annual salaries of three thousand dollars ($3,000) each

In counties of the fifth class [and in counties of the sixth class with the approval of the court] the district attorney shall have authority to appoint not more than two assistant district attorneys The first assistant district attorney shall receive a salary of two thousand five hundred dollars ($2,500) per annum and the second assistant district attorney shall receive a salary of two thousand dollars ($2,000) per annum

In counties of the sixth and seventh classes the district attorney shall have authority to appoint one assistant district attorney In counties of the sixth class having a population of eighty thousand or more such assistant district attorney shall receive a salary of two thousand dollars ($2,000) and in counties of the sixth class having a population of less than eighty thousand such assistant district attorney shall receive a salary of one thousand two hundred and fifty dollars ($1,250) and in counties of the seventh class seven hundred and fifty dollars ($750)

The salary board of any county of the third class in case of an emergency or on account of increased business or unusual circumstances or conditions may authorize the district attorney to appoint such additional assistant district

attorneys as may be approved by the court Provided however That the salary of said appointees shall not exceed the minimum salary provided for assistants in the respective offices

Section 2 Section two hundred sixty-two of said act as last amended by section one of the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 657) is hereby further amended to read as follows

Section 262 Stenographers in Fourth Fifth Sixth Seventh and Eighth Class Counties In counties of the fourth and fifth classes the district attorney may employe a stenographer or stenographers whose combined annual salaries in any one of said counties shall not exceed two thousand five hundred dollars ($2,500) Such salaries shall be fixed by the district attorney

In counties of the sixth class the district attorney may employ a stenographer as an assistant in his office at a salary of not less than seven hundred fifty dollars ($750) nor more than one thousand five hundred dollars ($1,500) a year Said salary to be fixed by the salary board of the county

In counties of the [seventh and] eighth [classes] class the district attorney may with [a] the consent of the county commissioners employ a stenographer as an assistant in his office at a salary not to exceed seven hundred and fifty dollars ($750.00) per year

In counties of the seventh class the district attorney may employ a stenographer as an assistant in his office at a salary of not less than five hundred dollars and not to exceed one thousand dollars ($1000) a year to be fixed by the county commissioners

The salaries of said stenographers shall be paid by the respective counties in the same manner as other county employes are paid.

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gilson,	Lanius,	Rodgers,
Bean,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Pierson,	Shapiro,
Dent,	Jacobs,	Pytko,	Sipe,
DiSilvestro,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gelder,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1379, (House Bill No. 826), entitled:

An Act making an appropriation for the preparation of the Eightieth Division History and creating a commission for such purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Haluska,	Lanius,	Rodgers,
Bean,	Henney,	Law,	Rupp,
Chapman,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Salus,
Deitrick,	Howell,	McGinnis,	Scarlett,
Dent,	Huffman,	Pierson,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sipe,
Eroe,	Jaspan,	Rankin,	Sones,
Frey,	Kahle,	Reed,	Stiefel,
Gelder,	Kilgallen,	Rice,	Thompson,
Gilson,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1398, (House Bill No. 1086) on third reading, entitled:

An Act to fix the compensation of the assistant custodians of the Senate chamber and the hall of the House of Representatives.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1456, (House Bill No. 2401), entitled:

An Act validating certain sheriff's sales of real estate and the title to such real estate in the hands of purchasers their heirs grantees and assigns.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Haluska,	Law,	Rupp,
Bean,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Pierson,	Shapiro,
Dent,	Jacobs,	Pytko,	Sipe,
DiSilvestro,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gelder,	Kunkel,	Rodgers,	Wolfenden,
Gilson,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL DROPPED FROM CALENDAR

Mr. RICE. Mr. President, I move that Senate Bill No. 632, Printer's No. 301, bills on third reading postponed, entitled:

An Act relating to the moving of coal cars in bituminous coal mines and prescribing penalties.

be dropped from the Calendar.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1457, (House Bill No. 1238), entitled:

An Act to validate certain debts and obligations of school districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1458, (House Bill No. 1785) on second reading, entitled:

An Act to further amend section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" by providing for special registration of veterans and certain other persons in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, as I read this bill, it has a defective title. I have called the attention of the sponsor to it and he is preparing amendments, therefore I ask that Senate Bill No. 1459, (House Bill No. 2452), entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by making a further provision for the payment of the tax.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1460, (House Bill No. 2037), entitled:

An Act to re-enact and amend a part of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" providing for the removal and dismissal of policemen in cities of the second class.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That so much of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class' as relates to the removal and dismissal of policemen in cities of the second class is hereby re-enacted to read as follows

No policeman or fireman appointed under this act shall be dismissed without his written consent except by the decision of a court either of trial or inquiry duly determined and certified in writing to the city recorder which court shall be composed of persons belonging to the police or fire force equal or superior in official position therein to the accused Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person The persons composing such court shall be appointed and sworn by the director of the department of public safety to perform their duties impartially and without fear or favor and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth

Such charges may be of disability for service in which case the court shall be one of inquiry whose decision may be for the honorable discharge from the service of the person concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decisions may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service

It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any person charged as aforesaid until such trial can be had with or without pay as such court

shall afterward determine but no trial shall be delayed for more than one month after charge has been made.

On the question,

Will the Senate agree to the Section?

Mr. KILGALLEN. Mr. President I move to amend section 1, page 1, line 9, by inserting after the word "re-enacted" the following: "and amended"; amend section 1, page 1, line 10, by striking out the words "or fireman"; amend section 1, page 2, line 2, by striking out the words "city recorder" and inserting in lieu thereof "mayor"; amend section 1, page 1, line 9, by inserting after the word "of" the following: "not less than three and not more than five"; amend section 1, page 2, line 4, by striking out the words "or fire"; amend section 1, page 2, line 29, by inserting after the word "service" the following: "The right of appeal of the decision of the Trial Board shall be made within five days to the Civil Service Board".

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

Mr. WOLFENDEN. Mr. President, I move to further amend section 1, page 1, line 9, by inserting after the word "re-enacted" the following: "and amended"; amend section 1, page 2, line 2, by striking out the words: "city recorder" and inserting in lieu thereof: "mayor"; amend section 1, page 2, line 3, by inserting after the word "of" the following "seven"; amend section 1, page 2, line 4, by striking out the words: "equal or" and inserting in lieu thereof: "four persons of equal and three persons of"; amend section 1, page 2, line 11, by striking out the words: "appointed and" and inserting in lieu thereof: "drawn by lot of twenty-five names submitted, thirteen by the accused and twelve by the director".

Mr. BEAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

Mr. KILGALLEN. Mr. President, I object to the amendments offered by the Senator from Indiana, and in order that the Senate may understand the discussion, I shall briefly give the facts covering the situation. This bill applies only to the City of Pittsburgh, and it has to do with the method by which police officers who are charged with infractions shall be tried. Under the present system when a police officer is charged with some nonfeasance or misfeasance, of duty, he is given notice of the charges made against him, and on the day appointed he appears before a board. Now, that board is selected in the following manner: here are 25 names of brother officers selected; each name is inscribed on a piece of paper and these 25 names are deposited in a box, then some disinterested person picks out of those 25 names and selects seven, then the police officer has the right of challenge as to two of those members, and the Director of Public Safety, who has charge of this, has the right to challenge two on his account, so that when the challenges are over, there is a board of three to try their brother police officer, and in order to sustain a decision the verdict must be unanimous. We have tried this system for years in Pittsburgh, and it has not been successful so far as the general public is concerned—I understand that fellow officers have some hesitancy of mind in trying their brother officers.

Now, under the present bill, when it comes to the selection of a trial board, the Directors of Public Safety selects three men to try the offending officers, and the amendments offered by the Senator from Indiana changes that number of three to seven, but still has the selection from 25; in other words, we have the same question, putting it back to where it was originally.

This bill, as sponsored by Mr. Sarraff, of the House, has the approval of the Mayor of Pittsburgh, the amendments have his approval, and I think the Senate of Pennsylvania can safely go along with what the Mayor and City Fathers of what Pittsburgh want.

The amendments I have offered simply give the policemen the same opportunity and as any other man when he is accused, it is alike under the policemen or firemen system, it permits on this trial board of seven, four members of his peers. Now, these people only ask that four out will be possible for a man to be tried by his superiors, and under the American system of Government, our entire jury system, a person is entitled to be tried by a jury of his peers. Now, these people only ask that four out of a board of seven may be of equal rank, and three of superior rank. Now, that changes the present set-up; in other words, they are willing to go before a board composed of their peers, but not handicapped by the heads of departments; for if it were to be a trial by his superiors, he could hardly expect to receive as fair treatment by that jury as he would by a jury composed partly of his fellow officers. I think these amendments should be sustained.

Mr. OWLETT. Mr. President, I know very little about the police system in Pittsburgh, but from the argument of the Senator from Allegheny, Mr. Kilgallen, and the explanation of his amendments, it strikes me as to whether or not they are going back to the jury system in Allegheny County. In other words, under the present system, by the clear explanation of the Senator from Allegheny, Mr. Kilgallen, there are 25 names drawn from the whole list of police officers, and from those 25 names, seven names are drawn with the usual right of challenge by the accused and the accuser. Now, if that is not the fundamental system of selecting men to try cases, I am sure I do not know what is.

Now, Mr. President, I ask whether you are going to have an independent police force in the City of Pittsburgh, or if the Director of Public Safety cannot pick the jury, and this gives him the right to pick it, and yet he cannot do it.

Now, this must be another "must" bill, because I understand it has been held in committee since March 27, 1937, and the Committee in the House did not dare to bring it out apparently they brought it out at the last minute, with the usual heat thrown on, just to control the police in the City of Pittsburgh, it is obvious on the face of it.

Mr. KILGALLEN. Mr. President, the Senator from Tioga has a privilege so wide that he can go up and down the state as far west, as far as the different sections of the compass point I am quite certain that if Senator Owlett was a resident of the City of Pittsburgh and knew what conditions were, and knew the evil of this bill is trying to cure, he would not oppose the bill. The Senator from Tioga is not entirely familiar with our conditions, he does not know that we are trying to do with the policemen what we now do with the coroner. The coroner

is now there under a system which is opposed by the Senator from Tioga. I do not want to take up too much of the time of the Senate, I can only say that the representatives in this Chamber, from Allegheny County, and also the representatives in the lower Chamber from Allegheny County, are in accord with this proposition, and so are the city folks back home.

Mr. OWLETT. Mr. President, I just want to say to my good friend and colleague, the Senator from Allegheny County, that I do not claim to know anything about the conditions in the City of Pittsburgh, but I do think that we can read an Act, and when an Act provides that a jury that has been selected by the usual American method, cannot be attacked by one man, that is not the American system, and it does open the door to that one man controlling the police force, and that is all that I object to in this bill. The man that I talked to as representing the policemen of Pittsburgh explained to me that the police force in Allegheny County is out of politics, that they have no complaints of the treatment of their present Mayor, but they do not want to get in the position where the heat can be put on them as we have observed it put on here in the Legislature, and put them into politics.

And the question recurring,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, I would like to inquire whether the Senator from Indiana has accepted the amendment of the Senator from Allegheny? There is nothing in the amendments offered by the Senator from Indiana, that strikes out the amendments offered by the Senator from Allegheny. If the Senate would adopt the amendments of the Senator from Allegheny, I think the printing department will be delayed so much that we will hold the mup in their work. It seems to me the only way we could do that now is vote down the amendments of the Senator from Indiana, and to plan new ones at some other time.

Mr. HUFFMAN. Mr. President, may I ask whether the amendments offered by the Senator from Allegheny were adopted?

The PRESIDENT. The Chair informs the Senator from Monroe, Mr. Huffman, that the amendments were agreed to as offered by the Senator from Allegheny, Mr. Kilgallen, and we are now voting on the amendments offered by the Senator from Indiana, Mr. Wolfenden.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. OWLETT and Mr. GELDER and were as follows, viz:

YEAS—15

Bean,	Ealy,	Howell,	Salus,
Chapman,	Gelder,	Mallery,	Scarlett,
Deitrick,	Heyburn,	Owlett,	Wolfenden,
Dent,	Homsher,	Pierson,	

NAYS—29

Barthold	Huffman,	Law,	Rupp,
Dando,	Jacobs,	McCreesh,	Ruth,
DiSilvestro,	Jaspan,	McGinnis,	Shapiro,
Eroe,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Sones,
Gilson,	Kunkel,	Rice,	Stiefel,
Haluska,	Lanius,	Rodgers,	Thompson,
Henney,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to.

Section 2 The act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws 38) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" and its amendments are hereby repealed in so far as they relate to cities of the second class

Section 3 this act shall become effective immediately upon its final enactment.

The title of the bill was read as follows:

An Act to re-enact a part of section one of Article Three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" providing for the removal and dismissal of policemen in cities of the second class.

On the question,

Will the Senate agree to the title?

Mr. KILGALLEN Mr. President, I move to amend title page 1, line 1 of title, by inserting after the word "re-enact" the following: and amend.

Mr. LAW. Mr. President I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1461, (House Bill No. 2002) entitled:

An Act to amend section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand eighty-three) entitled "An act requiring all persons contracting with the Commonwealth or any department or officer thereof or any municipal corporation division or sub-division of the Commonwealth to accept the provisions of the State Workmen's Compensation Act and to insure the said contractor liability thereunder or secured an exemption from insurance in accordance with the terms of the said act in respect to such contract" by making the Commonwealth or municipality or division or sub-division thereof liable for payment of compensation to persons injured while employed under a contract executed in violation of the provisions of this act

The first and third sections of the bill were read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1083) entitled "An act requiring all persons contracting with the Commonwealth to accept the provisions of the State Workmen's Compensation Act to insure the said contractors' liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract" is hereby amended to read as follows

Section 3 [Any] If any contract is executed in violation of the provisions of this act [shall be null and void] the Commonwealth or any municipal corporation division or sub-division of the Commonwealth being a party thereto shall be regarded as the employer and shall become liable to pay compensation to any person entitled to compensation under the laws of the Commonwealth as the result of employment pursuant to such contract.

On the question,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend Sec. 1 (Sec. 3), page 2, lines 14 to 18, by striking out the words "the Commonwealth or any municipal corporation di-" in line 14, and all of lines 15 to 19 inclusive, and inserting in lieu thereof "it shall be voidable at the option of the Commonwealth or municipal corporation as the case may be"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed,

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to amend section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1083) entitled "An act requiring all persons contracting with the Commonwealth or any department or officer thereof or any municipal corporation division or sub-division of the Commonwealth to accept the provisions of the State Workmen's Compensation Act and to insure the said contractor's liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract" by making the Commonwealth or municipality or division or sub-division thereof liable for payment of compensation to persons injured while employed under a contract executed in violation of the provisions of this act.

On the question,

Will the Senate agree to the Section?

Mr. LAW. Mr. President, I move to amend title, page 1, lines 11 to 14, by striking out the words "the" in line 11, all of lines 12 and 13, and the words "injured while employed under" in line 14; also amend title, page 1, line 15 of title, by inserting after the word "act" the following: "voidable"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to,

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1462, (House Bill No. 2003), entitled:

An Act to amend section eight hundred and five of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by making townships liable for payment of compensation to persons injured while employed under a contract executed in violation of provisions of this act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 708

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 3, 1937.

Resolved (If the House of Representatives concur) That Senate Bill No. 708, entitled:

An Act relating to and regulating the manufacture, keeping storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing permit fees and providing penalties.

be recalled from the Governor for the purpose of amendment.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 280, entitled:

An Act requiring all terminal airports maintaining regular scheduled flights and all radio transmission stations to maintain auxiliary aerial night lighting equipment, and an auxiliary source of electric current to light the same; and providing penalties.

House Bill No. 408, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

House Bill No. 473, entitled:

An Act making an appropriation to the Department of Forests and Waters for the construction of a masonry weir across the Shenango River near the Chestnut Street Bridge, at Sharon, and the construction of a shelter house for recording devices near the weir.

House Bill No. 647, entitled:

An Act to promote public health, morals, safety and welfare by providing for the supervision and encouragment of housing; creating a State Board of Housing, a departmental administrative board within the Department of Health; providing for the organization of the board, the appointment and removal of its members; enumerating it duties and powers, including the powers to conduct investigations, issue subpoenas, apply to courts for punishment of contempts, make orders, rules and regulations, prescribe forms, require reports, supervise the operations of limited dividend housing companies and housing authorities and their members and employees, commence actions to prevent violations of law and to surcharge members of authorities, supervise rentals charged by limited dividend companies, charge fees for services; providing for the selection and removal of the board

employees, providing for appeals from its orders; and making an appropriation.

House Bill No. 880, entitled:

An Act to prohibit the admission in criminal cases, of evidence illegally secured or acquired.

House Bill No. 1055, entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "Public School Code," as added, prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs.

House Bill No. 1141, entitled:

An Act to re-enact and amend the title and the act, approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208), entitled "Corporate Net Income Tax Act" as amended, by extending the provisions of the act for a further period of time; reducing the rate of tax; further defining net income; making further provision for filing reports on a fiscal year basis and for the filing of consolidated reports; providing for the settlement and resettlement of taxes and review and appeal therefrom; imposing duties and conferring powers on the Auditor General; and making further provisions for the retention of records by corporations and for interest penalties.

House Bill No. 1161, entitled:

An Act to amend section four hundred six of the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "Fiscal Code" by making further provisions for the appointment of mercantile appraisers.

House Bill No. 1173, entitled:

An Act to insure and protect fair trade practices in distribution; defining such practices; prohibiting the advertisement, offer for sale or sale of merchandise at less than cost, and fixing a penalty for such advertisement, offer for sale, or sale, and investing the courts with jurisdiction to prevent and restrain violations of the act.

House Bill No. 1330, entitled:

An Act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the City Controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates courts, the entering of bail, and the issuance of discharges in criminal cases in the County of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the Courts of Common Pleas of the County of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act; providing penalties for violations of the provisions thereof and repealing certain prior acts.

House Bill No. 1400, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code" as amended, regulating the sale and further regulating the installation, use and operation of traffic regulation devices, signals, signs, and markings, and the operation of motor vehicles on the highways; affecting the powers of municipal authorities in certain cases and of the Secretary of Highways; and changing and imposing penalties.

House Bill No. 1449, entitled:

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Service Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political sub-divisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

House Bill No. 1570, entitled:

An Act to promote safety for the traveling public on State highways; to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance; to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases, to authorize entry by the Department of Highways into mines in certain cases, and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways, and providing penalties.

House Bill No. 1575, entitled:

An Act to amend section eighteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "School Employes Retirement Law" as amended, authorizing the assignment of retirement rights in certain cases.

House Bill No. 1629, entitled:

An Act dedicating and setting aside certain lands in Lackawanna and Luzerne Counties as a public park and pleasure ground; and imposing certain powers and duties in connection therewith on the Department of Forest and Waters.

House Bill No. 1690, entitled:

An Act regulating the mining of coal; prescribing duties for county commissioners; and imposing penalties.

House Bill No. 1693, entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land.

House Bill No. 1751, entitled:

An Act relating to the practice of Naturopathy; providing a Board of Naturopathic Education and licensure in the Department of Public Instruction, and means and methods whereby the right to practice Naturopahty and any of its branches may be obtained, and for exemptions therefrom; providing for revocation or suspension of licenses by said board and for appeals; and providing penalties for violation thereof.

House Bill No. 1754, entitled:

An Act to amend the act, approved the fifth day of May,

one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine), entitled "Non-profit Corporation Law," by providing for, and regulating the incorporation of, non-profit corporations organized to provide hospital care and service for subscribers; and conferring powers on the Insurance Department with respect thereto.

House Bill No. 1755, entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospital care and service conferring powers on the Insurance Department and the Department of Welfare exempting such corporations from taxation and providing penalties.

House Bill No. 1757, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "Real Estate Brokers License Act of 1929," by further defining real estate brokers and real estate salesmen; and further providing for the licensing, regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business.

House Bill No. 1765, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by restricting the number of assistant county superintendents; providing for county public school psychologists, and establishing standards of eligibility, methods of appointment, duties, salaries, and methods for the payment thereof, for such county public school psychologists.

House Bill No. 1787, entitled:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain Courts of this Commonwealth; to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record; authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties; imposing duties on Judges and other officers of every Court of Record; conferring upon the Supreme Court of Pennsylvania disciplinary powers over judges of all other Courts of Records, including the power to prescribe and impose penalties in the enforcement of such powers.

House Bill No. 1801, entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four), entitled 'Rural State Highway Law" as amended, by changing certain routes and adding certain new routes.

House Bill No. 1817, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

House Bill No. 1921, entitled:

An Act to amend sections four and five of the act, approved the twenty-sixth day of April, one thousand nine hundred and thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A. by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," providing for uniform discount and uniform penalties, making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date, giving the taxpayers option of payment of taxes in quarterly installments.

House Bill No. 2001, entitled:

An Act to amend section four hundred and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," further regulating the creation and abolition of wards.

House Bill No. 2010, entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "City State Highway Law," as amended; by changing certain routes and adding certain new routes.

House Bill No. 2012, entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "Borough Rural State Highway Law," as amended; by changing certain routes and adding certain new routes.

House Bill No. 2040, entitled:

An Act to amend section fifty-nine, as amended, section one hundred ninety, as added, section two hundred four, as amended, and sections two hundred forty-seven and six hundred seventy-five of, to add sections one hundred fifty and one-tenth and one hundred fifty-five to, and to repeal section two hundred five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by changing the provisions for filling vacancies in the office of coroner, sheriff, district attorney and county treasurer, providing for and prescribing the procedure for leasing of real property belonging to counties; and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

House Bill No. 2047, entitled:

An Act to amend section two thousand five hundred fifty-six of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law" as amended, requiring fidelity bonds of deputies and clerks of city treasurers, the premiums thereof to be paid jointly by the county, city and school district.

House Bill No. 2055, entitled:

An Act authorizing any county and city, in any county in which the county seat is within the limits of such city, to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city; and providing for the appointment of a board of managers, and for professional staffs and employes, and for the apportionment of costs and expenses.

House Bill No. 2263, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

House Bill No. 2264, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

House Bill No. 2379, entitled:

An Act to amend section two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred ninety-two), entitled "An act to provide revenue by taxation" by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 213

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has adopted the report of the Committee of Conference to Senate Bill No. 213, entitled:

An Act to amend section eighteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," requiring local ordinances in certain cases to conform to this act and the regulations made thereunder.

BILL SIGNED

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 213, entitled:

An Act to amend section eighteen of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and to this act and the regulations made thereunder so far as relates to the production and handling of "milk for pasteurization" upon "dairy farms."

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1962

The Clerk of the House of representatives being introduced presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1962, entitled:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic an topographic surveys and studies and the publication of the results thereof and also the republication of certain surveys and studies in order to make the same available to the citizens of the State.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 865

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 865, entitled:

An Act making an appropriation to the Elwyn Traning School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania.

BILL ON SECOND READING

Mr. SHAPIRO. Mr President, I call up Senate Bill No. 1458, (House Bill No. 1785) on second reading.

Agreeably to order,

The rule requiring bills o be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1458, (House Bill No. 1785), entitled:

An Act to further amend section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred eight) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" by providing for special registration of veterans in certain cases

The first and second sections of the bill were read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" as last amended by section two of the act approved the sixteenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 613) is hereby further amended to read as follows

Section 16 (a) That the Pennsylvania Board of Pharmacy may in its discretion register as a pharmacist without examination any person who is duly so registered by examination in some other State Provided That the said person shall produce satisfactory evidence of having had the required secondary and professional education and is possessed of good character and morals demanded of applicants for registration as pharmacist under the provisions of the pharmacy act of Pennsylvania excepting that persons of good moral character who have become registered as pharmacists by examination, in other States prior to May seventeenth one thousand nine hundred and seventeen shall be required to meet only the requirements which existed in Pennsylvania at the time when they became

registered in such other State And provided also That the State in which such person is registered shall grant registration as a pharmacist without examination to pharmacists duly registered by examination in the State of Pennsylvania Applicants for such registration in Pennsylvania shall pay a fee of fifteen ($15) dollars for the application and expense of making an investigation of their character general reputation and pharmaceutical standing in the State where they have resided by the Pennsylvania Board of Pharmacy A fee of twenty-five ($25) dollars shall be paid for the registration and certificate thereof

(b) The Pennsylvania Board of Pharmacy in order to be informed and to determine the status of boards of pharmacy of other States desiring to affect agreements for reciprocal registration of pharmacists and in order also to be advised regarding the progress of pharmacy throughout the country shall annually select one of its member to meet with like representatives from other State boards of pharmacy At such meetings when arranged there shall be discussed the degree of fitness for registration which is required by the several State boards of pharmacy The Pennsylvania Board of Pharmacy through its representatives may with like representatives from other State boards of pharmacy join in creating and maintaining an association of representatives of the several State boards of pharmacy to be engaged in the general advancement of pharmacy and the keeping of records pertaining to reciprocal registration of pharmacists and in its discretion may give to such association information which it possesses relating to such aims and objects The Pennsylvania Board of Pharmacy at an expense not to exceed twenty-five ($25) dollars per annum may subscribe for and secure the services of an association engaged in the compilation of pharmaceutical information knowledge and progress specially adopted to secure efficiency in the work of the board

(c) Every person registered in Pennsylvania as an assistant pharmacist who has served in the armed forces of the United States and who can present an honorable discharge from such service and who has had fifteen years experience as an assistant pharmacist and every person registered in Pennsylvania as an assistant pharmacist or registered as a pharmacist in any other state who has been in the retail drug business for at least twenty-five years the last fifteen years of which were in this Commonwealth may apply during a period of ninety days from the approval of this act on a form provided by the State Board of Pharmacy for registration as a pharmacist Upon approval of said application after an oral examination and payment of a fee of fifty ($50) dollars the State Board of Pharmacy shall grant and the Department of Public Instruction shall issue a certificate of registration as a pharmacist to such person without requiring him to meet other provisions of law which may otherwise prevail for registration

Section two This act shall become eective immediately upon its final enactment

The title of the bill was read as follows:

An Act to further amend section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof imposing penalties," requiring local ordinances to conform defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" by providing for special registration of veterans in certain cases

On the question,

Will the Senate agree to the title?

Mr. SHAPIRO. Mr. President, I move to amend title, page 1, line 13 of title, by inserting after the word "veterans" the following: "and certain other persons".

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

HOUSE MESSAGES

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1177

The Clerk of the House of Representatives informs the Senate that it has non-concurred in amendments made by the Senate to House Bill No. 1177, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years, beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 1177

Mr. RICE. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 1640 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 1640, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736) entitled as amended "Workmen's Compensation Act of 1915," as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

and has appointed Messrs. Caputo, Schor, and Wall as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. RICE. Mr. President, I move that a Committee of conference be appointed to confer with a committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, that Messrs. Mundy, Thompson and Gelder,

be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

ANNOUNCEMENTS BY THE SECRETARY

Will the Senators please before the final adjournment, turn over the keys to their desks and lockers to Elwood Bauman, the Senate Librarian.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess until 10:00 p. m. tonight.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE, (Mr. Harvey Huffman) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from his Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL NO. 708

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 708, Printer's No. 800, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

APPROVAL OF SENATE BILLS NOS. 6, 337 AND 885

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 6, Printer's No. 632, entitled "An Act relating to employes and organizations thereof defining labor disputes prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof declaring certain undertakings and promises between employers and employes contrary to public policy and void prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions prescribing the procedure in case of appeal from granting injunctions limiting the duration of temporary and permanent injunctions in case of labor disputes and providing for the payment of costs and repealing all acts or parts of acts inconsistent herewith.

Senate Bill No. 337, Printer's No. 415, entitled "An Act relating to memorial halls in counties of the second class erected in memory of the soldiers sailors and marines who served in the Civil War and providing for the use upkeep and management and control of such halls."

Senate Bill No. 885, Printer's No. 450, entitled "An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training re-training instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions coferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation" in the amount of $50,000.

GEORGE H. EARLE.

APPROVAL OF SENATE BILLS NOS. 931, 1086, 1133

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 931, Printer's No. 401, entitled, "An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments claims and liens.

Senate Bill No. 1086, Printer's No. 377, entitled, "An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof."

Senate Bill No. 1133, Printer's No. 475, entitled "An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations:

JUDGE OF COURT OF COMMON PLEAS OF TENTH JUDICIAL DISTRICT

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Richard D. Laird, of Greensburg, Westmoreland County, for appointment as Judge of the Court of Common Pleas of the Tenth Judicial District, vice Charles D. Copeland resigned, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

MEMBER OF STATE BOARD OF OPTOMETRICAL EXAMINERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate A. M. Peters, of Danville, Montour County, for appointment as a member of the State Board of Optometrical Examiners, for the term of four years, to fill a vacancy.

GEORGE H. EARLE.

MEMBERS OF BOARDS OF TRUSTEES OF DANVILLE STATE HOSPITAL
MANSFIELD STATE TEACHERS COLLEGE
MILLERSVILLE STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

C. W. Ashley, of Bloomsburg, Columbia County, for appointment as a member of the Board of Trustees of Danville State Hospital, for the term of four years, and until his successor is appointed and qualified, vice Edward J. Mullen, of Bloomsburg, deceased.

Mrs. Mary V. Darrin, of Wellsboro, Tioga County, for re-appointment as a member of the Board of Trustees of Mansfield State Teacher's College, for the term of four years, and until her successor is appointed and qualified.

Mr. Anna L. Atlee, of Millersville, Lancaster County, for re-appointment as a member of the Board of Trustees of Millersville State Teacher's College for the term of four years, and until her successor is appointed and qualified.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patrick F. Early, of Bridgeport, Montgomery County, for appointment as Justice of the Peace in the Borough of Bridgeport, Montgomery County, until the first Monday of January, 1938, vice Gerald McCaffery, of Bridgeport, deceased.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 1177 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced presented communication from the House informing the Senate that the House insists upon its non-concurrence in the amendment made by the Senate to House Bill No. 1177, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years, beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven.

and has appointed Messrs. Cohen, Gerard and Turner as a Committee of Conference to confer with a similar Committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. LAW. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill and that a Committee of Conference be appointed to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. FREY. Mr. Prsident, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Executive Nominations reported with favorable recommendations the following nominations made by His Excellency the Governor of the Commonwealth:

JUDGE OF THE ORPHANS' COURT OF DELAWARE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. McDonough, of Chester, Delaware County, for appointment as Judge of the Orphans' Court of Delaware County, vice John Berne Hannum, of Chester, deceased, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

MEMBER OF BOARD OF TRUSTEES EAST STROUDSBURG STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Howley, of Pittston, Luzerne County, for appointment as a member of the Board of Trustees of East Stroudsburg State Teacher's College, vice Richard P. McNichols, of Scranton, whose term expired, for the term of four years and until his successor is qualified.

GEORGE H. EARLE.

MEMBER OF BOARD OF TRUSTEES OF EAST STROUDSBURG TEACHER'S COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointment, Board of Trustees of East Stroudsburg State Teacher's College: Mary B. McAndrew, of Carbondale, Lackawanna County, for the term of four years, and until her successor is qualified, vice Thomas Heffernan, of Wilkes-Barre, resigned.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

J. W. King, 336 4th Ave., Pittsburgh.
Miss Beulah A. Loadman, 1105 Plaza Bldg., Pittsburgh.

HUNTINGDON COUNTY

J. W. Leabhart, Huntingdon.

LANCASTER COUNTY

Chas. H. Koch, Lancaster.

LEHIGH COUNTY

David A. Lesavoy, Allentown.

WASHINGTON COUNTY

J. W. Edwards, California.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

McKEAN COUNTY

Fred B. Nicholas, Bradford.

WESTMORELAND COUNTY

Miss Esther L. Feldman, Monessen.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Camille Consales, McKeesport.
C. L. Netting, Gulf Bldg., Pittsburgh.
James C. Nichols, 205 S. Matilda St., Pittsburgh.

DAUPHIN COUNTY

Mrs. Helen V. Kemp, Harrisburg.

DELAWARE COUNTY

Miss May C. Reese, Rutledge, Ridley Twp.

ERIE COUNTY

Miss Kathryn McCarty, Erie.

LACKAWANNA COUNTY

Joseph Gorski, Dickson City.

PHILADELPHIA COUNTY

Rudolph A. Herzog, Schaff Bldg., Philadelphia.
Miss Rosanna M. Hill, 1520 Locust St., Philadelphia.
Chas. P. LaGrossa, 343 S. 13th St., Philadelphia.
Miss Elizabeth L. Miglio, 1211 Chestnut St., Philadelphia.

VENANGO COUNTY

Miss Edith M. Leach, Oil City.

GEORGE H. EARLE

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all nominations reported at to-day's session.

Which was agreed to,

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Haluska,	Mallery,	Ruth,
Bean,	Henney,	McCreesh,	Salus,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson,	Law,		Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

RESOLUTION RELATIVE TO THE RETIREMENT OF THE HONORABLE JOHN B. KELLY, SECRETARY OF REVENUE OF THE COMMONWEALTH OF PENNSYLVANIA

Mr. DiSILVESTRO. Mr. President, I ask unanimous

consent to offer a resolution at this time, and ask its immediate adoption.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO offered the following resolution, which was twice read, considered and agreed to:

In the Senate, June 3, 1937.

Whereas, The Honorable John B. Kelly has announced his intention of retiring from the office of Secretary of Revenue, at the close of the present session of the General Assembly; and

Whereas, He has served the Commonwealth in the capacity of Secretary of Revenue with much honor; and

Whereas, He will be remembered for his strenuous efforts to make the highways of this Commonwealth safe, not only for motorists, but also for pedestrians; and

Whereas, He will also be remembered for the fair and impartial manner in which he administered the tax laws; and

Whereas, He was loved by his friends and respected by his enemies; therefore be it

Resolved, (If the House of Representatives Concur), That the General Assembly, hereby expresses its sincere regret that the Hon. John B. Kelly finds it necessary to retire from the office of Secretary of Revenue and to resume his private business affairs; and be it further

Resolved, That it is the wish of the members of the General Assembly, that he shall have success, good health and much happiness in any new venture.

Mr. DiSILVESTRO. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. KUNKEL. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Dauphin, Mr. Kunkel, will state his question of personal privilege.

Mr. KUNKEL. Mr. President, in February last, in the town of Hershey, Pennsylvania, a disgraceful riot occured. That riot arose out of an industrial dispute. I do not intend to express any opinion as to the merits of that dispute, but out of the riotous conduct of the mob, on that occasion, criminal acts were perpetrated. In one instant, one man an American citizen, over sixty years of age, was beaten over the head with an iron pipe by three assailants, whom he knew and identified. That victim made complaints before an Alderman in this City, presented his testimony, identified his assailants, charging them with aggravated assault and battery. The defendents offered no testimony in extenuation of their unlawful conduct; they put in no defense. They were held to appear before the Court of Quarter Sessions of the Dauphin County Court at its June term. The case was presented before the Grand Jury in the Dauphin County Court, and the Grand Jury ignored the bill of indictment and put the costs upon the prosecutor.

Mr. President, it seems to me that a situation like that, if it is permitted to pass unchallenged may affect the very foundations of our Democratic Government. Desiring to protest against that State of affairs, I have prepared a Resolution, which I will read with the indulgence of the indulgence of the Senate:

RESOLUTION URGING THE FAIR AND IMPARTIAL ENFORCEMENT OF THE CRIMINAL LAWS OF THIS COMMONWEALTH IN CASES ARISING OUT OF INDUSTRIAL AND PRIVATE DISPUTES

Mr. KUNKEL. Mr. President, I ask unanimous consent to offer a resolution.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL offered the following resolution, which was twice read:

In the Senate of Pennsylvania, June 3, 1937.

Whereas, A riot occurred at Hershey, Pennsylvania, April 7, 1937 in which Petio Foschetti, an American citizen and resident of the country for 32 years, and faithful employee of the Hershey Chocolate Company for fifteen years, was attacked by three men, named William Spinner, Jack Wetzel and George Brandt; and

Whereas, Pietro Foschetti made information against the said assailants before an alderman of the city of Harrisburg, charging these with the crime of aggravated assault and battery; and

Whereas, At the hearing before an alderman the defendents were indisputably identified as the individuals who attacked the prosecutor, striking him with an iron pipe and beating him with a blackjack and club, so that his head was badly cut and he was rendered partly unconscious; and

Whereas, At said hearing before the alderman, the defendents presented no defense and offered no testimony in extenuation of their unlawful assault, and were accordingly each held under $500 bail for the June session in the Dauphin County court; and

Whereas, The Grand Jury, whose proceedings are secret, has this day, to wit; June 3rd, 1937, ignored the Bill of Indictment and the injured prosecutor has thus been denied the use of the process of the criminal law which contemplates public trial in open court by an impartial jury, and in addition the Grand Jury imposed upon the prosecutor all the costs in the case and

Whereas, From the said recital of facts, it appears that the Grand Jury of Dauphin County, by its actions, has failed to apply criminal laws of this state in a case arising out of industrial dispute and on the contrary has deliberately and openly seen fit to penalize an American citizen who sought only impartial enforcement of the criminal law; therefore be it

Resolved, that the criminal laws of this Commonwealth should be fairly and impartially enforced in cases arising out of industrial disputes as well as in cases arising out of private disputes, and in all other cases irrespective of the circumstances or situations giving rise to unlawful acts, and that if subversive influences, economic or social prejudices or predilections are permitted to effect the impartial administration of the criminal law, democratic institutions under our Amreican system may eventually be endangered.

Mr. KUNKEL. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

Mr. LAW. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. LAW. Mr. President, I would suggest that this go to the Committee on Rules.

The PRESIDENT. Objection is made, and it has been

suggested that the Resolution go to the Committee on Rules.

Mr. KUNKEL. Mr. President, I desire to interrogate the Senator, from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. KUNKEL. Mr. President, what is the objection to immediate consideration of that Resolution?

Mr. LAW. Mr. President, simply that I think it would be advisable that the Resolution be studied. The Resolution is of considerable length, and I think that it is hardly fair, in view of the fact that this is something that just happened, today, to act on it without study.

Mr. KUNKEL. Mr. President, I tried to read the Resolution so that everybody would understand it. There is nothing about it that requires study, it simply upholds the proposition of equality before the law; and I see no objection to its immediate consideration.

The PRESIDENT. Objection has been made, and the Resolution has been referred to the Committee on Rules.

MOTION TO SUSPEND RULES

Mr. KUNKEL. Mr. President, I move that the rule requiring unanimous consent be suspended, and the Senate proceed to the consideration of the resolution.

The PRESIDENT. May I suggest to the Senator from Dauphin that the Rules Committee can meet immediately after the Session; and report can be made promptly, if that is satisfactory?

Mr. KUNKEL. Mr. President, I am very willing to take the suggestion but I see absolutely no necessity for a Committee studying an investigation on the simple proposition set forth in this resolution.

POINT OF ORDER

Mr. GELDER. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Susquehanna, Mr. Gelder, wil state his point of order.

Mr. GELDER. Mr. President, the resolution has already been referred to the Committee. There is nothing before the Senate.

The PRESIDENT. The point of order of the Senator from Susquehanna, Mr. Gelder, is well taken. The resolution has been referred.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL NO. 359

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 359, entitled:

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley car, incorporated under the law of this Commonwealth, to acquire the corporate power, franchises, property, rights, and credits of such company.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 365

He also returned to the Senate, Senate Bill No. 365, entitled:

An Act to further amend the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and repealing inconsistent acts.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 413

He also returned to the Senate, Senate Bill No. 413, entitled:

An Act to amend section six as amended in part, and section ten of the act approved the thirty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled, An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates;" further regulating the qualifications and examination of applicants for said certificates of qualification, and the employment of foremen and assistant foremen in such mines.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 486

He also returned to the Senate, Senate Bill No. 486, entitled:

An Act to further amend section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" making additional provisions for the filing of tax claims.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 571

He also returned to the Senate, Senate Bill No. 571, entitled:

An Act to amend section sixteen of an act, approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight),

entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships of counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of townships county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvements providing for payment of cost of improvement and repairs providing penalty for injury or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of records and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 740

He also returned to the Senate, Senate Bill No. 740, entitled:

An Act to re-enact and amend the act approved the tenth day of March, one thousand nine hundred and thirty-seven (Act No. 21) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing method for the ascertainment of proper weights and measurements through check-weighmen and check-measurers elected by the miners; imposing duties and liabilities upon operators; and imposing penalties;" clarifying the provisions of said act; providing for the filing of complaints with the Court of Common Pleas and for the procedure thereon; and providing additional penalties.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 435

He also returned to the Senate, Senate Bill No. 435, entitled:

An Act to amend section five of the act, approved the nineteenth day of April, one thousand nine hundred and one (P. L. 88) entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," as amended; fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 681

He also returned to the Senate, Senate Bill No. 681, entitled:

An Act to amend section five of the act, approved the twenty-ninth day of November one thousand nine hundred thirty-three (one thousand nine hundred thirty-three and one thousand nine hundred thirty-four Pamphlet Laws thirteen) entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board" by making further provision with respect to the fidelity bonds of the members secretary and employes of the board.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 785

He also returned to the Senate, Senate Bill No. 785, entitled:

An Act authorizing political sub-division other than cities of the first class to set-off delinquent taxes and municipal claims and penalties, interest and costs due thereon against claims and accounts due by such political subdivisions.

with the information that the House has passed the same without amendment.

HOUSE CONCURS N SENATE BILL NO. 874

He also returned to the Senate, Senate Bill No. 874, entitled:

An Act to amend the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (P. L. 1314), entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political sub-divisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation," by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police, and providing for the payment into the Motor License Fund of moneys received or collected under the act.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 917

He also returned to the Senate, Senate Bill No. 917, entitled:

An Act to establish as a State highway a certain section of public road in the Counties of Franklin and Adams and providing for its construction and maintenance at the expense of the Commonwealth.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 950

He also returned to the Senate, Senate Bill No. 950, entitled:

An Act relating to the settlements of accounts of collectors of county taxes; providing for procedure in such cases and for appeals to Courts of Common Pleas.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 995

He also returned to the Senate, Senate Bill No. 995, entitled:

An Act to further amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled, "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 999

He also returned to the Senate, Senate Bill No. 999, entitled:

An Act to amend section three hundred eleven, as amended, of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the second class.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1007

He also returned to the Senate, Senate Bill No. 1007, entitled:

An Act to add section four hundred seven and one-tenth to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing and regulating the designation of certain banking institutions as deputy county tax collectors by the board for the selection of depositories in counties of the second class and defining their powers and duties.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1041

He also returned to the Senate, Senate Bill No. 1041, entitled:

An Act to amend section one thousand two hundred and two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," requiring teachers to be citizens, except in certain cases.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1109

He also returned to the Senate, Senate Bill No. 1109, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one ((Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the beginning of a revolving fund for street sidewalk and sewer improvements by funds raised from bond issues.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1110

He also returned to the Senate, Senate Bill No. 1110, entitled:

An Act to add subdivision (h) to Article Fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing for a revolving fund for permanent street sidewalk and sewer improvements.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1116

He also returned to the Senate, Senate Bill No. 1116, entitled:

An Act to amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred fifty-nine) entitled "An act granting the right and lawful authority to corporations to construct operate and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply subject to the approval of the Water Supply Commission" extending the provisions of said act to additional corporations.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1137

He also returned to the Senate, Senate Bill No. 1137, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of equal annual instalments and to authorize the making of contracts, the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act; requiring annual provision for payment of mandamus executions and suspending inconsistent legislation.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1144

He also returned to the Senate, Senate Bill No. 1144, entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto; for the insurance of owners of real estate mortgages and others interested in real estate, from loss by reason of defective titles, liens and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplement thereto'; approved June twenty-seventh one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies' by providing that certain companies shall not be subject to the tax.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1156

He also returned to the Senate, Senate Bill No. 1156, entitled:

An Act authorizing and regulating the issuing by cities of the second class of non-debt revenue bonds for the construction or acquisition of waterworks and for extensions and improvements to waterworks; providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers; and establishing the rights of bondholders.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1168

He also returned to the Senate, Senate Bill No. 1168, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1301

He also returned to the Senate, Senate Bill No. 1301, entitled:

An Act providing for the erection, construction and equipment of armories for the use of the Pennsylvania National Guard; designating the manner of acquiring or setting aside of land for the erection and construction of armories thereon by the General State Authority; authorizing the Commonwealth to lease such armories and their grounds from The General State Authority upon their completion and the Armory Board of the State of Pennsylvania to manage and operate the same; and conferring powers and imposing duties upon certain State departments and boards.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1308

He also returned to the Senate, Senate Bill No. 1308, entitled:

An Act to amend section four hundred and one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by further regulating depositories of funds of counties of the second class.

with the information that the House has passed the same without amendment.

SENATE BILL NO. 189 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 189, entitled:

An Act to amend sections two hundred and two of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth by providing additional penalties for killing fish by pollution or explosions.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 222 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 222, entitled:

An Act to amend sections five hundred and fifty-nine and five hundred and sixty-two of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation there-

of; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the collection of taxes for which collectors have been exonerated and other delinquent taxes; and authorizing the appointment of collectors of delinquent taxes therefor.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 314 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 314, entitled:

An Act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 339 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 339, entitled:

An Act to amend the act approved the thirteenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws 205) entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged" by making the same applicable to the surviving company in case of a merger and by modifying the limitations restrictions and conditions affecting the issue of stock and bonds.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 758 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 758, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws five hundred fifty-three) entitled, "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of autotmobiles ,under certain circumstances to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revnue, the State Treasurer, and prothonotaries; and prescribing penalties," by further requiring operators and owners of automobiles, under certain circumstances to furnish proof of financial responsibility, and further regulating insurance policies which may be accepted as proof of financial responsibility; imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth; imposing further duties upon owners and operators of vehicles, providing exceptions imposing duties upon insurers and upon brokers agents or representatives of insurers; providing for the payment of judgments in installments; prescribing additional penalties; and adding new sections.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 856 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 856, entitled:

An Act providing that all appointments made by the county commissioners in counties of the first class shall be equally divided between the majority and minority commissioners, respectfully submit the following bill as our report.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1020 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1020, entitled:

An Act to amend section two thousand six hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local. or any parts thereof. that are or may be inconsistent therewith;" providing for the employment by school auditors and for the compensation of an attorney.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1105 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1105, entitled:

An act concerning proxies; authorizing representation and voting of capital stock of railroad corporations at metings and elections thereof.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1119 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1119, entitled:

An Act providing for the qualifications, examination, appointment, term of office and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthra-

cite Mine Inspectors' Examining Board, the Department of Mines and the courts; and imposing penalties.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1153 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1153, entitled:

A Supplement to the act approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of the cities of the second class;" establishing a Department of Lands and Buildings in said cities; providing for its officers and employes; defining the powers, duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1154 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1154, entitled:

An Act to amend Article Four of the act approved the seventh day of March, one thousand nine hundred one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class," transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1157 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1157, entitled:

An Act authorizing and empowering cities of the second class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase, lease, gift, and the power of eminent domain, and to use, sell and purchase water within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages, and repealing inconsistent laws.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1210 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1210, entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons, firms or corporations to erect office buildings, and to lease such office buildings for the use of the Commonwealth, the same to become the property of the Commonwealth upon termination of said lease.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1251 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1251, entitled:

An Act to amend section one of the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Act No. 108), entitled, "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class," by making further provisions relative to the appointment of members of the said board.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1266 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1266, entitled:

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1358 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1358, entitled:

An Act to amend section six of the act approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five, of article fourteen, of the constitution, relative to the salaries of county officers and the payment of fees received by them into the state or county treasury, in counties containing over one hundred and fifty thousand inhabitants;" by providing that in counties of the first class, salaries of respective county offices shall not exceed the amount fixed by the tax levying body of such county for such offices.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

HOUSE CONCURS IN AMENDMENT TO HOUSE BILL NO. 2099

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2099, entitled:

An Act to further amend sections two hundred forty-six, two hundred fifty-six, and two hundred sixty-two of the act aproved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" fixing the salary of the district attorney, and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth and seventh classes.

HOUSE CONCURS IN AMENDMENT TO HOUSE BILL NO. 2401

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2401, entitled:

An Act validating certain sheriffs' sales of real estate and the title to such real estate in the hands of purchasers their heirs, grantees and assigns.

HOUSE ADOPTS REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL NO. 1978

He also presented communication from the House of Representatives, informing the Senate that the House has adopted the report of the Committee of Conference on House Bill No. 1978, entitled:

A Supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 359, entitled:

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley car incorporated under the law of this Commonwealth, to acquire the corporate power, franchises, property, rights, and credits of such company.

Senate Bill No. 365, entitled:

An Act to further amend the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and repealing inconsistent acts.

Senate Bill No. 413, entitled:

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines.

Senate Bill No. 435, entitled:

An Act to amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-eight) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings.

Senate Bill No. 486, entitled:

An Act to further amend section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and piror acts of Assembly;" making additional provision for the filing of tax claims.

Senate Bill No. 571, entitled:

An Act to amend section sixteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468) entitled "A act providing for the establishment of a State Highway Department, by the appointment of State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman ,superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing the salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers in the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof, conferring authority on the State Highway Commissioners; providing for the payment of damages in taking of property, or otherwise in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein, providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvements, maintenance and repair of township or county roads and prescribing the contents of townships, county, borough, or incorporated town petitions; providing for percentage cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same, providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used

in the improvements; providing for payment of cost of improvement and repairs, providing penalty for injuring or destroying State Highways; making appropriation to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of records, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended, by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits.

Senate Bill No. 681, entitled:

An Act to amend section five of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three one thousand nine hundred thirty-four, Pamphlet Laws thirteen), entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Board," by making further provision with respect to the fidelity bonds of the members, secretary and employes of the board.

Senate Bill No. 740, entitled:

An Act to re-enact and amend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act No. twenty-one) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasures elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarifying the provisions of said act providing for the filing of complaints with the Court of Common Pleas and for the procedure thereon and providing additional penalties.

Senate Bill No. 785, entitled:

An Act authorizing political sub-divisions other than cities of the first class to set-off delinquent taxes and municipal claims and penalties, interest and costs due thereon against claims and accounts due by such political sub-divisions.

Senate Bill No. 874, entitled:

An Act to amend section forty of the act approved the twenty-ninth day of April, one thousand eight hundred seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations" providing for the renewal of charters of corporations, the charters, franchises and property of which have been purchased by another corporation.

Senate Bill No. 917, entitled:

An Act to establish as a State highway a certain section of public road in the Counties of Franklin and Adams and providing for its construction and maintenance at the expense of the Commonwealth.

Senate Bill No. 950, entitled:

An Act relating to the settlements of accounts of collectors of county taxes providing for procedure in such cases and for appeals to Courts of Common Pleas.

Senate Bill No. 995, entitled:

An Act to further amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the condition on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid.

Senate Bill No. 999 entitled:

An Act to amend section three hundred eleven as amended of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the second class.

Senate Bill No. 1007 entitled:

An Act to add section four hundred seven and one-tenth to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing and regulating the designation of certain banking institutions as deputy county tax collectors by the board for the selection of depositors in counties of the second class and defining their powers and duties.

Senate Bill No. 1041 entitled:

An Act to amend section one thousand two hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teachers to be citizens except in certain cases.

Senate Bill No. 1109 entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising consolidating, and changing the law relating thereto," providing for the beginning of a revolving fund for street, sidewalk and sewer improvements by funds raised from bond issues.

Senate Bill No. 1110 entitled:

An Act to add sub-division (h) to Article Fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing for a revolving fund for permanent street, sidewalk and sewer improvements.

Senate Bill No. 1116 entitled:

An Act to amend section one of the act, approved the eighth day of July, one thousand nine hundred and nine-

teen (P. L. 759), entitled "An act granting the right and lawful authority to corporations to construct, operate, and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply, subject to the approval of the Water Supply Commission," extending the provisions of said act to additional corporations.

Senate Bill No 1137 entitled:

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania, by adding section eighteen.

Senate Bill No. 1144 entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto; for the insurance of owners of real estate mortgages and others interested in real estate, from loss by reason of defective titles, liens and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplement thereto"; approved June twenty-seventh one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies" by providing that certain companies shall not be subject to the tax.

Senate Bill No. 1156 entitled:

An Act authorizing and regulating the issuing by cities of the second class of non-debt revenue bonds for the construction or acquisition of waterworks and for extensions and improvements to waterworks; providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers; and establishing the right of bondholders.

Senate Bill No. 1168 entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard," as amended, by the act approved the twelfth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws six hundred eighty-one), by providing that service in excess of thirty-nine years and five months may be counted as more than forty years of service.

Senate Bill No. 1301 entitled:

An Act providing for the erection, construction and equipment of armories for the use of the Pennsylvania National Guard; designating the manner of acquiring or setting aside of land for the erection and construction of armories thereon by the General State Authority; authorizing the Commonwealth to lease such armories and their grounds from The General State Authority upon their completion and the Armory Board of the State of Pennsylvania to manage and operate the same; and conferring powers and imposing duties upon certain State Departments and boards.

Senate Bill No. 1308 entitled:

An Act to amend section four hundred and one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh eighth and classes and revising amending and consolidating the laws relating thereto" as amended by further regulating depositories of funds of counties of the second class.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 1177 (S. B. 1411)

The PRESIDENT. The President Pro Tempore, announces the appointment of the following Committee of Conference, on the part of the Senate, on House Bill No. 1416, Messrs. Sones, Frey and Owlett.

MEMBER OF JOINT LEGISLATIVE COMMITTEE TO MAKE INVESTIGATION OF THE ADVISABILITY OF CENTRALIZING STATE AGENCIES IN PHILADELPHIA AND PITTSBURGH.

The PRESIDENT. The President Pro Tempore announces the appointment of the Senator from Allegheny, Mr. McGinnis, as a member of the Joint Committee to investigate the advisability of centralizing State agencies in Philadelphia and Pittsburgh.

MEMBERS OF JOINT LEGISLATIVE COMMISSION ON INTERSTATE CO-OPERATION

The PRESIDENT. The President Pro Tempore announces the appointment of the following as members of the Joint Legislative Commission on Interstate Co-operation: The Senator from Lehigh, Mr. Rupp, the Senator from Allegheny, Mr. Rodgers, the Senator from Cumberland, Mr. Jacobs, the Senator from Erie, Mr. Gilson, and the Senator from Philadelphia, Mr. Woodward.

SENATE BILL No. 189 RETURNED WITH AMENDMENTS.

Mr. LAW, Mr. President, I call up at this time Senate Bill No. 189, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 189, entitled:

An Act to amend section two hundred and two of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing additional penalties for killing fish by pollution or explosions.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gilson,	Law,	Rodgers,
Bean,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Owlett,	Sipe,
Deitrick,	Jaspan,	Pierson,	Sones,
Dent,	Kahle,	Pytko,	Stiefel,
DiSilvestro,	Kilgallen,	Rankin,	Wolfenden,
Eroe,	Kunkel,	Reed,	Huffman,
Frey,	Kunkel,	Rice,	Pres. Pro. Tem.
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 314 RETURNED WITH AMENDMENTS.

Mr. LAW, Mr. President, I call up at this time Senate Bill No. 314, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill Bill No. 314, entitled:

An Act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (P. L. 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Scarlett,
Dando,	Heyburn,	McGinnis,	Shapiro,
Deitrick,	Homsher,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	Huffman,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 339 RETURNED WITH AMENDMENTS.

Mr. LAW, Mr. President, I call up at this time Senate Bill No. 339, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 339, entitled:

An Act to amend the act approved the thirteenth day of May one thousand eight hundred and eighty-nine (P. L. 205) entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore consolidated and merged" by making the same applicable to the surviving company in case of a merger and by modifying the limitations restrictions and conditions affecting the issue of stock and bonds.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Scarlett,
Dando,	Heyburn,	McGinnis,	Shapiro,
Deitrick,	Homsher,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	Huffman,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1020 RETURNED WITH AMENDMENTS.

Mr. LAW, Mr. President, I call up at this time Senate Bill No. 1020, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1020, entitled:

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the employment by school auditors and for the compensation of an attorney.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kunkel,	Reed,
Bean,	Gelder,	Lanius,	Rice,
Cavalcante,	Gilson,	Law,	Rodgers,
Chapman,	Haluska,	Mallery,	Ruth,
Dando,	Henney,	McCreesh,	Scarlett,
Deitrick,	Heyburn,	McGinnis,	Sipe,
Dent,	Homsher,	Owlett,	Sones,
DiSilvestro,	Jaspan,	Pierson,	Stiefel,
Ealy,	Kahle,	Pytko,	Wolfenden,
Eroe,	Kilgallen,	Rankin,	Huffman,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1105 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1105, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1105, entitled:

An Act concerning proxies; authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof.

which was returned fro mthe House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Scarlett,
Dando,	Heyburn,	McGinnis,	Sipe,
Deitrick,	Homsher,	Owlett,	Sones,
Dent,	Jaspan,	Pierson,	Stiefel,
DiSilvestro,	Kahle,	Pytko,	Wolfenden,
Ealy,	Kilgallen,	Rankin,	Woodward,
Eroe,	Kunkel,	Reed,	Huffman,
Frey,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1119 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1119, returned from the House of Representatives with amendments.

Mr. OWLETT. Mr. President, may I suggest that in the absence of Senator Mundy and Senator Howell, from the anthracite district, that the bill lie on the table.

The PRESIDENT. The Chair presumes there is no objection to that.

Mr. LAW. Mr. President, that is all right.

The PRESIDENT. The bill will lie on the table.

SENATE BILL NO. 1153 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1153, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1153, entitled:

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of the cities of the second class" establishing a Department of Lands and Buildings in said cities providing for its officers and employes defining the powers duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Kunkel,	Reed,
Bean,	Gelder,	Lanius,	Rodgers,
Cavalcante,	Gilson,	Law,	Ruth,
Chapman,	Haluska,	Mallery,	Scarlett,
Dando,	Henney,	McCreesh,	Sipe,
Deitrick,	Heyburn,	McGinnis,	Sones,
Dent,	Homsher,	Owlett,	Stiefel,
DiSilvestro,	Jaspan,	Pierson,	Wolfenden,
Ealy,	Kahle,	Pytko,	Huffman,
Eroe,	Kilgallen,	Rankin,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1154 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1154, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1154, entitled:

An Act to amend Article Four of the act approved the seventh day of March one thousand nine hundred one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kunkel,	Reed,
Bean,	Gelder,	Lanius,	Rodgers,
Cavalcante,	Gilson,	Law,	Rupp,
Chapman,	Haluska,	Mallery,	Ruth,
Dando,	Henney,	McCreesh,	Scarlett,
Deitrick,	Heyburn,	McGinnis,	Sipe,
Dent,	Homsher,	Owlett,	Sones,
DiSilvestro,	Japan,	Pierson,	Stiefel,
Ealy,	Kahle,	Pytko,	Wolfenden,
Eroe,	Kilgallen,	Rankin,	Huffman,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1210 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1210, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1210, entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons, firms or corporations to erect office buildings, and to lease such office buildings for the use of the Commonwealth, the same to become the property of the Commonwealth upon termination of said lease.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Kunkel,	Reed,
Bean,	Gelder,	Lanius,	Rodgers,
Cavalcante,	Gilson,	Law,	Ruth,
Chapman,	Haluska,	Mallery,	Scarlett,
Dando,	Henney,	McCreesh,	Sipe,
Deitrick,	Heyburn,	McGinnis,	Sones,
Dent,	Homsher,	Owlett,	Stiefel,
DiSilvestro,	Jaspan,	Pierson,	Wolfenden,
Ealy,	Kahle,	Pytko,	Huffman,
Eroe,	Kilgallen,	Rankin,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 758 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 758, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 758, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, five hundred fifty-three), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by further requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, and further regulating insurance policies which may be accepted as proof of financial responsibility; imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth; imposing further duties on owners and operators of vehicles; providing exceptions imposing duties upon insurers and upon brokers agents or representatives of insurers; providing for the payment of judgments in installments, prescribing additional penalties; and adding new sections.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Kunkel,	Reed,
Bean,	Gelder,	Lanius,	Rodgers,
Cavalcante,	Gilson,	Law,	Ruth,
Chapman,	Haluska,	Mallery,	Scarlett,
Dando,	Henney,	McCreesh,	Sipe,
Deitrick,	Heyburn,	McGinnis,	Sones,
Dent,	Homsher,	Owlett,	Stiefel,
DiSilvestro,	Jaspan,	Pierson,	Wolfenden,
Ealy,	Kahle,	Pytko,	Huffman,
Eroe,	Kilgallen,	Rankin,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1266 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1266, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1266, entitled:

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Frey,	Kunkel,	Reed,
Bean,	Gelder,	Lanius,	Rodgers,
Cavalcante,	Gilson,	Law,	Ruth,
Chapman,	Haluska,	Mallery,	Scarlett,
Dando,	Henney,	McCreesh,	Sipe,
Deitrick,	Heyburn,	McGinnis,	Sones,
Dent,	Homsher,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pierson,	Wolfenden,
Eroe,	Kahle,	Pytko,	Huffman,
	Kilgallen,	Rankin,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1358 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1358, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1358, entitled:

An Act to amend section six of the act approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five, of Article Fourteen, of the constitution, relative to the salaries of county officers and the payment of fees received by them into the state or county treasury, in counties containing over one hundred and fifty thousand inhabitants;" by providing that in counties of the first class, salaries of respective county offices shall not exceed the amount fixed by the tax levying body of such county for such offices.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Gelder,	Lanius,	Reed,
Bean,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Scarlett,
Dando	Heyburn,	McGinnis,	Sipe,
Deitrick,	Homsher,	Owlett,	Sones,
Dent,	Jaspan,	Pierson,	Stiefel,
Ealy,	Kahle,	Pytko,	Wolfenden,
Eroe,	Kilgallen,	Rankin,	Huffman,
Frey,	Kunkel,		Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. RUTH. Mr. President, I call up at this time the Report of Committee of Conference on House Bill No. 1978 (Senate No. 869) and move its adoption.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1978.

To the Members of the Senate and House of Represntatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1978 entitled: "A Supplement To the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith, providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases" respectfully submit the following bill as our report:

FRANK W. RUTH,
C. HALE SIPE,
GEORGE A. DEITRICK,
Committee on the part of the Senate.

RUTH GRIGG HORTING,
D. RAYMOND SOLLENBERGER,
HARRY J. BROWNFIELD,
Committee on the part of the House of Representatives.

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may e inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the amount now required to be paid under the provisions of an act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended there shall be added to the minimum annual salaries of all members of the teaching staffs of elementary schools in fourth class school districts an amount which together with the said amount required by law to be paid will equal one thousand dollars ($1,000) and the minimum annual increment for such teachers shall be fifty dollars ($50) and the minimum number of increments shall be four (4) and the minimum annual salary of members of the teaching staffs of high schools in fourth class school districts shall be one thousand one hundred seventy dollars ($1,170) and the minimum annual increment for such teachers shall be one hundred dollars ($100) and the minimum number of increments shall be four (4) Provided That none of the said increments for the members of the teaching staffs of elementary or high schools in such districts shall be required before the first day of July one thousand nine hundred thirty-eight

Section 2 Of the difference between the minimum salary required by this supplement to be paid to each member of the teaching staff of the schools of districts of the fourth class and the minimum salary now required by law the amount paid by the Commonwealth to a school district of the fourth class which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five per centum (75%) the amount paid to each school district of the fourth class which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be sixty per centum (60%) and the amount paid to each school district of the fourth class which has a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) shall be fifty per centum (50%)

Section 3 If the act entitled "An act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties" enacted at this session of the General Assembly be declared invalid void or unconstitutional by final decision in any court of competent jurisdiction then and in that event the Governor by proclamation shall under authority hereby conferred upon him suspend this act

Section 4 This act shall become effective the first day of July on ethousand nine hundred thirty-seven

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Frey,	Kunkel,	Reed,
Bean,	Gelder,	Lanius,	Rodgers,
Cavalcante,	Gilson,	Law,	Ruth,
Chapman,	Haluska,	Mallery,	Scarlett,
Dando,	Henney,	McCreesh,	Sipe,
Deitrick,	Heyburn,	McGinnis,	Sones,
Dent,	Homsher,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pierson,	Wolfenden,
Eroe,	Kahle,	Pytko,	Huffman,
	Kilgallen,	Rankin,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. DENT. Mr. President, I call up at this time Senate Bill No. 708, entitled:

An Act relating to and regulating the manufacture, keeping, storing and possession of explosives; requiring permits for magazines and prescribing permit fees; and providing permit fees; and providing penalties.

recalled from the Governor for the purpose of amendment.

RECONSIDERATION OF VOTE

Mr. DENT. Mr. President, I move to reconsider the vote by which Senate Bill No. 708 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. DENT. Mr. President, I voted "aye".

Mr. KUNKEL. Mr. President, I second the motion.

Mr. PRESIDENT. How did the Senator vote?

Mr. KUNKEL. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. DENT. Mr. President, I now move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. DENT. Mr. President, I voted "aye".

Mr. KUNKEL. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. KUNKEL. Mr. President, I voted "aye".

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I ask unanimous consent to amend section 9, page 10, by adding after line 28 the following: "according to the quantity of explosives which are to be"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

HOUSE MESSAGE

CONGRESS MEMORIALIZED TO PASS THE SHEPARD HOUSE BILL FOR THE REMOVAL OF ABNORMAL PROFITS DURING TIME OF WAR

He also presented an extract from the Journal of the House of Representatives, which was twice read as follows:

In the House of Representatives, April 27, 1937.

Whereas, The Members of the General Assembly of the Commonwealth of Pennsylvania are strongly in favor of the removal of abnormal profits during time of war and

Whereas, It is their belief that war should be prosecuted with special privilege to none and on the basis of equal service for all and

Whereas, There is now pending in the Federal Congress a bill which would not only accomplish these desirable results but by its enactment into law would do much towards the preservation and promotion of peace and therefore be it

Resolved (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States to pass the Shepard House Bill (Senate Number 25 House Number 1954) at the earliest possible moment and be it further

Resolved That a copy of this resolution be transmitted to each of the members elected from the Commonwealth of Pennsylvania to the House of Representatives and to the Senate of the Congress of the United States.

Mr. RICE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both Houses of the

General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 158, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political sub-divisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

House Bill No. 638, entitled:

An Act making an appropriation to the Trustees of Lincoln University, Chester County.

House Bill No. 826, entitled:

An Act making an appropriation for the preparation of the Eightieth Division History, and creating a commission for such purposes.

House Bill No. 965, entitled:

An Act to further amend the act, approved the sixteenth day of April, one thousand nine hundred and twenty-five (P. L. 244), entitled "An act applying to third class counties only, and regulating the selection, drawing, and summoning of all jurors and talesmen, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," by abolishing the jury board and transferring its powers and duties to the jury commissioners.

House Bill No. 1965, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "Rural State Highway Law," establishing additional routes in the County of Tioga.

House Bill No. 2099, entitled:

An Act requiring persons engaged in the business of hauling coal by motor vehicle to secure a license from the Department of Revenue.

House Bill No. 2401, entitled:

An Act validating certain sheriff's sales of real estate and the title to such real estate in the hands of purchasers, their heirs, grantees and assigns.

Whereupon,

The PRESIDENT PRO TEMPORE, (Mr. Harvey Huffman) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until one o'clock Friday afternoon, June 4, 1937.

HOUSE OF REPRESENTATIVES

THURSDAY, June 3, 1937.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, REV. EPHRAIM Z. GALLAHER, offered the following proyer:

Our Heavenly Father, We Thank Thee for our glorious Nation, for our flag, under which no war is being waged, for life, liberty and the pursuit of happiness, for our free institutions of learning, for religious freedom and racial equality, for the right of suffrage to all citizens, and for the sanctity of the home.

We give Thee the praise through Christ our Lord, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. JACOB F. MATTHEWS, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

SALE OF BEER

A telegram from the United Mine Workers of America, District 5, urging passage of Senate Bill No. 343.

A telegram from United Brewery Flour Cereal and Soft Drink Workers of America urging passage of Senate Bill No. 343.

Referred to the Committee on State Boards.

FORTY HOUR WEEK

A communication from Karl Seiler & Sons, Philadelphia, protesting against passage of Senate Bill No. 1075.

Referred to the Committee on Labor.

RELIEF

A resolution adopted at State Convention, Pennsylvania Federation of Democratic Women, favoring retention of local control in matters of relief and assistance.

Numerous petitions from citizens of Pennsylvania favoring retention of local control in matters of relief and assistance.

Referred to the Committee on Welfare.

PHARMACISTS

A communication from the Pennsylvania Pharmaceutical Association, Harrisburg, opposing passage of Senate Bill 1258 and House Bill No. 1785.

Referred to the Committee on State Boards.

LIQUOR

A communication from S. L. Kane favoring passage of legislation licensing groceries.

Referred to the Committee on State Boards.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TURNER (Concurrent) RESOLUTION No. 96,

In the House of Representatives, June 2, 1937.

Whereas, early in this session the Governor of the Commonwealth promised prompt and full investigation of charges that 57,000 tons of sub-standard material had been purchased for road purposes in Erie County, being widely quoted in the newspapers as saying that if "any member of my Administration does a thing that isn't honest and right***he'll mighty soon cease to be a State official"; and

Whereas, in the face of persistent rumors that attempts are being made to cover up this scandal the Governor has been silent as to his findings, and

Whereas, within the past week the Pennsylvania Citizens Committee, over the signature of John P. Guyer, repeating the Erie charges and drawing the Governor's attention to widely circulated reports of other serious irregularities in the State government, has recommended a Grand Jury investigation; and

Whereas, the Governor has not up to this time seen fit to reply to this public letter; and

Whereas, these charges and persistent reports are destructive of popular confidence in government and reflect upon the integrity of all persons connected with the State government; now therefore, be it

Resolved, (If the Senate concur), that a legislative committee, to consist of three members of the Senate, two members of the majority and one of the minority, to be appointed by the President Pro Tempore of the Senate; and four members of the House of Represntativs, two to be members of the majority and two of the minority, to be appointed by the Speaker of the House, is hereby created and authorized to investigate fully and impartially the charges herein specifically mentioned and to be empowered to investigate as well all charges of a similar nature, especially those enumerated in the Pennsylvania Citizens Committee letter to the Governor, and to make such report and recommendations as the findings warrant; to the next Session of the Legislature, and to the Governor if that be deemed necessary in the judgment of the committee; and be it further

Resolved, that the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases, and be it further

Resolved, that said committee shall have power to sit after the adjournment of the legislative session of 1937, and be it further

Resolved, that an appropriation of $5,000. to cover the expenses of this committee be included in the General appropriation bill.

Referred to the Committee on Rules.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 2057.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that have this day approved and signed House Bill No. 2057, Printer's No. 1023, entitled, "An Act to protect the public against fraud and deception regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof conferring powers and imposing duties of the Department of Revenue and presribing Penalties."

GEORGE H. EARLE.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE.

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 3, 1937

Resolved, (if the House of Representatives concur) That Senate Bill No. 708, Printer's No. 800, entitled: "An Act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 158.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 158.

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts magistrates alderman and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 965.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 965.

An Act to further amend the act approved the sixteenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 244) entitled "An act applying to third class counties only and regulating the selection drawing and summoning of all jurors and talesmen and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the

appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors for the array and regulating the procedure if array is quashed repealing all acts or parts of acts inconsistent therewith" by abolishing the jury board and transferring its powers and duties to the jury commissioners

SENATE RECEDES FROM AMENDMENTS.

The Clerk of the Senate being introduced, informed that the Senate has receded from the amendments made by the Senate to House Bill No. 68, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1962.

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the re-publication of certain surveys and studies in order to make the same available to the citizens of the State

Withe the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representative, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, line 4, by striking out after the word "of" the words "two hundred and nineteen" and inserting in lieu thereof the word "forty"; also same page, by striking out in lines 4 and 5 as follows: "two hundred and fifty": also same page, line 5, by striking out the figures "($219.250)" and inserting in lieu thereof the figures "($40.000)" also same page by striking out in line 9, and on page 3, by striking out all of lines 1 to 7 inclusive as follows: "for the following purposes First The sum of one hundred forty thousand two hundred and fifty dollars ($140.250) to complete during the next biennium or as soon as possible thereafter in cooperation with the Federal government all topographic surveying and mapping of the twenty-three quadrangles of Pennsylvania not survey or mapped

Second The sum of forty two thousand dollars for": also on page 3, line 10, by striking out after the word "said" the words "departments already" and inserting in lieu thereof the word "department: also same page, by striking out lines 11 to 28 inclusive and on page 4, by striking out all of lines 1 to 14 inclusive as follows: "undertaken or planned as follows

Bradford Quadrangle	$5,000
Fayette County Geology and Mineral Resources	4,000
Ground waters of North Central Pennsylvania (covering Lycoming Cameron Potter Clinton Clearfield Centre and surrounding counties)	3,000
Ground waters of South Central Pennsylvania (covering York Snyder Union Huntingdon Mifflin Juniata Perry Cumberland Franklin Fulton Bedford Blair Adams Somerset and Cambria Counties and vicinity)	2,000
South Clearfield County Geology	4,000
York County Geology	1,000
Northampton County Geology	4,000
Somerset County Geology	4,000
Studies in deep sands of Pennsylvania	4,000
Oil and Gas of Northwestern Pennsylvania	2,000
Oil and Gas of Southwestern Pennsylvania	2,000

Third The sum of thirty-seven thousand dollars for the purpose of employing additional help and procuring additional necessary equipment sufficient to complete ready for publication and to publish as many as possible of the studies now under way as follows

Four two-man parties at twenty-five hundred dollars per man	$20,000
Printing and mapping current work as completed	5,000
Field Expenses and Transportation	6,000
Instruments	2,000
Office equipment for field offices	1,500
Collecting storing and filing cuttings and samples	2,500

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganse,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Houtz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann
Corrigan,	LaRue,	Robinson,	Weiss, D. H
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yahoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 892.

An Act concerning children under six years of age with defective hearing imposing duties on the Department of Health the Department of Public Instruction on parents guardians nurses and physicians and placing certain costs on school districts and making an appropriation.

HOUSE BILL No. 280.

An Act requiring all terminal airports maintaining regular scheduled flights and all radio transmission stations used for air navigation purposes to maintain auxiliary aerial night lighting equipment and an auxiliary source of electric current for the same and providing penalties.

HOUSE BILL No. 408.

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania.

HOUSE BILL No. 473.

An Act making an appropriation to the Department of Forests and Waters for the construction of a masonry weir across the Shenango River near the Chestnut Street Bridge at Sharon and the construction of a shelter house for recording devices near the weir

HOUSE BILL No. 647.

An Act to promote public health morals safety and welfare by providing for the supervision and encouragement of housing creating a State Board of Housing a departmental administrative board within the Department of Health providing for the organization of the board the appointment and removal of its members enumerating its duties and powers including the powers to conduct investigations issue subpoenas apply to courts for punishment of contempts make orders rules and regulations prescribe forms require reports supervise the operations of limited dividend housing companies and housing authorities and their members and employes acquire property by eminent domain for limited dividend housing companies commence actions to prevent violations of law and to surcharge members of authorities supervise rental charged by limited dividend companies charge fees for for services providing for the selection and removal of the board's employes providing for appeals from its orders and making an appropriation.

HOUSE BILL No. 880.

An Act to prohibit the admission in criminal cases of evidence illegally secured or acquired.

HOUSE BILL No. 982.

An Act providing for the construction reconstruction maintenance and repair of sidewalks at dangerous places along State highways by the Department of Highways and making an appropriation from the Motor License Fund.

HOUSE BILL No. 1055.

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs.

HOUSE BILL No. 1141.

An Act making appropriation to the Navigation Commission for the Delaware River and its navigable tributaries.

HOUSE BILL No. 1161.

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

HOUSE BILL No. 1173.

An Act to insure and protect fair trade practices in distribution defining such practices prohibiting the advertisement offer for sale or sale of merchandise at less than cost and fixing a penalty for such advertisement offer for sale and investing the courts with jurisdiction to prevent and restrain violations of the act

HOUSE BILL No. 1330.

An Act relating to magistrates and Magistrates' Courts in the City of Philadelpjhia imposing certain duties upon them and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in Magistrates' Courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and Magistrates' Courts and imposing certain duties in connection therewith upon the judges of the Courts of Common Pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts.

HOUSE BILL No. 1400.

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation

of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended regulating the sale and further regulating the installation use and operation of traffic regulation devices signals signs and markings and the operation of motor vehicles on the highways affecting the powers of municipal authorities in certain cases and of the Secretary of Highways and changing and imposing penalties

HOUSE BILL No. 1449.

An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Utility Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes.

HOUSE BILL No. 1570.

An Act to promote safety for the travelling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in certain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties.

HOUSE BILL No. 1575.

An Act to amend section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended authorizing the assignment of retirement rights in certain cases.

HOUSE BILL No. 1629.

An Act dedicating and setting aside certain lands in Lackawanna County as a public park and pleasure ground and imposing certain powers and duties in connection therewith on the Department of Forests and Waters.

HOUSE BILL No. 1690.

An Act regulating the mining of bituminous coal in counties of the second class prescribing duties for county commissioners and imposing penalties.

HOUSE BILL No. 1693.

An Act township of the second class to adopt and enforce zoning ordinances regulating the location construction and use of buildings the size of courts and open spaces the density of population and the use of land

HOUSE BILL No. 1751.

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed; changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value; providing a procedure by which the actual value of such property, when purchased by or for the holder of the mortgage, may be determined and credited on the mortgage debt; and providing a limitation of time within which such procedure may be invoked.

HOUSE BILL No. 1754.

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled, "An act relating to non-profit corporations, defining and providing for the organization, merger, consolidation and dissolution of such corporations, conferring certain rights, powers, duties and immunities upon them and their officers and members, prescribing the conditions on which such corporations may exercise their powers, providing for the inclusion of certain existing corporations of the first class within the provisions of this act, prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth, conferring powers and imposing duties on the Courts of Common Pleas, prothonotaries of such courts, recorders of deeds and certain State departments,, commissions and officers, authorizing certain local, public officers and State departments to collect fees for services, required to be rendered by this act, imposing penalties and repealing certain acts and parts of acts, relating to corporations," by providing for and regulating the incorporation of non-profit corporations organized to provide hospitalization for subscribers and conferring powers on the Insurance Department with respect thereto and defining the scope of the act.

HOUSE BILL No. 1755.

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospitalization for subscribers, prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospitalization, conferring powers on the Insurance Department and the Department of Welfare, exempting such corporations from taxation and providing penalties.

HOUSE BILL No. 1757.

An Act to further amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1216) entitled "An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and non-resident real estate brokers and real estate salesmen and their business" by further defining real estate brokers

and real estate salesmen and further providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business.

HOUSE BILL No. 1765.

An Act to further amend the act approved the eighteenth day of May one thouand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such supervisors of special education.

HOUSE BILL No. 1787.

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on Judges and other officers of every Court of Record.

HOUSE BILL No. 1801.

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes.

HOUSE BILL No. 1817.

An Act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution.

HOUSE BILL No. 1921.

An Act to amend sections four and five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" providing for uniform discount and uniform penalties making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date giving the taxpayers option of payment of taxes in quarterly installments.

HOUSE BILL No. 2001.

An Act to amend section four hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further regulating the creation and abolition of wards

HOUSE BILL No. 2010.

An Act to amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined width of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" as amended by changing certain routes and adding certain new routes

HOUSE BILL No. 2012.

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" as amended by changing certain routes and adding certain new routes.

HOUSE BILL No. 2040.

An Act to amend section six hundred seventy-five of and to add section one hundred fifty-five to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for and prescribing the procedure for leasing of real property belonging to counties and for the taxation of such property and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

HOUSE BILL No. 2047.

An Act to amend section two thousand five hundred fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended requiring fidelity bonds of deputies and clerks of city treasurers the premiums thereof to be paid jointly by the county city and school district

HOUSE BILL No. 2055.

An Act authorizing any county of the second class and any city in any such county in which the county seat is within the limits of such city to agree upon the joint management and control of any or all city hospitals and institutions and any or all county hospitals and institutions within the county and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

HOUSE BILL No. 2263.

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals

HOUSE BILL No. 2264.

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes

HOUSE BILL No. 2379.

An Act to amend section two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by reducing from ten mills to five mills the rate of tax upon the capital stock of companies organized and incorporated for the purpose of distilling liquors and selling the same at wholesale

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

STATEMENT BY MR. SPROUL

Mr. SPROUL asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, before assembling in Special Session on May 5, 1936, telegrams were sent to the members of the Assembly by the Governor asking them whether they would vote for an appropriation to de-water coal mines affected by the flood in March of that year. The vote is a matter of record and on June 16, 1936, an Act No. 6 was approved by the Governor appropriating $700,000 for the pumping of water from coal mines and slate quarries, to include also the purchase and installation of pumps and other equipment and the purchase of electric power.

While I voted in favor of the bill on account of the emergency, such an expenditure of money on private property is a bad precedent to establish. Feeling that the people of this Commonwealth were entitled to know the details of this large expenditure, I introduced Resolution No. 16, Serial No. 20 in this House during the Special Session of 1936, asking for certain information. While the Democratic Floor Leader, Mr. Cohen was unwilling to pass the Resolution, he did give me the information I requested and it was published in the Journal of that Session.

To further advise the people of this Commonwealth of the details concerning this $700,000 fund, I have asked for and received certain information which I again make public. This is no small sum for which we voted to put to work a number of miners thrown out of employment by an act of God and the details are given below:

"The financial records of the Health Department show that there has been expended $2,235 for personal compensation (Resident Engineer of the Health Department in the Field). No State funds were expended for installation because it was required that the coal operators pay for that part of the work themselves.

"There has been spent from the $700,000 appropriated by the cited Act, $376,827.76 for the purpose of equipment and payment of electric power bills.

"The Sandy Run Mine of the Sandy Run Producers, Inc., located at Sandy Run, Luzerne County. $3,569.81 expended. State participation in removing flood waters completed. 300 mine workers now employed because the mine was de-watered.

"Mine of the Cranberry Coal Company at Cranberry, Hazle Township, Luzerne County $12,646.78 expended. State participation in removing flood waters completed. 796 mine workers now employed because the mine was de-watered.

"Mine of the Claene Coal Company at Whiteside, Clearfield County. $454.86 expended. State participation in removing flood waters completed. 30 mine workers now employed because the mine was de-watered.

"Mines in the Pittston-Duryea area, Luzerne County, operated by the Kechoe-Berge Coal Company, the Pittston-Duryea Coal Company and the Sullivan Trail Coal Company. These mines were more or less inter-connected. The flood waters in these mines adversely affected some continguous mines. $351,614.28 expended. Removal of flood waters well underway in the mine of the Kehoe-Berge and Pittston Company, and practically completed in the Sullivan Trail mine. 4154 mine workers now employed because of removal of flood waters so far accomplished. More mine workers will be employed when the removal of flood waters is completed.

"The Peck Shaft of the Conaboy Coal Company at Jessup, Lackawanna County. $8,537.53 expended for equipment. The work of pumping expected to begin very soon.

A group of inter-connected coal mines in the upper Connellsville coal basin near Uniontown, Fayette County, including the Lemont No. 1 and No. 2, the Continental No. 1, mines of the Lemont Coal and Coke Company, the Oliver No. 1, No. 2, No. 3 and No. 4 mines of the Commodore Coal and Coke Company, and the Leith and South Union Mines of the South Union Coal Company, $4,500 expended. Requisition for equipment issued and orders for equipment are being issued. Work not yet begun."

It is noted that up to the date of this report, April 29, 1937, there was expended under authority of the Act, $376,827.76 for the purchase of equipment of electric power. From information I gathered just recently another company took advantage of the terms of the Act to which they were entitled. In fact until the money is exhausted, I interpret that up to that time any qualified company who had suffered could come in and ask the State to de-water their mines or quarries. It is my belief the Act was too broad in this respect and further expenditure should be cut off as soon as possible. The emergency in my opinion has passed. Unless contract for performance and completion to exhaustion of funds was entered into by the State, I call upon the Department of Health to conserve whatever balance of this fund they properly can.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows, viz:

SENATE BILL No. 387.

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States

to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect.

SENATE BILL No. 406.

An Act making an appropriation to the Local Government Commission to continue its work

SENATE BILL No. 516.

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products

SENATE BILL No. 556.

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania

SENATE BILL No. 1238.

A Joint Resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation

SENATE BILL No. 1429.

An Act making an appropriation to the Department of Welfare for pensions for the blind

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 387.

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect

SENATE BILL No. 406.

An Act making an appropriation to the Local Government Commission to continue its work

SENATE BILL No. 516.

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products

SENATE BILL No. 556.

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SENATE BILL No. 1238.

A Joint Resolution creating a commission to make certain studies in repect to bituminous mines defining its powers and duties and making an appropriation

SENATE BILL No. 1429.

An Act making an appropriation to the Department of Welfare for pensions for the blind

SENATE BILL No. 32.

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries

SENATE BILL No. 83.

An Act making an appropriation to the Trustees of the University of Pennsylvania

SENATE BILL No. 127.

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine

SENATE BILL No. 147.

An Act making an appropriation to the Department of Agriculture to compensate land owners for cedar trees destroyed to prevent damage to apple orchards by cedar apple rust

SENATE BILL No. 166.

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums

SENATE BILL No. 207.

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Engineering

SENATE BILL No. 232.

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to; and including the place where fifty soldiers killed in the battle of Bushy Run are buried, as well as other portions of said battlefield; and making an appropriation.

SENATE BILL No. 376.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Kutztown State Teachers College to acquire certain tracts of land for the use of said college and making an appropriation

SENATE BILL No. 430.

An Act making an appropriation to the Department of Health for the prevention of blindness in infants

SENATE BILL No. 514.

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania

SENATE BILL No. 561.

An Act making an appropriation to the Trustees of the University of Pennsylvania Philadelphia Pennsylvania

SENATE BILL No. 743.

An Act to amend sections five six and twelve of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by providing for a secretary-treasurer in lieu of a secretary and a vice-president of the board and establishing a method for determining classification of beneficiaries

SENATE BILL No. 860.

An Act supplementing the act of July twenty-second one thousand nine hundred and thirty-six (Pamphlet Laws 70) and authorizing the Governor directly or through such agency as he may designate to provide plan prepare supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing the Signing the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39 and making an appropriation

SENATE BILL No. 1043.

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children

SENATE BILL No. 1113.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Edinboro State Teachers College to acquire certain tracts of land for the use of said college and making an appropriation

SENATE BILL No. 1166.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college and making an appropriation

SENATE BILL No. 1225.

An Act making an appropriation out of the State Stores Fund to the Department of Property and Supplies for the acquisition of land (with or without buildings thereon) and for the erection construction and equipment of an office building thereon for the use of the Pennsylvania Liquor Control Board

SENATE BILL No. 1228.

An Act authorizing county commissioners of any county to hold in trust for the inhabitants and citizens of the county any real estate and property appropriate for agriculture fairs or exhibits and to lease the same without expense or liability to the county to any incorporated agriculture association to operate and conduct an annual fair within the county

SENATE BILL No. 1298.

An Act to amend sections one and two of the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws 126) entitled "An act making an appropriation to the Department of Property and Supplies for increasing the capacity of over-crowded State institutions eliminating fire and other hazards to safety at State institutions providing for the purchase of safety and other equipment the erection and construction of new buildings and repairs alterations and additions to and replacement of existing buildings and equipment" authorizing the use of said appropriation to remove hazards to health

SENATE BILL No. 1299.

An Act making an appropriation to the Department of Property and Supplies for sewer purpose in connection with the East Strousburg State Teachers' College

SENATE BILL No. 1310.

An Act to amend sections two and four of the joint resolution approved the twenty-ninth day of April one thousand nine hundred thirty-seven (Act Number 127) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" by authorizing the several Courts of Common Pleas upon application to adjudge persons refusing to comply with subpoenas of the commission in contempt of court and by increasing the appropriation to the commission

SENATE BILL No. 1415.

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-seven and such time as the funds provided by the General Appropriation Act become available

SENATE BILL No. 1417.

An Act making an appropriation out of the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 865.

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 2, line 7, by striking out the heavy faced bracket before the figure "1"; also same page, line 11, by inserting after the figure "2" a heavy faced bracket.

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,

Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Colahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 865.

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE ADOPTS COFERENCE COMMITTEE REPORT ON SENATE BILL No. 213

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differene existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 213.

An Act to amend section eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" requiring local ordinances in certain cases to conform to this act and the regulations made thereunder

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 213

Mr. MOUL. Mr. Speaker, I desire to call up the report of the Committee of Conference on Senate Bill No. 213, Printer's No. 810.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 213, entitled: "An act to amend section eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled 'An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act and imposing penalties' requiring local ordinances in certain cases to conform to this act and the regulations made thereunder," respectfully submit the following bill as our report:

WELDON B. HEYBURN
C. HALE SIPE
(Committee on the Part of the Senate.)

JAMES A. SMITH
CLAYTON E. MOUL
JACOB B. SCHROCK
(Committee on the part of the House of Represetatives.)

An Act to amend section eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled "An act to safeguard, human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" requiring local ordinances in certain cases to conform to this act and the regulations made thereunder

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" is hereby amended to read as follows

Section 18 The provisions of this act and the regulations made thereunder shall not be taken nor deemed to repeal existing municipal ordinances except in so far as they may establish requirements and regulations for milk for pasteurization pasteurized milk and milk products in excess of those provided by this act and the regulations made thereunder nor to prevent municipalities from enacting and enforcing new ordinances for the [further] protection of the public health consistent with this act and the regulations made thereunder [Provided That this] This act shall be considered as establishing

uniform requirements and regulations for milk for pasteurization pasteurized milk and milk products and no person city borough or township shall establish nor enforce any requirements or regulations for milk for pasteurization pasteurized milk and milk products other than those provided by this act and regulations made thereunder [and nothing herein contained shall be deemed to prevent municipalities from ordaining and enforcing such additional requirements in excess of the requirements and regulations hereunder as may be deemed necessary from time to time for the preservation of public health and to require applications from and to issue permits to such persons as may be defined by local ordinances]

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Flanagan,	McGee,	Skale,
Alexander,	Flannery,	McKinney,	Sloan,
Allen,	Flinchbaugh,	McShane,	Smith, James A.,
Allmond,	Ganser,	Melchiorre,	Smith, John A.,
Arnold,	Gerard,	Mellott,	Snyder,
Atkins,	Gillette,	Mihm,	Sollenberger,
Aukerman,	Gorski,	Moomaw,	Spengler,
Baine,	Habbyshaw,	Mooney,	Stackpole,
Baker, F. T.,	Haberlen,	Moran,	Stank,
Baker, J. J.,	Hagerty,	Moul,	Stewart,
Balthaser,	Hall,	Muir,	Stockham,
Bierly,	Hamilton, F. P.,	Munley,	Strode,
Blank,	Harkins,	Murrin,	Terry,
Bohn,	Harmuth,	Nagel,	Thomas,
Bois,	Hays,	O'Brien,	Thompson,
Boltz,	Hering,	O'Connor,	Toole,
Boose,	Hetrick,	O'Keefe,	Tronzo,
Boyer,	Hindman,	Ominsky,	Trout,
Bradley,	Hirsch,	O'Neill,	Tumelty,
Brancato,	Holland,	Patterson, C. S.,	Turner,
Brigerman,	Holmes,	Patterson, J. W.,	Valibus,
Broad,	Holstrom,	Peale,	Van Allsburg,
Brown,	Hontz,	Pearson,	VanSickle,
Brownfield,	Horting,	Perry,	Vogt,
Burrows,	Huntley,	Pershing,	Wagner,
Cadwalader,	Imbrie,	Piole,	Wall,
Caesar,	Jirolanlo,	Powers,	Walsh,
Caputo,	Kane,	Preston,	Wampole,
Chervenak,	Keenan,	Reese,	Watkins,
Coakley,	Kelso,	Reising,	Webster,
Cohen, H. B.,	Kilroy,	Richter,	Weidemann,
Cohen, R. E.,	Kline,	Robinson,	Weiss, D. H.,
Coleman,	Kroll,	Royer,	Weiss, S. A.,
Coolahan,	Leisey,	Ruffennach,	Welliver,
Corrigan,	Levy,	Rush,	Welsh,
Costanzo,	Lewis,	Sarraf,	Westrick,
Davies,	Long,	Scanlon,	Whalen,
Decker,	Lopresti,	Schor,	Whitenight,
DeNote,	Lovett,	Schrock,	Wilson,
Dickinson,	Lyons,	Schrope,	Winner,
Donohoe,	Marino,	Schumacher,	Wood,
Downey,	Matthews, H. T.,	Serrill,	Woodside,
Dubbs,	Matthews, J. F.,	Shaw,	Wright,
Dyson,	McArdle,	Shea,	Yanoshat,
Eckels,	McCullough,	Shepard,	Yeakel,
Falkenstein,	McDermott,	Shoemaker,	Yourishin,
Finnerty,	McElroy,	Siegel,	Zappala,
Fiss,	McFall,	Simon,	Furman,
Fitch,			

NAYS—12

Dougherty,	Hess,	McDevitt,	Rothenberger,
Elpern,	LaRue,	Ostroff,	Shugarts,
Hamilton, R. S.	Longaker,	Readinger,	Sproul,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

STATEMENT BY MR. JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, there seems to have been some little trouble in the County of Delaware relative to a constituent there who is constantly writing letters to the House of Representatives. I happen to have a constituent over across the river, and it seems that he wants to enter into the practice of letter writing at this late stage, and I am going to ask your indulgence to listen to this letter from the constituent, which I shall read to you.

Dear Oswald:—

I notice by the papers you have a lot of trouble about the Democratic Party down in your neck of the woods and I can't blame you for that after what happened last Fall. This fellow Heyburn has been a sausage maker for a long time and I can see how you Delaware Republicans can get het up about his making sausage out of the McClure organization and sending it to Harrisburg for Elwood Turner to feed to the Democrats for breakfast.

Of course you Republicans ain't having all the trouble by any means. You know us Democrats ain't so many and last Fall when we throwed every thing together and gathered up every body who did not like the Republican party we got together some mess and somehow we ain't got used to each other yet. All us farmers got mad about the milk situation and jumped on the Democratic Band Wagon so our cows wouldn't get milked over in Wall Street.

Then Jack Kelly and his Philadelphia Horse Racers got mixed up with us and thought we were a bunch of gamblers when all we pretended to be was a bunch of suckers. Now we are having our trouble with Jack and the book makers because our cows ain't adapted for runnin. Doc Mundy is havin a lot of trouble with his tax collectors and school teachers and would like to move the Court House of Luzerne County down to Harrisburg so the Republicans can't steal it and we don't want it down here because we don't know what to do with the one we have here because the Republicans have that one now.

Dave Lawrence and Elmer Holland wants the utilities to pay the freight and John Yourishin wants the utilities to use enough anthracite coal to put all the bootleg miners to work in the regular mines. Charlie Margiotti wants to step on the District Attorneys and the State Cops and us farmers want to skin the milk trust alive and nail the hide to the barn door, so puttin all together we get up against the proposition that no one else in the Tower of Babel understands our language.

Yes, Oswald, Saint George is having a heck of a lot of trouble with this dragon he was goin to kill because there is so many heads and tails that every time he cuts off one of them another one comes lashin around to get cut off. I sometimes wonder if he is goin to get them all cut off before he gets tired or elected President or something.

If you Republicans think you have trouble you don't know nothin. If I know anything you had a heck of a lot of fun for the last forty years makin us all this trouble.

I can't say that I like your wise cracking down there in Delaware County after all you have done to us. I know that you are just in fun but when I think of the dirty digs you have give us in the past, it ain't so funny. In the first place just think of all the shakin up you give

us in them Model T's you used to send up from Chester. It is going to take a lot of Chiropractin to get our backbones straightened out and that brings up another trouble for us Democrats.

You Republicans get Doc Palmer to stir up the voters in Beaver County and then when we try to get Chiropractor licenses to cure our Model T backaches we get a family scrap stirred up among the Democrats so that Doc Shea and Doc Sarraf and Doc Mundy and Doc Hindman chew the ear off Doc Reese and say he ain't a Doctor at all and the whole trouble started down there at Chester and it wasn't the CIO that started it either.

Another thing I don't like about your wise cracking is that you ain't Democratic. When it got too hot or too common or too crowded in Philadelphia for the most of you, you moved out and made them aristocratic suburbs and drove us farmers back into the woods. You aristocrats went out along the main line or down along the Chester or Norristown Pike and hid your houses behind the pine trees and then started to make fun of us farmers. Some of you got some cows from the Guernsey and Jersey Islands and started to show us farmers how to produce milk at a loss. Then you get Doc Grimm to come out on the farms to show us how to lose money. When you ristocrats got to producin milk at a dollar a quart you wanted us to do it the same way for a dime. So you got a swarm of inspectors to tell us that you could not drink our milk unless we did all the fool things we coudn't afford.

This guy, Chic Sale, wrote a good book one time about Specialist. The poor fellow died too soon because I could tell him how to write another chapter for his book. He didn't have no experience with milk inspectors and the way they fuss about such things.

One of our farmers got some money from the Government to get a bathroom and done away with his outdoor utility. He had a septic tank and tile field. Just like you ristocrats have down there in Delaware County and what do you suppose that fool inspector done. He made that farmer build one anyhow and the cows don't go near the dern thing much less use it.

Of course them springs the inspectors make you put on the doors are good things. There ain't nothin so disconcertin as to have the door blow open when you are sittin there thinking, readin or figgerin with the catalog spread out on your knees. It kind of disturbs you if you have to stick one foot to keep the door shut.

I don't like them self closing lids on the seats; they're too troublesome. It don't make no difference what type you use they are dangerous and you can't make no time. The scissors type ain't safe. Suppose you have your mind on something else and accidently get your hand on the button before you are ready and the scissors close? Well, you can see very well that this ain't safe. Then the spring type ain't reliable. Anybody who ever tried to put a clock together knows that springs is the ornriest, unhandiest things there is. I say if you have to put self closing lids on the seats the type you should use it the counterbalanced type: They are simple to operate and if they are well taken care of they will last a lifetime. Yes sir, the counterbalanced type is the kind for me but none of them is any good for a farmer

I wish you Republican ristocrats and Doc Grimm would just think for a minute how you would like to be a farmer on a zero morning getting himself adjusted to a self closing seat with a sheep line coat; two pairs of overalls, a pair of heavy corduroys and the winter-flannels to contend with. You just have no consideration for us farmers at all when you send milk inspectors out into the country to get into our private affairs. It is our business how we run these institutions and if you would stay down there and look after your sausages and turn your inspectors loose on them we would not be always in hot water keepin ourselves up to date.

Now Oswald, I have lots of more trouble. Some of it can be blamed on the Republicans and some of it can be blamed on the fellows you got rid of. Some of these fellows are making good Democrats and we would like to keep them and some of them—oh well, you know what they are like—if we had enough Democrats we would just as soon you would take them back. Well, anyway you take it, I wish you could all become specialists and get the low down on this milk and Chic Sale situation.

Just now we don't know whether to kill our cows because of the surplus of milk or whether to put them on pasture because it is scarce. Hansell French and Jack Snyder ain't agreed, and since both of them live down your way, maybe you can tell us.

Hopelessly yours,

HIRAM.

STATEMENT BY MR. NAGEL

Mr. NAGEL asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I want at this time to supplement in a brief manner the remarks made by my colleague from Fayette County a few days ago. I want to express the feeling of myself and the members of the Committee on Agriculture to the members of this House,—our feeling of gratitude for the cooperation that those who are not interested in agriculture have given to the rural members at this session. I am glad to call to your attention a fact that I have noticed, that in the past few years the recognition of agriculture in our Legislature in Pennsylvania has been stepping up.

This has been noticeable not only in this session and in the 1935 session, but also in previous sessions. The people from the rural districts are not asking much; they are willing to go along. When the labor bill came up, the forty-four hour bill, we were pleased to have that exemption for agricultural work and for domestic help. However, we voted for this bill and have stood by labor. I want to call your attention also to the fact that this bill is still working a hardship on agriculture, but we are willing to bear with you. This shortening of hours and other labor legislation that sets minimum wages makes it more difficult for the farmer to hire help.

I also want to call your attention to the fact that our agricultural problem is a serious one and should be given much attention by the General Assembly. Some have predicted that in one hundred years our State of Pennsylvania, and not only our State but every state in the Union, will cease to produce sufficient material to feed our population. Our State and our Federal government have enacted laws for erosion and soil conservation. We hope that this will be helpful to the farmers and we feel that in this session, as an Agricultural Committee, we have been able to accomplish much with the cooperation and support of other members of the House. However, there is a matter that the committee feels should be examined

into, and in examining into this matter it will of necessity bring into consideration the chairman of a certain committee.

Mr. Speaker, I request that you command the Sergeant-at-Arms to convey the body of one Dennis L. Westrick before Mr. Turner's microphone.

The SPEAKER. Will the Sergeant-at-Arms convey the body of one Dennis L. Westrick before Mr. Turner's microphone, dead or alive?

Mr. NAGEL. Mr. Westrick, you are the Chairman of the Agricultural Committee. It is my pleasant duty in behalf of and in the name of the Agricultural Committee to prefer certain charges against you. The charges are as follows:

That on January 5, 1937 and at various dates thereafter you did wilfully and intentionally display poor ability as a politician and strong ability as a statesman. Furthermore, that on these occasions, and dates aforesaid, you displayed honesty, courage, sincerity and great ability in conducting the affairs of this committee.

It is the request of this committee that these charges be prosecuted until they are proven true and your trial and your hearing here today are going to be unique, in that you are going to be deprived of your constitutional right of making a plea or of being represented by counsel.

All of these acts that you have committed are contrary to and in violation of the laws, regulations, aims, and purposes of the law enacted by the General Assembly of Spain for the protection of corrup politicians.

The members of this House are constituted as a jury to hear the testimony in this case that is now before us, and it shall be their duty to render a verdict in accordance with the evidence produced.

In order to further prosecute this case, the Honorable Mr. Stewart from Indiana county will produce further evidence.

Mr. STEWART. Mr. Speaker and members of the House and our Honorable Chairman of the Agriculture Committee, a friend is one who will always remember the good and who will brush away the evil by the breadth of his love. It has been our privilege to sit under the care of a man whom we have learned to love, a man who lives in an adjoining town to mine, and one whom we have known about for many years.

He held a position that was not easy to hold. His duties were strenuous and we had some things happen in that committee that made it very difficult for him to hold the reins. I was glad to hear John Smith make that fine address, and what a good humor he was in, and what a good humor he kept you people in while he was speaking. I remember very well the trouble Mr. Westrick had in keeping down that committee when we had that milk act up. Also when Jake Schrock and Frank Snyder were trying to tell us what is meant by Bang's disease.

Now, ladies and gentlemen, here is one thing about Mr. Westrick; when he brought up bills before us he didn't tell us first what he thought of the bills, but he had us tell him what we thought of the bills. And I am telling you when the Dutch and the Scotch Irish in that committee got going, it was a difficult thing for anybody to hold them down. But Mr. Westrick was able to do that, and we honor him because he never favored any political party. We didn't know politics in that committee, and I am saying to you that we had a committee that discussed things, and every person had an opportunity when Mr. Westrick was in the chair.

Mr. Westrick, we are certainly glad to be able to present to you a token of our esteem for you in this commmittee. We understand that you recently purchased a new secretary desk, and we had in mind when we purchased this that it would be something that would be helpful to you upon that desk, and when you are at home sitting in your chair, you will be thinking of the members of that committee, as we can assure you that you have our best wishes, and I am glad that I have the privilege of presenting this to you.

Mr. WESTRICK. Mr. Speaker, members of the House and visitors, to me this is a surprise. I knew nothing of it until about ten minutes ago, when my good friend Nagel came to me and asked "Are you going to be in the House this afternoon? I said, "I don't know whether I can be or not; there are so many things to look after." He said "I want you to be here." Now I know why he was so much concerned about it.

I want to express to the members of the House my sincere appreciation for the cooperation that was given me during this session of the Legislature in putting through the different proposals that were offered in the Committee on Agriculture.

In checking up the other day I find that we had forty different proposals that our committee has acted upon. It has always been my course in acting before this committee, to let the committee discuss the things that they wanted to offer to this House.

I want to say a word of appreciation to every member of this House for supporting us on everything we offered. There was not a single proposition that came from us to the floor of the House that was not approved. To us as a committee that is an excellent compliment. We hope that we have merited that compliment. As for myself, I have done nothing more nor less than give the best I had to give. I tried to be honest and sincere and I have no apologies to make for anything that we did in that committee.

I hope that as time goes on we will remember the friendships that were established in that committee, because to me they were nothing more nor less than a family reunion, once or twice a week. During the session of twenty-two weeks our committee has met twenty-five times, with another meeting to be called today. We do want you to know that this is one committee that has responded, that they did their duty and did it well. There have been no quarrels that you would call quarrels. The differences that we had were friendly differences, and when those differences were decided, all of the members of that committee were big enough to go out on the floor of the House and act as men and forget that differences ever existed. That was shown by their vote and and their support on the floor of the House.

To the member of that committee I want to say, I express my sincere and deep appreciation for their kindly remembrance of me as their leader. I want to say this, that it was not necessary for them to present any token to me as a remembrance. I shall be able to remember for all time the names and faces of the people who worked with me, because we had real, sincere, friendy, honest cooperation.

Mr. Speaker, I thank you for these few minutes. I know

we have plenty to do today, and I do not want to take any more of the time of this House. I thank you all.

Mr. NAGEL. Mr. Speaker, I call upon the foreman of the jury, the Honorable Reuben Cohen, to render the verdict.

Mr. REUBEN E. COHEN. Mr. Speaker, it is the verdict of the jury of this House that we find the Honorable Mr. Westrick, Chairman of the Committee on Agriculture, guilty of all the fine charges presented against him, and we render the verdict that he is a swell legislator and a grand guy.

THANKS EXTENDED BY SPEAKER

The SPEAKER. The Chair at this time wishes to thank the gentleman from York, Mr. Flinchbaugh, for the beautiful vase of flowers that he has placed on the Speaker's desk. The Chair has been informed that these flowers were raised by Mr. Flinchbaugh in his own garden, and that during the time between sessions of the Legislature he spends all of his time raising beautiful flowers.

The Chair also wishes to thank the gentleman from Philadelphia, Mr. Shea, for the beautiful picture of our great President which he placed on the desk a few days ago.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1177.

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 5, by inserting after line 7, the following paragraphs:

"For the payment into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of three hundred ninety-seven thousand nine hundred dollars ($397,900)

For payment into the State Employes' Retirement Fund to the credit of the Contingent Reserve Account the sum of two hundred ninety-eight thousand nine hundred fifty dollars (298,950)

For payment into the State Employes' Retirement Fund to cover the additional liability for reserves required by reason of the creation of the Pennsylvania Motor Police Retirement System the sum of fifty thousand dollars ($50,-00)"; also same page, by inserting after line 13, the following paragraph:

"For the payment of legal fees publication of advertisements cost of engraving and any other expenses incurred in the issuing of tax anticipation notes the sum of twenty-five thousand dollars ($25,000)

For the payment of the expenses of publishing monthly statements of the general fund sinking fund and other funds of the Commonwealth as required by law the sum of sixty thousand dollars ($60,000)"; also page 10, line 20, by striking out the word "one hundred twenty-five" and inserting in lieu thereof the words "seventy-five"; also same page, line 21, by striking out the figures "($125,000)" and inserting in lieu thereof the figures "($75,000)"; also same page, line 28, by striking serting in lieu thereof the figures "($125,000)"; also on page 12, line 19, by inserting after the word "county" the words "for maintenance of Emergency Conservation Work Projects"; also page 13, by inserting after line 16 the following paragraph:

"For the acquisition of land for Valley Forge Park by purchase or condemnation for survey of boundary lines purchase or condemnation for survey of boundary lines and title examination the sum of fifty thousand dollars ($50,-000)"; also page 21, line 3, by inserting after the word "Referees" the words "Pennsylvania Labor Relations Board"; also same page, line 9, by inserting after the word "Board" the words "and for compensation and expenses of wage boards"; also same line, by striking out the word "two" and inserting in lieu thereof the word "three"; also same line, by striking out the word "four" and inserting in lieu thereof the word "five"; also same page, line 11, by striking out the figures "($2,463,300)" and inserting in lieu thereof the figures "($3,563,300)"; also page 34, line 18, by striking out after the word "required" the word "to" and inserting in lieu thereof the word "by"; also same page, by striking out in lines 20 to 24 inclusive the following: "and it is provided that on May 1 1939 the remaining unobilgated balance of this appropriation shall be paid into the State Insurance Fund and for this purpose such remaining balance is hereby appropriated"; also on page 36, line 18, by striking out the words "five hundred" and inserting in lieu thereof the words "four hundred fifty-two"; also same page, line 19, by striking out the figures "($1,500,000)" and inserting in lieu thereof the figures "($1,452,000)"; also page 37, line 1, by striking out the words "twenty-three" and inserting in lieu thereof the words "thirty-two"; also same page, line 2, by striking out the words "two hundred dollars" also at the end of same line, by striking out the figures "(623,200)" and inserting in lieu thereof the words and figures "five hundred dollars ($623,500)"; also same page, line 11 by striking out the word "eighteen" and inserting in lieu thereof the word "twenty-three" also at the end of same line by striking out the words "five hundred dollars"; also same page, line 12, by striking out the figures "($218,500)" and inserting in lieu thereof the word and figures "dollars ($223,-000)"; also page 38, by inserting after the line 5 the following:

"For the payment of salaries wages or other compensation of employes and the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Board of Pharmacy in enforcing the provisions of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws 470) entitled 'An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word 'drug' prescribing penalties for violation of this act and the method of its enforcement" and its amendments the sum of twenty thousand dollars ($20,000)"; also page 42, line 23, by inserting after the word "hundred" the word "fifty"; also same page, line 24, by striking out the figures "($1,100,000)" and inserting in lieu thereof the figures "($1,150,000)"; also page 44, line 13, by inserting after the word "expenses" the words "rentals equipment and other expenses incidental to the collection of inheritance and estate taxes and mercantile license taxes"; also same page, by striking out in lines 20 to 22 inclusive the following: "three million eight hundred eighty-eight thousand dollars ($3,888,000)" and inserting in lieu thereof the words and figures "three million nine hundred and twenty-three thousand dollars ($3,923,000)"; also page 45, by inserting after line 17, the following paragraph: "For the payment of the cost of the dissemination of information pertaining to the affairs of the Commonwealth including information pertaining to civil rights and constitutional guarantees as provided by law the sum of

seventeen thousand five hundred dollars ($17,500)"; also page 46, by striking out all of lines 5 to 12 inclusive as follows:

"For the payment into the State Employes Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum three hundred ninety-seven thousand nine hundred dollars ($397,900)

"For the payment into the State Employes Retirment Fund to the credit of the Contingent Reserve Account the sum of one hundred ninety-eight thousand nine hundred fifty dollars ($198,950)"; also same page, by inserting after line 16 the following:

"To the Pennsylvania Motor Police

For the payment of the salaries wages or other compensation and necessary traveling expenses of the Commissioner and Deputy Commissioner of the Pennsylvania Motor Police the members of the Motor Police Force and the other employes of the Pennsylvania Motor Police for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Motor Police for the payment of the board lodging uniforms arms and equipment of the Pennsylvania Motor Police Force and for medical attendance and hospital charges not covered by insurance for members of such force injured in the line of duty for the payment of premiums on policies insuring the Commonwealth against workmen's compensation liability to all employes or dependents of employes of the Pennsylvania Motor Police for the payment of premiums on policies of insurance covering motor vehicles operated by the Pennsylvania Motor Police and surety bonds for employes of the Pennsylvania Motor Police required to furnish such bonds for the operation and maintenance of the Pennsylvania Motor Police Training School including any branches thereof for the payment of traveling expenses and witness fees in the amount of two dollars per capita per diem to witnesses testifying for the Commonwealth at hearings in connection with the work of the Pennsylvania Motor Police and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess of five dollars shall be paid to any physician for any such examination for the maintenance and operation of a radio broadcasting station or stations and for the purpose of installing operating and maintaining a teletype or other inter-communication system linking the central office of the Pennsylvania Motor Police and the offices of the various organized police forces of the political subdivisions of the Commonwealth maintaining night offices and linking such central office with other States using similar systems which cooperate with Pennsylvania in broadcasting police information the sum of one million dollars ($1,000,000) and any additional sums from time to time transferred from the Motor License Fund and credited to this appropriation in the manner provided by law"; also same page, by inserting after line 28, the following:

"For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to the administration of the laws relating to Mothers' Assistance Pensions for the Blind and Old Age Assistance for the month of June one thousand nine hundred thirty-seven the sum of twenty-eight thousand dollars ($28,000)"; also page 52, line 5, by striking out the word "twenty-six" and inserting in lieu thereof the word "thirty-eight"; also same page, line 6, by inserting after the word "thousand" the words "five hundred"; also same line by striking out the figures "($126,-000)" and inserting in lieu thereof the figures "($138,-500)"; also on page 54, line 26 ,by striking out the word "two" and inserting in lieu thereof the word "three"; also same line, by striking out the word "four" and inserting in ileu thereof the word "two" also same line, by striking out the figures "($2,400)" and inserting in lieu thereof the figures "($3,240)"; also same page, by inserting after the line 26 the following paragraph:

"For the payment of the salary of the clerk to the President Pro Tempore of the Senate for two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of four thousand eight hundred dollars ($4,-800)"; also on page 55, by striking out in lines 22 and 23 the words and figures "eight thousand six hundred and twenty-five dollars ($8,625)" and inserting in lieu thereof the words and figures "nine thousand two hundred fifty-five dollars ($9,255)"; also page 56, line 26, by striking out the word "two" and inserting in lieu thereof the word "three"; also same line by striking out the figures "($2,-000)" and inserting in lieu thereof the figures "($3,000)"; also same page, line 29, by striking out the word "two" and inserting in lieu thereof the word "three"; also same line by striking out the figures "($2,000)" and inserting in lieu thereof the figures "($3,000)"; also page 57, line 4, by striking out th word "four" and inserting in lieu thereof the word "five"; also same line line, by striking out the figures "($4,000)" and inserting in lieu thereof the figures "($5,000)"; also same page, line 6, by inserting after the word "thousand" the words "five hundred"; also same page, line 7, by striking out the figures "($2,000)" and inserting in lieu thereof the figures "($2,500)"; also same page, line 28, by striking out the word "two" and inserting in lieu thereof the word "three"; also same line by striking out the word "five"; also page 58, line 1, by striking out the word "hundred"; also same line by striking out the figures "($2,500)" and inserting in lieu thereof the figures "($3,000)"; also same page, line 16, by striking out the word "three" and inserting in lieu thereof the word "one"; also same page, line 17, by striking out the figures "($3,-000)" and inserting in lieu thereof the figures "($1,000)"; also same page, line 23, by striking out the words and figures "five hundred twenty one thousand dollars ($521,-000)" and inserting in lieu thereof the words and figures "six hundred and twenty-five thousand dollars ($625,000)"; also page 62 ,line 18, by striking out the word "two" and inserting in lieu thereof the word "three"; also same line, by striking out the figures "($2,000)" and inserting in lieu thereof the figures "($3,000)"; also same page, line 21, by striking out the word "two" and inserting in lieu thereof the word "three"; also same line, by striking out the figures "($2,000)" and inserting in lieu thereof the figures "($3,000)" also page 63, lines 6 and 7, by striking out the words and figures "sixteen thousand dollars ($16,000)" and inserting in lieu thereof the words and figures "nineteen thousand dollars ($19,000)"; also same page, line 10, by striking out the words and figures "eight thousand dollars ($8,000)" and inserting in lieu thereof the words and figures "nine thousand one hundred dollars ($9,100)"; also page 67, by inserting after line 3, the following paragraphs:

"For the payment of salaries wages and expenses incurred by the Joint Committee to investigate the advisability of constructing flood walls to protect the triangle of the City of Pittsburgh under Resolution number seventeen session of one thousand nine hundred thirty-seven the sum of three thousand five hundred dollars ($3,500)

For reporting and transcribing proceedings before the House Committee to investigate the penal institutions of the Commonwealth of Pennsylvania under Joint Resolution Special Session of one thousand nine hundred thirty-three the sum of four hundred ninety-nine dollars and twenty cents ($499.20)"; also page 68, line 20, by striking out the word "Committee" and inserting in lieu thereof the word "Commission"; also page 73, by inserting after line 10, the following paragraph:

"For the payment of the expenses of the Procedural Rules Committee appointed by the Supreme Court to assist it in the preparation revision promulgation publication and administration of general rules of practice for the courts of this Commonwealth the sum of twenty thousand dollars ($20,000) or as much thereof as may be necessary"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. HERBERT B. COHEN. Mr. Speaker, I move that

the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 826.

An Act making an appropriation for the preparation of the Eightieth Division History and creating a commission for such purposes

With the information that the Senate has passed the same without amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1433

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor, House Bill No. 1433, Printer's No 1042, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE

RECONSIDERATION OF VOTE

Mrs. HORTING. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. WAGNER. Mr. Speaker, I second the motion.

The SPEAKER. How did the lady from Lancaster, Mrs. Horting, vote on the final passage of this bill?

Mrs. HORTING. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Erie, Mr. Wagner, vote on the final passage of this bill?

Mr. WAGNER. Mr. Speaker, voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mrs. HORTING. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mrs. HORTING. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 4, line 12 by striking out at the end of the line the following: "[SC provided however that]"

Amend section 1, page 4, by striking out lines 13 to 16, inclusive.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker, last evening I presented to this House a resolution providing for the appointment of a commission to investigate the allegations in reference to the purchase of gravel and other articles by State departments. Because of the lateness of the hour I did not at that time make any move to ask for immediate consideration. I merely filed the resolution and presume that it was referred by the Speaker, as has been the custom, to the Rules Committee.

In that resolution I asked that an appropriation of five thousand dollars be inserted in the general appropriation bill for the use and to pay the expenses of this committee. The general appropriation bill is here and will be, I think shortly, in the Conference Committee between the House and the Senate, as is the usual custom in order to make the last minute provisions in that bill. Therefore, if there is to be any action, this item must be inserted in the general appropriation bill while it is under consideration there.

I do not want to enter into a prolonged and protracted parliamentary effort to either secure immediate adoption or consideration of this resolution, or to offer the necessary amendments. I realize that any motions that I make, because of the overwhelming vote on the other side of the House, would be a futile gesture.

I want to call attention of my colleagues in this House to the fact that in 1933 and 1935 we had a great many investigating committees that were authorized by the House, for which there was not nearly the foundation for the allegations that were made in reference to those specific problems as appear in this. I also want to call the attention of the members of the House to the fact that in 1933 a Republican House voted for an investigation of the Highway Department, a Republican Highway Department, where the allegations were not as serious as they are in this instance.

I hesitated to introduce this resolution for fear of the charge of partianship. I had hoped that the current statements in the newspapers that the Governor was making a thorough investigation, that he proposed to prosecute that to the end, that a report would be made by Major Adams which would be presented here before the conclusion of this session, and therefore, I waited until the closing hours of the session to introduce this resolution, because there has been no report made, and this House has no assurance at this time as to what will be done. I think we ought to commend the Governor for the statement that he has made, that he will certainly prosecute any one who is found guilty, but if there are practices that are creeping up in the operation of our departments, I think it is properly a legislative function, as it has been in the past, and I call

to the attention of my Democratic colleagues that a great number of resolutions for investigations were introduced by them, and some of them adopted, that the time is here when we ought to act and appoint this committee. I sincerely hope that the allegations will be found groundless. I have the greatest respect for the heads of some of these departments that are apparently, at least alleged to be involved, but, I do believe in fairness to all concerned and in the operation of the proper functions of this legislative body, that we ough to pass this resolution, that such a committee should be appointed, and that the very modest sum that I have suggested should be inserted in the bill.

I cannot move to discharge the committee, because it has not had the resolution long enough. The resolution cannot be considered at the present time because I presume it is in committee, and therefore, I can but stand here and plead with the committee which has the resolution,—which I presume is the Rules Committee,—I can but stand here and plead with them that they report this resolution immediately to the floor of the House in order that we may act upon it, and in order that the proper appropriation may be inserted in the appropriation bill if the resolution is passed.

SENATE MESSAGE

AMENDMENTS INSISTED UPON BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1640, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation

APPOINTMENT OF CONFERENCE COMMITTEE HOUSE BILL No. 1640

Mr. SCHOR. Mr. Speaker, I move that the House insists upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1640, Messrs. Caputo, Schor and Wall.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON FINAL PASSAGE

Mr. YOURIRSHIN asked and obtained unanimous consent to call up out of order House Bill No. 2487, Senate Bill No. 1075, Printer's No. 858, on page 4 of today's calendar, bills on final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2487, (Senate Bill No. 1075), as follows:

An Act to protect the public health and welfare by regulating employment in this Commonwealth with respect to hours and conditions of employment providing for certain exceptions imposing duties liabilities and conditions on employers defining the powers and duties of the Department of Labor and Industry and its officers and representatives and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and its is hereby enacted by the authority of the same That

Section 1 Definitions Whenever used in this act

(a) "Employ" includes permit or suffer to work

(b) "Employer" includes every person firm corporation partnership stock association agent manager representative or foreman or other person having control or custody of any employment of of any employe

(c) "Day" includes any period of twenty-four consecutive hours

Section 2 Hours of Work Except as hereinafter provided no employer shall employ any person for more than forty-four hours in any one week or eight hours in any one day or on more than five and one-half days in any period of seven consecutive days

(a) A person may be employed in more than one place of employment provided the aggregate number of hours such person is employed does not exceed eight in any one day or forty-four in any one week provided that one day of rest may be sub-divided into two days of twelve hours each for employes in hotels boarding houses and in charitable educational and religious institutions at the discretion of the Department of Labor and Industry with the approval of the Industrial Board

(b) Where the strict application of the schedule of hours provided for by this section imposes an unnecessary hardship and violates the intent and purpose of this act the Department of Labor and Industry with the approval of the Industrial Board may make alter amend and repeal general rules and regulations prescribing viariations from said schedule of hours

(c) Nothing in this section or any other provisions of this act shall apply to employment in agricultural field occupations or in domestic service in private homes or to the work of persons over twenty-one years of age earning at least twenty-five dollars a week in bona fide executive positions or learned professions

Section 3 Meal Period No employer shall employ any person for a period of more than five hours of continuous labor unless such period is broken by a meal period of at least one-half hour and for the purpose of this section no period of less than thirty minutes shall be deemed to interrupt a continuous period of work

Section 4 Posting of Law Every employer shall post and keep conspicuously posted in or about the premises wherein any person is employed a printed abstract of this act to be furnished by the Department of Labor and Industry

Section 5 Posting of Schedule of Hours

(a) Every employer shall post and keep conspicuously posted in or about the premises wherein any person is employed a schedule of hours of employment which shall contain the maximum number of hours each person shall be employed during each day of the week with the total hours per week the time of commencing and stopping work and the time of commencing and stopping the meal periods If more than one schedule of hours is in operation at a particular place of employment the posted schedule shall also contain the names of the employes working on the different shifts and shall clearly indicate the hours required of each person or group of persons An employer may permit a person to begin work after the time for beginning and to cease work before the time for ending stated in such schedule but he shall not otherwise employ him except as stated in such schedule Said schedule shall be on a form provided by the Department of Labor

and Industry and shall remain the property of said department

(b) In any place of employment wherein owing to the character of the work it is difficult to fix the hours of employment weekly in advance the Department of Labor and Industry on application accompanied by evidence which satisfies it of the necessity therefor may grant a permit dispensing with the schedule required in this section Any employer to whom such a permit is granted shall post such information as to hours required of employes as the department may require

Section 6 Enforcement It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act Any authorized representative of said department shall have the power and authority to enter any place of employment and in the enforcement of this act shall enter and inspect as often as practicable all such places of employment Such representatives shall investigate complaints of violations of this act received by them and shall have power to institute prosecutions as hereinafter provided for violations of this act

Section 7 Power as to Witnesses The Secretary of Labor and Industry or his authorized representative in the performance of any duty or execution of any power prescribed by this act shall have the power to administer oaths take and cause to be taken depositions of witnesses issue subpoenas compel the attendance of witnesses and the production of paper books accounts payrolls documents records and testimony In case of failure of any person to comply with any such order of the Secretary of Labor and Industry or any subpoena lawfully issued or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated it shall be the duty of any Court of Common Pleas of the Commonwealth or any judge thereon upon application of the Secretary of Labor and Industry or of his authorized representative to compel obedience by issuing its subpoena and any refusal to obey the subpoena of the court shall be punished as for contempt

Section 8 Interference with Enforcement No person shall hinder or delay any authorized representative of the Department of Labor and Industry in the performance of his duties nor shall any person refuse to admit to or lock out from any place of employment any such authorized representative or refuse to give such authorized representative information required for the proper enforcement of this act

Section 9 Penalties Whoever violates any provision of this act shall upon conviction thereof in a summary proceeding be punished by a fine of not less than twenty-five dollars ($25) or more than two hundred dollars ($200) and upon non-payment thereof by imprisonment for not more than sixty days and whenever any person shall have been notified by the department or its authorized representatives or by the service of a summons in a prosecution that he is violating such provision he shall upon conviction as aforesaid be punished by like penalties in addition for each and every day that such violation shall have continued after such notification Provided further That the employment of any person in violation of such provisions with respect to each person so employed shall constitute a separate and distinct offense

Section 10 Intimidating Witnesses Whoever shall by force intimidation threat or procuring dismissal from employment or by any other manner whatsoever induce or attempt to induce an employe to refrain from giving testimony in any investigation or proceeding relating to or arising under this act or whoever discharges or penalizes any employe for so testifying shall upon conviction in a summary proceeding be punished by a fine of not less than twenty-five dollars ($25) or more than two hundred dollars ($200)

Section 11 Constitutionality of Act Except as to subsection (b) of section two the provisions of this act shall be severable and if any provision thereof shall be held unconstitutional the decision so holding shall not be construed to affect or impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein Provided however That the provisions of subsection (b) of section two are hereby declared not to be severable from the other provisions of this act and in the event the provisions of such subsection are held to be unconstitutional it is hereby declared that the legislative intent is that the remaining provisions of this act shall not be in force or effect

Section 12 This act shall become effective on December first one thousand nine hundred thirty-seven

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. YOURISHIN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. WRIGHT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Luzerne, Mr. Yourishin, vote on the third reading of this bill?

Mr. YOURISHIN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Luzerne, Mr. Wright, vote on the third reading of this bill?

Mr. WRIGHT. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. YOURISHIN. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 3, section 2, subsection (b), line 4, by inserting after the word "hours" the following: "Provided that with respect to any industry whose schedule of hours is established by Federal regulation the schedule to be fixed by the Departmentof Labor and Industry with the approval of the Industrial Board shall conform to the schedule established by any such Federal regulatory body."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Oredered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. YOURISHIN asked and obtained unanimous consent to call up out of order House Bill No. 2456, Senate Bill No. 1069, Printer's No. 827, on page 42, of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2456, (Senate Bill No. 1069), as follows:

An Act relating to and regulating the mining of anthracite coal providing for the health safety and welfare of persons employed in and about the anthracite coal mines and for the protection and preservation of property connected therewith amending consolidating revising and changing the law relating thereto and imposing penalties

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Article XXXVII Repealer

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE I

Preliminary Provisions

Section 101 This act shall be known and may be cited as "The Anthracite Mining Code"

Section 102 The provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any provision of law shall not revive any law heretofore repealed or superseded nor shall such repeal affect any act done liability incurred or any right accrued or vested or affect abate or prevent any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

Section 103 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included therein

Section 104 This act shall apply to every anthracite coal mine or colliery in the Commonwealth where five or more persons are employed or engaged in work Provided however That any mine inspector shall nevertheless have the right to enter and inspect all mines where from two to five persons are employed or engaged in work for the purpose of determining the conditions of safety in any such mine In case a mine inspector shall find any such mine to be unsafe or to be operated in any unsafe manner he shall order such unsafe conditions to be forthwith corrected and in default of the owner or operator doing so shall order such mine closed until the unsafe conditions are corrected

ARTICLE II

Inspection Districts

Section 201 The Counties of Luzerne Lackawanna Sullivan Susquehanna Wayne Carbon Schuylkill Northumberland Columbia and Dauphin shall be divided into eight inspection districts as follows

First District—County of Luzerne
Second District—County of Lackawanna
Third District—County of Carbon
Fourth District—County of Schuylkill
Fifth District—County of Northumberland
Sixth District—County of Columbia
Seventh District—County of Dauphin
Eighth District—Counties of Susquehanna Wayne and Sullivan

Section 202 The Governor shall appoint the following number of qualified persons to act as mine inspectors of this Commonwealth namely

First Inspection District—Nine Inspectors
Second Inspection District—Six Inspectors
Third Inspection District—One Inspector
Fourth Inspection District—Four Inspectors
Fifth Inspection District—Two Inspectors
Sixth Inspection District—One Inspector
Seventh Inspection District—One Inspector
Eighth Inspection District—One Inspector

Said inspectors shall be under the direction of the Secretary of Mines who shall assign districts to the several inspectors but where an inspector has not enough work or duty to perform in his own inspection district then it shall be the right of the Secretary of Mines to assign said inspector to work or duty in another adjoining district or territory wherein the services of said inspector are necessary

Section 203 It shall be the duty of the Secretary of Mines to direct one or more of the inspectors who shall be appointed under this act and it shall be the duty of said inspectors to obey said orders of the said Secretary of Mines to inspect such collieries as come under this act in counties not mentioned in the act in such manner and at such times as is required by law and the inspectors inspecting said collieries shall make and include in their return a due report of said inspection

ARTICLE III

Examination and Appointment of Mine Inspectors

Section 301 The Anthracite Mine Inspectors' Examining Board shall meet upon the call of the chairman thereof at such times and places as the chairman shall designate and at such times and places as the board may by rule designate

Section 302 The said examining board shall prepare questions and formulate rules to be used in conducting and governing the examinations given to applicants for the office of Anthracite Mine Inspector The members of the board upon assuming office shall each take and subscribe to before any officer authorized to administer the same the following oath namely

"I do solemnly swear that I will perform the duties of examiner of applicants for the office of mine inspector to the best of my ability and that in recommending or rejecting said applicants I will be governed by the evidence of their qualifications to fill the position and not by any consideration of political or personal favor and I will certify all applicants who may be found qualified and no others according to the true intent and meaning of the law"

The oaths of the members of the examining board shall be filed in the Department of Mines

Section 303 Public notice of an examination shall be given at least two weeks prior thereto in a newspaper published in each of the following Counties Luzerne Lackawanna Schuylkill and Northumberland The board shall meet at the time and place set forth in said notice and exmaine the applicants for the office of Anthracite

Mine Inspector and the qualifications of applicants shall be certified to the board and be as follows

(a) They shall be citizens of this Commonwealth and residents of the anthracite region of temperate habits of good repute of personal integrity in good physical condition and not under thirty or over fifty years of age Every applicant shall furnish to the examining board a service statement Such statement shall show the length of time served at each class of work at which the applicant has been employed in and about the mines and be certified to by the superintendent or other responsible official under whom such applicant was employed The owner operator or superintendent of every mine or colliery is hereby required to furnish such a statement to every applicant

(b) They shall give to the board satisfactory evidence of having had at least ten (10) years of practical experience in the anthracite coal mines of this Commonwealth five (5) years of which they shall have served as qualified coal miners possessing miners' certificates engaged in the actual practice of cutting and blasting coal or rock at the face of a gangway airway breast pillar or other working place in a mine and in performing such other work in such working places as is necessary for the extraction of coal

(c) They shall give to the board satisfactory evidence of having had practical experience with explosive gases and other dangerous and noxious gases found in coal mines

(d) They shall give to the board satisfactory evidence of having a general practical knowledge of mines mining and machinery

(e) They shall give to the board satisfactory evidence of having a general practical and comprehensive knowledge of the chemistry of gases generally found in coal mines

(f) They shall give to the board satisfactory evidence of having knowledge of the methods of administering first aid to the injured and of the work and requirements of rescue corps

(g) They shall give to the board satisfactory evidence of knowledge of the science of electricity as applied to coal mining and they shall in addition give evidence of sufficient knowledge of the science of mining engineering to enable them to read and understand the mine workings of any mine as shown on mine maps presented at such examinations and they shall be able to make a cross section of a mine from said maps

(h) They shall give to the board satisfactory evidence of theoretical and practical knowledge of the different systems of mining and ventilating anthracite coal mines and of their fitness and capability to perform the duties of the office of a mine inspector

Section 304 The examination shall be in writing and the applicants who have made an average of at least ninety per cent including proper allowances for experience shall be deemed successful but in no case shall the allowances for experience be more than fifteen per cent

Section 305 The manuscripts and all other papers of the applicants in the examination together with the tally sheets and the correct solution of each question as prepared by the examining board shall be filed in the Department of Public Instruction The examining board or at least four members thereof shall certify to the Governor and also to the Secretary of Mines the names and percentages of all successful applicants who are properly qualified under the provisions of this act to fill the office of Anthracite Mine Inspector A certificate of qualification shall be issued to each successful applicant A certificate so issued shall remain in force for a period of four years only unless the holder thereof has received an appointment as Anthracite Mine Inspector and has served as such for a period of four years in which case the certificate shall become permanent

Section 306 The Anthracite Mine Inspectors holding office at the date this act becomes effective shall continue to serve until the expiration of their respective terms and such persons shall thereafter be eligible for re-appointment as Anthracite Mine Inspectors without examination provided they have served as Anthracite Mine Inspectors for a period of four (4) years or longer Such re-appointment shall not be governed by the provisions of section three hundred seven of this act

Section 307 When a vacancy occurs in the office of Anthracite Mine Inspector by death or otherwise the Governor shall appoint from the list of successful applicants certified to him by the Anthracite Mine Inspectors to the Examining Board a person to fill such vacancy

Section 308 When there remain upon the list of successful applicants certified to the Governor less than three names as a result of appointments made therefrom or as a result of the expiration of the certificates of qualification of persons named therein or from any other cause the Governor shall call the Anthracite Mine Inspectors' Examining Board to meet and proceed to conduct an examination for the purpose of supplying a new list of eligible applicants

Section 309 The tenure of office of Anthracite Mine Inspectors appointed under this act shall be during good behavior subject to the provisions of section three hundred twelve of this act and the Constitution of this Commonwealth

Section 310 In case an inspector becomes incapacitated to perform the duties of his office or is granted a leave of absence by the Secretary of Mines for sixty (60) days or more it shall be the duty of the Governor at the request of the Secretary of Mines to appoint temporarily to the office a person on the eligible list of applicants The temporary inspector shall act until the regular inspector is able to resume the duties of his office and shall be paid in the same manner as hereinbefore provided for the payment of regular inspectors

Section 311 No Anthracite Mine Inspector under this act shall act as manager of any anthracite coal mine or be interested in the operation of any anthracite coal mine in this Commonwealth

Section 312 Upon a petition signed by not fewer than fifteen reputable citizens who shall be miners or operators of mines and with the affidavit of one or more of said petitioners attached setting forth that any inspector of mines is holding office illegally or is neglectful or is incompetent or unable to perform the duties of his office or that he is guilty of malfeasance in office or upon petition of the Secretary of Mines setting forth any of the above charges the Court of Common Pleas of the county in which the inspector is acting and is a resident shall issue a citation in the name of the Commonwealth to the said inspector to appear at not less than ten (10) days' notice on a day fixed before said court and the court shall then proceed to inquire into and investigate the allegations of the petitioners If said charges are sustained the court shall declare the office of said inspector vacant and shall so certify to the Governor who shall proceed in compliance with the provisions of this act to fill the vacancy If said charges are not sustained and the court believes there was sufficient ground for said charges the costs shall be placed upon the county

Section 313 Any Anthracite Mine Inspector violating the provisions of section three hundred eleven of this act shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or undergo imprisonment in the county jail for a period of not less than ninety (90) days or both at the discretion of the court

Any person who shall give any false or forged evidence of any kind to the Anthracite Mine Inspectors' Examining Board or to any member thereof in obtaining a certificate of qualification shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than three hundred dollars ($300.00) or to undergo imprisonment in the county jail for a period of not less than three (3) months or both at the discretion of the court

Any person or persons found to be in collusion with any member or members of the examining board or who shall use any undue influence or attempt to bribe any member or members of the board for the purpose of

procuring certificates for applicants or who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of three hundred dollars ($300.00) or undergo imprisonment in the county jail for a period of three (3) months or both at the discretion of the court

ARTICLE IV

Duties of Mine Inspectors

Section 401 Each of the said inspectors shall reside in the district for which he is appointed and shall give his whole time and attention to the duties of his office He shall examine all the collieries in his district at least once every three months and as often in addition thereto as the necessities of the case or condition of the mines require He shall see that every precaution is taken to secure the safety of the workmen and that the provisions of this act are observed and obeyed and he shall personally visit each working face and see that the air current is carried to the working faces and is of sufficient quantity or volume to thoroughly ventilate the places He shall make to the Secretary of Mines at the end of every month a detailed report of the number of days worked during the month marking in tabular form the number of hours spent inspecting mines investigating accidents traveling inspecting surface plants around the mines together with any other information that will be of value to the department He shall every four months make a report of the condition of each working place at each colliery on a form to be furnished to the inspector by the Secretary of Mines showing the gangway in which the working place is located and the breast number of said working and their condition shall be designated by the words "good" "fair" or "bad" as the circumstances may warrant Said report shall also set forth the condition of the mine with respect to ventilation tracks timber drainage and traveling ways and the said report or a duplicate shall be placed in a weather or dust-proof case with a glass front said case to be furnished by the operator and placed in a conspicuous place at each mine opening shaft slope or drift so that the workmen may have easy access thereto He shall certify in said report that the employes are hoisted to the surface of the ground or given access thereto according to law he shall attend every inquest held by the coroner or his deputy upon the bodies of persons killed in or about the collieries in his district he shall visit the scene of the accident for the purpose of making an examination into the particulars of the same wherever loss of life or serious personal injury occurs as elsewhere herein provided for and whenever he deems the same necessary and shall deputize any person or persons to aid or advise him in connection with any accident such deputies shall consist of a representative of the operator and a qualified miner He shall make an annual report of his proceedings to the Secretary of Mines of the Commonwealth at the close of every year enumerating all the accidents in and about the collieries in his district marking in tabular form those accidents causing death or serious personal injury the condition of the workings of the said mines with regard to the safety of the workmen therein and the ventilation thereof and setting forth generally the results of such inspection and shall perform such other duties as now are or hereafter may be required by law

Section 402 The mine inspector shall have the right and its is hereby made his duty to enter inspect and examine any mine or colliery in the territory allotted to him and the workings and machinery belonging thereto at all reasonable times either by day or by night but not so as to obstruct or impede the working of the colliery and shall have the power to take one or more of his fellow inspectors into or around any mine or colliery in the territory allotted to him for the purpose of consultation or examination

Section 403 He shall also have the right and it is hereby made his duty to make inquiry into the condition of such mine or colliery working machinery ventilation drainage method of lighting or using lights and into all matters and things connected with or relating to such mine or colliery as well as to make suggestions providing for the health and safety of persons employed in or about the same and especially to make inquiry as to whether the provisions of this act have been complied with

Section 404 The owner operator or superintendent of such mine or colliery is hereby required to furnish the means necessary for such entry inspection examination inquiry and exit

The inspector shall make a record of the visit noting the time and material circumstances of the inspection

Section 405 The maps and plans of the mines and the records thereof together with all the papers relating thereto shall be kept by the inspector properly arranged and preserved in a convenient place in the territory to which the inspector has been allotted and shall be transferred by him with any other property of the Commonwealth that may be in his possession to his successor in office

Section 406 The inspector shall also do the following

(a) Apply to the court for an injunction where the spedy closing of a mine or section thereof is expedient for health or safety

(b) Approve self-acting doors

(c) Assist in determining width of barrier pillars

(d) Inspect emergency hospitals every six months

(e) Reduce the number of persons to be hoisted when necessary

(f) Request the removal of coal dust in breaker where injurious to health

ARTICLE V

Employment of Mine Foremen and Assistant Mine Foremen

Section 501 It shall not be lawful neither shall it be permitted for any person or persons to act as mine foremen or assistant mine foremen of any coal mine or colliery unless they are registered as holders of certificates of qualification for service under this act or unless in the judgment of the employer he is a person possessed of qualifications which make him equally competent to act in such position

ARTICLE VI

Examination and Qualification of Mine Foremen and Assistant Mine Foremen

Section 601 For the purpose of examining applicants for mine foremen's and assistant mine foremen's certificates a board of examiners shall be appointed in each of the inspection districts provided for by this act The said boards shall consist of the district inspector of mines two practical miners and one operator superintendent or mining engineer of a mine The said inspector shall act ex officio and the said operator superintendent mining engineer and miners of the several boards shall be appointed as follows

The Court of Common Pleas of Luzerne County shall appoint for the Counties of Luzerne Carbon and Sullivan as many boards as there may be inspectors in the aforesaid counties.

The Court of Common Pleas of Lackawanna County shall appoint for the Counties of Lackawanna Susquehanna and Wayne as many boards as there may be inspectors in the aforesaid counties

The Court of Common Pleas of Schuylkill County shall appoint for the Counties of Schuylkill Dauphin Columbia and Northumberland as many boards as there may be inspectors in the aforesaid counties.

The persons serving as members of mine foremen and assistant mine foremen examining boards on the effective date of this act shall continue to serve under the provisions of this article until the terms for which they were appointed shall have expired.

Section 602 The said boards shall act as such for the period of one year from the date of their appointment Meetings of the boards may be held at any time and they may make such rules and conduct such examination as in their judgment may seem proper for the purpose of such examination The said boards shall report their action to the Secretary of Mines and at least three (3)

of the members thereof shall certify to the qualifications of each candidate who has passed such examination.

Section 603 The boards for the examination of applicants for mine foremen and assistant mine foremen in the anthracite mines shall send to the Secretary of Mines all papers of the applicants together with the tally sheet a list of the questions and the solution of each question as given by the examining board which shall be filed in the department as public documents.

Section 604 The members of the several boards appointed under the provisions of this act to examine candidates for foremen's and assistant foremen's certificates shall be compensated at the rate of ten dollars ($10.00) per day for each day during which the said members shall be actually in attendance on the sessions of the board and mileage at the rate of five cents (5c) for each mile actually traveled going from the home of the member to the place of meeting of the board and returning from said place to said home.

Each of the said boards is hereby authorized to employ a clerk whose compensation and mileage shall be the same as that of a member of the board The mine inspector shall be chairman of the board.

Section 605 The members of the said boards shall on the final adjournment of their respective boards submit statements approved by the chairmen of their respective boards setting forth the number of days during which each member shall have been actually in attendance on the sessions of the board of which he is a member as well as the distance from the home of the member to the place of meeting of his board and the number of miles actually traveled by him and the clerks of said boards shall submit like statements and the Auditor General shall upon receipt of such statements draw his warrant upon the State Treasurer in favor of each of such members and clerks for such sums as shall appear to be properly due to each.

Section 606 Certificates of qualification to mine foremen and assistant mine foremen in the anthracite mines shall be issued by the Secretary of Mines to each applicant who has passed a successful examination and has given satisfactory evidence of having had at least five (5) years' practical experience in the anthracite mines of the Commonwealth of Pennsylvania and of good conduct capability and sobriety Applicants shall be citizens of the United States and residents of the Commonwealth and be at least twenty-five years of age certificates shall be in such manner and form as shall be prescribed by the Secretary of Mines and a record of all certificates granted shall be kept in the Department of Mines. Each certificate shall contain the full name, age, and place of birth of the applicant and also the length and nature of his previous service in the mines. Before the examination for certificates of qualification to mine foremen and assistant mine foremen in the anthracite mines each applicant shall pay a fee of two dollars ($2.00) and each successful applicant shall pay an additionl fee of three dollars ($3.00) before receiving a certificate. The money thus received from applicants shall be transmitted to the Secretary of Mines to be deposited in the State Treasury. In case of loss or destruction of a certificate the Secretary of Mines shall upon the presentation of satisfactory evidence of loss or destruction issue a copy of the certificate to the original possessor on the payment of the sum of one dollar ($1.00).

Section 607 The said examining boards shall before entering upon the duties of their office take and subscribe to an oath or affirmation before a duly qualified officer that they will to the best of their ability conduct such examinations according to law and that the credits given to an applicant's papers shall be according to merit only Such oaths or affirmations shall be made upon blanks furnished by the Department of Mines and they shall be returned to the department and kept on file as other records are kept Every applicant for a mine foremen's or assistant mine foremen's certificate must furnish the board with a statement of his experience in anthracite mines Such statement must show the class of work the applicant was engaged in together with the length of time at each class of work and be signed by the superintendent of the colliery or other responsible official.

Section 608 If any person or persons shall forge or counterfeit a certificate or knowingly make or cause to be made any false statement in any certificate under this act or in any official copy of the same or shall urge others to do so or shall alter or use any such forged or false certificate or unofficial copy thereof or shall make give alter produce or make use of any false declaration representation or statement in any such certificate or copy thereof or any document containing the same he or they shall be guilty of a misdemeanor and upon conviction thereof shall be fined two hundred dollars ($200.00) or imprisoned for a term not exceeding one year or both at the discretion of the court trying the case.

Section 609 No mine shall be operated for a longer period than thirty (30) days without the supervision of a mine foreman In case any mine is worked a longer period than thirty (30) days without a mine foreman the owner operator or superintendent shall upon conviction thereof be subject to a penalty of twenty dollars ($20.00) per day for each day over the said thirty (30) days during which the said mine is operated

ARTICLE VII

Duties of Mine Foremen and Assistant Mine Foremen

Section 701 It shall be the duty of every mine foreman on arrival at his office every morning without delay to make inquiry from his assistants as to the condition of the mine or part thereof under their charge and if any dangerous thing is reported to him by any assistant that may affect the safety of the workmen he shall have the same remedied without delay. If any dangerous condition is discovered by any assistant, he shall take immediate steps to correct the same and report the same to the Mine Foreman without delay.

Section 702 He shall examine every day all reports made of mine inspections and mine equipment If he finds anything reported as unsafe or dangerous he shall have such unsafe or dangerous thing remedied without delay and no person shall be allowed to work at or near an unsafe or dangerous thing except for the purpose of making it safe He shall sign all said reports after reading them as evidence of having done so

Section 703 Whenever a mine foreman cannot personally carry out the provisions of this act so far as they pertain to him the owner operator or superintendent shall authorize him to employ a sufficient number of competent persons to act as his assistants who shall be subject to his orders

Section 704 The mine foreman shall have charge of all matters pertaining to ventilation and the speed of the ventilators shall be particularly under his charge and direction and any superintendent who shall cause the mine foreman to disregard the provisions of this act shall be amenable in the same manner as themine foreman The mine foreman shall designate some competent person whose duty it shall be to start and stop all auxiliary and booster fans

Section 705 All accessible parts of an abandoned portion of a mine in which explosive gases have been found shall be carefully examined by the mine foreman or his assistants at least once a week and all danger found existing therein shall be immediately removed. A report of said examination shall be recorded in a book kept at the colliery for that purpose and signed by the person making the same

Section 706 In all mines the mine foreman or his assistant shall make a careful examination every morning of all working places and traveling roads and all other places which might endanger the safety of the workmen before the workmen shall enter the mine and such examination shall be made with a safety lamp within three (3) hours at most before time for commencing work and a workman shall not enter the mine or his working place until the said mine or part thereof and working place are reported to be safe Every report shall be recorded without delay in a book which shall be kept at the colliery for

the purpose and shall be signed by the person making the examination Provided That in cases of emergency as from sickness or other causes the mine foreman may designate a competent person to make such examinations

Section 707 The person who makes said examination shall establish proof of the same by marking plainly the date thereof at the face of each working place and all other places examined

Section 709 If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in such mine or any part thereof or of any cause whatever the mine or the said part is dangerous every precaution shall be used to ensure the safety of the workmen and every workman except such persons as may be required to remove the danger shall be withdrawn from the mine or such part thereof as is so found dangerous until the said mine or said part thereof is examined by a competent person and reported by him to be safe

Section 710 The Mine Foreman or his assistant shall visit and examine every working place in the mine every working day and if safe and practicable this visit and examination shall be made while the men of such place are or should be at work and shall direct that each and every working place is properly secured by props or timber and that safety in all respects is assured by directing that all loose coal or rock shall be pulled down or secured and that no person shall be permitted to work in an unsafe place unless it be for the purpose of making it secure. Provided however that if the mine is idle (forty-eight (48) hours or more) the mine foreman or his assistant shall examine every working place the day before operations are resumed

Section 711 The mine foreman or some other competent person or persons to be designated by him shall examine at least once every day all slopes shafts main roads traveling ways signal apparatus pulleys and timbering to see that they are in safe and efficient working condition

Section 712 In every shaft or slope in which provision is made in this act for lowering and hoisting persons a headman and footman shall be designated by the superintendent or foreman to be at their proper places at all times while men are underground Such headman and footman shall personally attend to the signals and see that the provisions of this act in respect to lowering and hoisting persons in shafts and slopes shall be complied with

Section 713 Whenever loss of life to a miner or other employe occurs in or about a colliery notice thereof shall be given promptly to the inspector of mines for the district in which the accident occurred by the mine foreman or outside foreman or other person having immediate charge of the work at the time of the accident and when death results from personal injury such notice shall be given promptly after the knowledge of the death comes to the said foreman or person in charge

Section 714 It shall be the duty of the mine foreman or his assistants in case of injury to any employe by explosion of gas or powder or by any cause while said miners are at work in said mines to at once visit the scene of accident see that the injured is carefully wrapped in woolen blankets and removed to the "medical room" and so treated with oils or other remedies as will add to the comfort and care of the patient After being treated with all the skill known to the foreman or his assistants the injured person shall be carefully wrapped up and sent to the surface to be taken in an ambulance or to the mining hospital as may be desired without expense to the injured person

Section 715 Where an accident to any employe involves injury to limbs or causes loss of blood the foreman or his assistants shall see that the bandages splints and linen shall be applied where necessary to prevent loss of blood and relieve pain The foreman shall in all cases see that the injured person is sent to the surface without delay He shall also keep a record showing the name of the person injured the nature of the injury the treatment and by whom treated at the time of the accident

Section 716 It shall be the duty of the mine foreman or his assistant to test by means of a flame safety lamp or with some other approved device the condition of the atmosphere in each section of his mine each day while the men are at work A report of such examination shall be recorded in a book kept at the colliery for that purpose The test shall show the extent to which gas was detected whether cap or an explosive mixture

ARTICLE VIII

Examination and Qualification of Miners

Section 801 Hereafter no person whatsoever shall be employed or engaged in the anthracite coal regions of this Commonwealth as a miner in any anthracite coal mine without having obtained a certificate of competency and qualification so to do from the Miners' Examining Board of the proper district and having been duly registered as provided by existing law

ARTICLE IX

Duties of Miners and Other Workmen

Section 901 Before commencing work and also after the firing of every blast the miner working a breast or any other place in a mine shall enter such breast or place to examine and ascertain its condition and his laborer or assistant must not go to the face of such breast or place until the miner has examined the same and found it to be safe

Section 902 A miner or other person who is about to explode a blast by the use of patent or other squibs or matches shall not shorten the match nor saturate it with mineral oil nor turn it down when placed in the hole nor ignite it except at its extreme end nor do anything to shorten the time the match will burn

If a miner or other person uses a fuse to explode a blast such fuse shall be of sufficient length to protrude at least six (6) inches from the mouth of the hole and in no case shall the total length of the fuse be less than eighteen (18) inches

A place shall be stopped for at least thirty (30) minutes after a squib misses fire Where fuses (straight and time fuses) are used and a missed shot occurs the working place shall be stopped for at least twelve (12) hours If a misfire occurs where electric blasting caps are used an interval of at least thirty (30) minutes must elapse before workmen shall return to such working face

Section 903 A miner or other workman shall not withdraw a charge of powder or other explosive in coal slate or rock which has missed fire nor shall the hole be reopened

Section 904 When a miner or other workman is about to fire a blast he shall be careful to notify all persons who may be in danger therefrom and shall give sufficient alarm before firing any blast by any means whatsoever so that any person or persons who may be approaching shall be warned of the danger

Section 905 Any miner or other person having charge of a working place in any mine shall keep the roof and sides thereof properly secured by timber or otherwise so as to prevent such roof and sides from falling and he shall not do any work or permit any work to be done under loose or dangerous material except for the purpose of securing the same

Section 906 Any miner or other workman who shall discover anything wrong with the ventilating current or with the condition of the roof side timber or roadway or with any other part of the mine in general such as would lead him to suspect danger to himself or his fellow workmen or to the property of his employer shall immediately report the same to the mine foreman or other person for the time being in charge of that portion of the mine

Section 907 Any miner or other workman shall not be allowed to store gunpowder or any other explosive in a mine He shall not have at any one time in any one place more than one keg or box containing twenty-five (25) pounds unless more is necessary for a person to accomplish one day's work

Section 908 Any miner or other workman who has gunpowder or other explosive in a mine shall keep it in

a wooden box securely locked and such box shall be kept at least ten (10) feet from the tracks in all cases

Section 909 Whenever a miner or other workman shall open a box containing explosives or while in any manner handling the same he shall first place his open lamp not less than five (5) feet from such explosives and in such position that the air current cannot convey sparks to it and a workman shall not approach nearer than five (5) feet to an open box containing powder with a lamp lighted pipe or anything containing fire

Section 910 In charging holes for blasting in coal slate or rock no miner or other workman in any mine shall use an iron or steel pointed needle The end of any metal tamping bar must be tipped with at least six (6) inches of copper or other soft metal The hole must be large enough to admit freely the cartridge containing the explosive and in no case shall a tight cartridge be rammed into a hole

Section 911 When gas is ignited by blast or otherwise the miner or other person igniting the same shall immediately extinguish it if possible and notify the mine foreman or his assistant of the fact and workmen must see that no gas blowers are left burning upon leaving their working places

Section 912 Not more than five blasts shall be fired at the working face of a low coal seam within a period of one hour except by permission from the mine foreman or his assistant and each hole when charged and fired shall constitute a blast This section shall not pertain to cracked gangways

Section 913 No miner or laborer shall run cars out of any breast or chamber or on any gravity road unless he is a suitable person designated by the mine foreman for that particular work and no person under the age of eighteen (18) years shall be designated by any mine foreman to perform such work

Section 914 No workman or other person shall ride upon or against any loaded car cage or gun-boat in any shaft slope or plane in or about a mine or colliery

Section 915 When any person is about to descend or ascend a shaft or slope the headman or footman as the sase may be shall inform the engineer by signal or otherwise of the fact and the engineer shall return a signal before moving or starting the engine In the absence of a headman or footman the person about to descend or ascend shall give and receive signals in the same manner

Section 916 No person shall couple or uncouple loaded or empty cars while the same are in motion Provided however That this shall not apply to the top or bottom men of slopes planes or shafts

Section 917 No person except the man giving the signal shall jump on a car cage or gun-boat after the signal has been given and if any person shall enter a car cage or gun-boat in excess of the lawful number the headman or footman shall notify him of the fact and request him to get off which request must be immediately complied with Any violation of this rule must be promptly reported to the mine foreman

Section 918 No workman shall pass a fenced off place a fenced off traveling way or a designated danger station unless accompanied by a colliery official or unless he has been directed by a colliery official to pass such place fenced off traveling way or such designated danger station, for the purpose of making such place or places safe.

ARTICLE X

Maps and Plans

Section 1001 The owner operator or superintendent of every coal mine or colliery shall make or cause to be made an accurate map or plan of the working or excavations of such coal mine or colliery on a scale of one hundred feet to the inch which map or plan shall exhibit the working or excavations in each and every seam of coal and the tunnels and passages connected with such workings or excavations It shall state in degrees the general inclination of the strata with any material deflection therein in said workings or excavations and shall also state the tidal elevations of the bottom of each and every shaft slope tunnel and gangway and any other point in the mine or on the surface where such elevation shall be deemed necessary by the inspector

The map or plan shall show the number of the last survey station and date of each survey on the gangways or the most advanced workings

It shall also accurately show the boundary lines of the lands of the said coal mine or colliery and the proximity of the workings thereto and in case any mine contains any water damned up in any part thereof it shall be the duty of the owner operator or superintendent to cause the true location of the said dam to be accurately marked on said map or plan together with the tidal elevation inclination of strata and area of said workings containing water and whenever any workings or excavations are approaching the workings where such dam or water is contained or situated the owner operator or superintendent shall notify the inspector of the same without delay

Whenever a mine fire is sealed an outline of the sealed area must be plainly shown on the mine map together with such data as the mine inspector may request pertaining to the same

Upon request of the mine inspector the location of all bore holes must be placed on the mine inspector's map and the operator or superintendent of the mine shall furnish the inspector with any additional information regarding bore holes upon his request

The said owner operator or superintendent shall deposit a true copy of such map or plan with the inspector of mines for the district in which the said coal mine or colliery is situated showing the workings of each seam if so desired by the inspector on a separate sheet of tracing muslin One copy of said map or plan shall be kept at the colliery

Section 1002 The said owner operator or superintendent shall as often as once in every six months place or cause to be placed on the said inspector's map or plan of said coal mine or colliery the plan of the extensions made in such coal mine or colliery during the preceding six months The said extensions shall be placed on the inspector's map and the map returned to the inspector within two months from the date of the last survey

Section 1003 When any coal mine or colliery is worked out preparatory to being abandoned or when any lift thereof is about to be abandoned the owner operator or superintendent of such coal mine or colliery shall have the maps or plans thereof extended to include all excavations as far as practicable and such portions thereof as have been worked to the boundary lines of adjoining properties Any part or parts of the workings which are intended to be allowed to fill with water must be surveyed in duplicate and such surveys must practically agree They shall be certified to by the owner operator or superintendent and shall be filed with the inspector of the district in which the mines are situated

Section 1004 Whenever the owner operator or superintendent of any coal mine or colliery shall neglect or refuse or from any cause not satisfactory to the inspector shall fail for a period of three months to furnish to the inspector the map or plan of said colliery or of the extensions thereto as provided for in this Article the inspector is hereby authorized to cause an accurate map or plan of such coal mine or colliery to be made at the expense of the owner thereof which cost shall be recoverable from said owner as other debts are by law recoverable

Section 1005 If the inspector finds or has reason to believe that any map or plan of any coal mine or colliery furnished under the provisions of this article is materially inaccurate it shall be his duty to make application to the Court of Common Pleas of the county in which such colliery is situated for an order to have an accuratet map or plan of said colliery prepared and if such survey shall prove that the map furnished was materially inaccurate or imperfect such owner operator or superintendent shall be liable for the expense incurred in making the same

Section 1006 If it shall be found that the map or

plan furnished by the owner operator or superintendent was not materially inaccurate or imperfect the Commonwealth shall be held liable for the expense incurred in making said test survey

Section 1007 If it shall be shown that the said owner operator or superintendent has knowingly or designedly caused or allowed such map or plan when finished to be incorrect or false such owner operator or superintendent thus offending shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding three (3) months at the discretion of the court

Section 1008 The maps or plans of the several coal mines or collieries in each district and which are placed in the custody of the inspector shall be the property of the Commonwealth and shall remain in the care of inspector of the district in which the said collieries are situated to be transferred by him to his successor in office and in no case shall a copy of the same be made without the consent of the owner operator or superintendent

Section 1009 The inspector's map or plan of any particular colliery shall be open for inspection in the presence of the inspector to any miner or miners of that colliery whenever said miner or miners shall have cause to fear that his or their working place or places are becoming dangerous by reason of their proximity to other workings which may be supposed to contain water or dangerous gases Said map shall also be open to the inspection and examination of any citizen interested during business hours

Section 1010 It shall be obligatory on the owners of adjoining coal properties to leave or cause to be left a pillar of coal in each seam or vein of coal worked by them along the line of adjoining property of such width that taken in connection with the pillar to be left by the adjoining property owner will be a sufficient barrier for the safety of the employes of either mine in case the other should be abandoned and allowed to fill with water such width of pillar to be determined by the engineers of the adjoining property owners together with the inspector of the district in which the mine is situated Such width of pillar as shall have been agreed upon by the adjoining property owners and the mine inspector of the district shall be placed on the inspector's map without delay

The surveys of the face of the workings along such pillar shall be made in duplicate and must practically agree A copy of such duplicate surveys certified to must be filed with the owners of the adjoining properties and with the inspector of the district in which the mine or property is situated

Section 1011 At the request of the mine inspector the owner operator or superintendent of any coal mine shall furnish him with a geological cross section of such coal seams in such mine as he may require

ARTICLE XI

Shafts Slopes Openings and Outlets

Section 1101 It shall not be lawful for the owner operator or superintendent of any mine to employ any person or persons in such mine or permit any person or persons to be in such mine for the purpose of working therein unless there are in connection with every seam of coal and from every lift thereof worked in such mine not less than two openings or outlets separated by a stratum of not less than sixty (60) feet in breadth underground and one hundred and fifty (150) feet in breadth at the surface at which openings or outlets safe and distinct means of ingress or egress are at all times available for the person or persons employed in said mine This section shall not apply to opening of a new mine or to opening any new lift of a mine while being worked for the purpose of making a connection between said two outlets so long as not more than twenty (20) persons are employed at one time in such mine or new lift of a mine At least half of this number must be employed at making the second outlet Neither shall this section apply to any mine or part of a mine in which the second outlet has been rendered unavailable by reason of the final robbing of pillars previous to abandonment so long as not more than twenty (20) persons are employed therein at any one time The cage or cages and other means of egress shall at all times be available for the persons employed where there is no second outlet.

Section 1102 The owner operator or superintendent of any mine to which there is only one shaft slope or outlet may petition the Court of Common Pleas in and for the county in which said mine is situated which said court is hereby empowered to act in the premises settting forth that in consequence of intervening lands between the working of his mine and the only practicable point at which to make or bring to the surface from the working of his mine he is unable to make an additional shaft slope or outlet in accordance with the requirements of this act whereupon the court may make an order of reference and appoint three disinterested persons residents of a county viewers one or more of whom shall be a pracitcal mining engineer all of whom after being sworn to a faithful discharge of their duties shall view and examine the premises and determine as to whether the owner should have the provilege of making an additional outlet through or upon any intervening lands as the case may require and report in writing to the court which report shall be entered and filed of record.

Section 1103 If the finding of the viewers or any two of them is in favor of the owner of such coal mine or colliery he may make an additional shaft slope or outlet under through or upon intervening lands as may be determined upon and provided for by the award If the finding of the viewers is against the owner or if no award be made by reason of any default or neglect on the part of the owner he shall be bound to comply with the provisions of this act in the same manner as if this section had not been enacted In case the said owner operator or superintendent desires to and claims that he ought to make an additional opening under through or upon any adjoining or intervening lands to meet the requirements of this act for the ingress and egress of the men employed in his or their mine he or they shall make a statement of the facts in the petition with a survey setting forth the point of commencement and the point of termination of the proposed outlet which he or they their engineers agents or employes may enter upon said intervening lands and survey and mark as he or they shall find it proper to adopt for such additional outlet doing as little damage as possible to the property explored and the viewers shall state in their report what damage will be sustained by the owner or owners of the intervening lands by the opening construction and use of the outlet and if the report is not appealed from it shall be confirmed or rejected by said court as to right and justice shall appertain and any further and all proceedings in relation thereto shall be in conformity with like proceedings as in the case of a lateral railroad across or under intervening lands under the act in relation to lateral railroads approved the fifth day of May Anno Domini one thousand eight hundred thirty-two (Pamphlet Laws five hundred one) and the supplements thereto so far as the provisions of the same are applicable hereto and the notices to the owner of intervening lands of the intention to apply for the privilege of making an outlet and meeting of the viewers shall be given and the costs of the case shall be paid as provided in the said act of May fifth Anno Domini one thousand eight hundred thirty-two (Pamphlet Laws five hundred one) and the supplements thereto.

Section 1104 The main escapement shafts or slopes shall be fitted with safe and available appliances by which persons employed in the mine may readily escape in case an accident occurs deranging the hoisting machinery at the main outlets.

Section 1105 In all slopes where the angle of inclination is fifteen (15) degrees or less there must be provided a separate traveling way which shall be maintained in a safe condition for travel and kept free from steam and dangerous gases.

Section 1106 The top of each slope if dangerous or

any intermediate lift thereof shall be securely fenced off by railing or by verticle or flat gates.

Section 1107 Every abandoned slope shaft airhole and drift shall be properly fenced around or across its entrance.

Section 1108 All underground entrances to any places not in actual course of working or extension shall be properly fenced across the whole width of such entrances so as to prevent persons from inadvertently entering the same.

Section 1109 The owner operator or superintendent of any coal mine or colliery which is worked by shaft or slope shall provide and maintain a telephone or suitable appliance by or through which conversation can be held by and between persons at the bottom and at the top of the shaft or slope and also an efficient means of signaling from the bottom of such shaft or slope to the engineer in charge of the hoisting engines The owner operator or superintendent of every coal mine or colliery shall provide and maintain a telephone by or through which conversations can be had between persons on the outside of the mines and the principal centers of operations in the mines.

Section 1110 The owner operator or superintendent of all mines shall see that the surface landing and all other landings of shafts are provided with gates so hung and adjusted that they will close automatically It shall be unlawful for any man employed as a footman at a shaft in which coal or other material is hoisted to work at this occupation unless he has provided himself with a safety headgear or helmet of a design approved by the Department of Mines which headgear or helmet must be worn by him at all times while on duty.

Section 1111 Every cage or gun-boat used for lowering or hoisting persons in any shaft or slope shall be provided with handrails safety catches and a proper protector so constructed that persons while on such cage or gun-boat shall not be struck by anything which may fall or roll down said shaft or slope

Section 1112 Over all shafts which are being sunk or shall hereafter be sunk a safe and substantial structure shall be erected to sustain the sheaves or pulleys at a height of not less than twenty (20) feet above the tipping place and the top of such shaft shall be arranged in such manner that no material can fall into the shaft while the bucket is being emptied

Section 1113 The said structure shall be erected as soon as a substantial foundation is obtained and in no case shall a shaft be sunk to a depth of more than fifty (50) feet without such structure

Section 1114 If provision is made to land the bucket upon a truck the said truck shall be constructed in such manner that the material cannot fall into the shaft All rock and coal from shafts as they are being sunk shall not be raised except in a bucket or on a cage and such bucket or cage must be connected to the rope or chain by a safety hook or clevis or other safe attachment

Section 1115 Such shafts shall be provided with such guides and guide attachments applied in such manner as to prevent the bucket from swinging while descending or ascending therein and such guides and guide attachments shall be maintained at a distance of not more than seventy-five (75) feet from the bottom of such shaft until its sinking shall have been completed but this section shall not apply to shafts one hundred (100) feet or less in depth.

Section 1116. Where the strata are not safe every shaft shall be securely cased lined or otherwise made secure

Section 1117 The following rules shall be observed as far as practicable in every shaft to which this act applies

First After each and every blast the chargeman must see that all loose material is swept down from the timbers before the workmen descend to their work.

Second After a suspension of work and also after firing a blast in a shaft where explosive gases are evolved the person in charge must have the said shaft examined and tested with a safety lamp before the workmen are allowed to descend.

Third Not more than four persons shall be lowered or hoisted in any shaft on a bucket at the same time and no person shall ride on a loaded bucket

Fourth Whenever persons are employed on platforms in shafts the person in charge must see that the said platforms are properly and safely constructed.

Fifth While shafts are being sunk all blasts therein must be exploded by an electric battery.

ARTICLE XII

Ventilation

Section 1201 The owner operator or superintendent of every mine shall provide and maintain a constant and adequate supply of pure air for the same as hereinafter provided.

Section 1202 It shall not be lawful to use a furnace for the purpose of ventilating any mine wherein explosive gases are generated.

Section 1203 The quantities of air in circulation shall be ascertained with an anemometer or other efficient instrument Such measurements shall be made by the inside foreman or his assistant once every week at the inlet and outlet airways also at or near the face of each gangway and at the nearest cross-heading to the face of the inside and outside chamber or breast where men are employed Such air measurements shall be entered in the colliery report book Cross-headings between chambers or breasts shall not be driven more than sixty (60) feet from the face of each chamber or breast A report of these air measurements shall be sent to the inspector befor the twelfth day of each month for the preceding month together with a statement of the number of persons employed in each district.

Section 1204 The minimum quantity of air produced shall not be less than two hundred (200) cubic feet per minute for each and every person employed in any mine and as much more as the circumstances may require.

Section 1205 The ventilating currents shall be conducted and circulated to and along the face of each and every working place throughout the entire mine in sufficient quantities to dilute render harmless and sweep away smoke and noxious or dangerous gases to such an extent that all working places and traveling roads shall be in a safe and fit state to work and travel therein.

Section 1206 All worked-out or abandoned parts of a mine in operation so far as practicable shall be kept free of dangerous bodies of gases or water and if found impracticable to keep the entire mine free from an accumulation of gases or water the mine imspector must be immediately notified.

All accessible parts of an abandoned portion of a mine in which explosive gases have been found shall be carefully examined by the mine foreman or his assistants at least once a week and any dangerous condition found existing therein shall be immediately removed A report of said examination shall be recorded in a book kept at the colliery for that purpose and signed by the person making the same

Section 1207 Every mine employing more than seventy-five (75) persons must be divided into two or more districts Each district shall be provided with a separate split of pure air and the ventilation shall be so arranged that not more than seventy-five (75) persons shall be employed at the same time in any one current or split of air

The inlet and return air passages for any particular district must be separated by a pillar of coal or stone if the thickness and dip of the vein will permit except where it is necessary to cut through said dividing pillar for the purpose of ventilation traffic or drainage.

Section 1208 All air passages shall be of sufficient area to allow the free passage of not less than two hundred (200) cubic feet of air per minute for every person working the rein and in no case in mines generating explosive gases shall the velocity exceed four hundred and fifty (450) lineal feet per minute in any opening through which the air currents pass if gauze safety lamps are used except in the main inlet or outlet airways.

Section 1209 All cross-cuts connecting the main inlet and outlet air passages of every district when it becomes

necessary to close them permanently shall be substantially closed with brick or other suitable building material laid in mortar or cement whenever practicable

Section 1210 All doors used in assisting or in any way affecting the ventilation shall be so hung and adjusted that they will close automatically

Section 1211 All main doors shall have an attendant whose constant duty it shall be to open them for transportation and travel and prevent them from standing open longer than is necessary for persons or cars to pass through unless a self-acting door is used which is approved by the inspector of the district.

Section 1212 All main doors shall be so placed that when one door is open another which has the same effect upon the same current shall be and remain closed and thus prevent any temporary stoppage of the air current

Section 1213 An extra main door shall be so placed and kept standing open as to be out of reach of accident and so fixed that is can be at once closed in the event of an accident to the doors in use.

Section 1214 The frame work of such main doors shall be substantially secured in stone or brick laid in mortar or cement unless otherwise permitted in writing by the inspector.

Section 1215 All permanent air bridges shall be substantially built of fireproof material and of such strength as the circumstances may require Temporary air bridges or overcasts may be built of other suitable material upon permission from the mine inspector.

Section 1216 All ventilators used at mines shall be provided with recording instruments by which the speed of the ventilators or the ventilating pressure shall be registered for each hour and such data shall be preserved at the colliery for future references for a period of three months.

Section 1217 An accumulation of gas in mines shall not be removed by brushing When such accumulations occur they must be removed by sufficient air currents only

Section 1218 No auxiliary or booster fan shall be allowed in any mine unless a request in writing be made by the superintendent of such mine to the mine inspector of the district and permission granted by him to install such fan

Section 1219 Auxiliary fans driven by electric power shall not be used in gaseous mines unless the motors of such fans are enclosed in explosion proof casing approved by the United States Bureau of Mines All such fans must be located so that there shall be maintained at all times a positive separation of inlet and outlet air currents

Section 1220 All main fans used to ventilate gaseous mines shall be operated continuously when necessary for the safety of the men employed therein and when the Mine Inspector so orders During any period in which repairs are being made to any such fan or fans or for any reason any such fans are stopped no person or persons shal be allowed in any gaseous part of said mine except for the purpose of making examinations and observations of gaseous conditions All such examinations shall be made with an approved safety lamp

Section 1221 Whenever a mine suspends operations temporarily and is being maintained in readiness for operation the mine shall be examined at least once a week in the same manner as if in operation and a report of such examination shall be made in the colliery report book and signed by the person making the examination.

Section 1222 When non-gaseous (Class A) mines in which mining has been suspended and fans stopped during such idle periods before such mine or mines resume mining, all such fans shall be put in operation at least twelve (12) hours before work is resumed. An examination of all working places haulage roads traveling roads etc shall be made before the men are allowed to enter the mine.

Section 1223 When any main ventilating fans have been stopped they shall prior to the resumption of work in the mine be operated a sufficient length of time to provide a supply of air adequate enough to dilute render harmless and sweep away all smoke and noxious gases and an examination shall be made of all haulage roads traveling roads working places and other places in which accumulations of gas or smoke might endanger the safety of the workmen before the men are allowed to enter the mine.

Section 1224 All inlet and outlet airways shall be kept free from all obstructions and in fit state to be traveled and inspected at all times.

Section 1225 Any person or persons who shall neglect or fail to comply with the provisions of this article or who shall make any false report in regard to air measurements shall be guilty of an offense against this act.

ARTICLE XIII

Underground Buildings

Section 1301 All buildings inside of any anthracite coal mine in Pennsylvania including engine-houses pump-houses stables et cetera shall be constructed of incombustible material and no temporary buildings of any character in any mine shall be constructed unless they are constructed of incombustible material.

Section 1302 Any owner operator or superintendent of a coal mine failing to comply with this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of one hundred dollars ($100.-00) or undergo imprisonment in the county jail for a period of ten (10) days or both at the discretion of the court.

ARTICLE XIV

Classification of Mines or Sections Thereof With Reference to Combustible Gas

Section 1401 All anthracite mines or sections thereof shall be classed as A B or C as hereinafter provided.

Section 1402 A Class A mine or section thereof shall be considered one in which seven one-hundredths (7/100) of one per cent of combustible gas or less is found Such mine or section thereof shall be considered non-gaseous.

Section 1403 A Class B mine or section thereof shall be considered one in which more than seven one-hundredths (7/100) of one per cent and less than five-tenths (5/10) of one per cent of combustible gas is found.

Section 1404 A Class C mine or section thereof shall be considered one in which five-tenths (5/10) of one per cent or more of combustible gas is found.

Section 1405 Examinations to determine the classification of mines or sections thereof shall be made by the operator or his representative every six months at the faces of the first and last working place on a split and the average of the tests shall be the determining factor Tests shal be made by use of a methane detector approved by the United States Bureau of Mines or by chemical analyses.

Section 1406 The ventilation must have been stopped or short-circuited for at least fifteen minutes when the aforesaid examinations are made and the results recorded and a copy of the same shall be sent to the inspector of the district within ten days after such examination.

Section 1407 The classification of a section of a mine as "A" "B" or "C" does not of necessity place the whole mine in that class

Section 1408 If one-fourth (1/4) of an inch gas cap can be seen on the flame of an approved safety lamp it shall be assumed that the air contains at least one and one-half (1 1/2) per cent of combustible gas.

Section 1409 No mine or section thereof shall be considered as belonging to a less hazardous class than the one to which it formerly belonged without permission from the inspector of the district.

ARTICLE XV

Use of Electricity

Section 1501 All electrical apparatus and conductors shall be so installed and protected as to reduce danger from shock or fire to a minimum.

Section 1502 No higher voltage than medium (650)

shall be taken underground except for transmission or for application to transformers or other apparatus in which the whole of the high voltage circuit is stationery.

Section 1503 When high voltage cables are taken into the mine through bore holes shafts slopes and other traveling ways to an underground station from which point low or medium voltage may be conveyed said cables shall be so constructed as to reduce the hazards of accidental shock to a minimum.

Section 1504 In gaseous mines (C class) high voltage transmission cables shall be installed in the intake airways or in bore holes provided such bore holes are in or connected to intake airways unless specific permission to install high voltage cables has been given by the inspector in writing and in response to a specific written request

High voltage motors and transformers if used in a mine shall be installed only in underground stations ventilated by intake air which has not passed through a gaseous district.

Section 1505 Gloves and mats of rubber or other suitable insulating material shall be provided and used by persons when making repairs to live parts of any electrical apparatus or when live parts of electrical apparatus have to be handled for the purpose of adjustment Provided That this section shall not apply to electric signal circuits.

Section 1506 Instructions shall be posted in every generating transforming and motor room containing directions as to the restoration of persons suffering from electric shock

Section 1507 In underground stations where switchboards are installed there shall be a passageway in front of the switchboard not less than three (3) feet in the clear. The rear of said switchboard must be fenced off so that there is no passageway in the rear or if this be impracticable any such passageway must be three (3) feet in the clear.

When medium voltage is used insulating floors or mats shall be provided where live metal work is on the front of the board. When high voltage is used. unless installed in a locked room to which only authorized persons are admitted all live metal parts on the front of the main switchboard within seven (7) feet of the floor or platform shall be guarded so as to prevent persons from coming in contact with such live parts. The floor back of the board shall be made of incombustible material. Provided however that this section does not apply to switchboards now in service or extensions thereof.

Section 1508 Fire buckets filled with clear dry sand or other standard extinguishers for electrical fires shall be kept in underground stations ready for immediate use in extinguishing fires.

Section 1509 Medium or low pressure conductors may be bare except in gaseous portions (C class) of the mines This rule is not to include trolley wire except where hereinafter provided.

Section 1510 At all landings and partings where men are required to work regularly or pass under trolley or other bare power wires which are placed less than six and one-half (6½) feet above the top of the rail a suitable protection shall be provided This protection may be afforded by channeling the roof placing boards along the wires which shall extend below them or the use of other approved devices that afford protection.

Section 1511 All underground power wires and cables in hoisting shafts or manway compartments shall be highly insulated and substantially fixed in position On main haulage roads all cables and other wires except trolley wires and D C feeder wires when mounted on the same supports shall be kept at least twelve (12) inches away from any part of the mine car or locomotive.

Section 1512 Trailing cables in use shall be examined daily by the machine operator for abrasions and other defects and he shall report any defect to the mine foreman or his assistant and it shall be immediately remedied or the cable put out of service.

Section 1513 All points at which a circuit other than a signal circuit has to be made or broken shall be provided with proper switches The use of hooks or other makeshifts are prohibited except that connection for gathering locomotives or locomotives and machines used in driving headings or chambers may be made to the trolley wire by means of suitable hooks.

Section 1514 In any gaseous portion of a mine (B and C class) a coal-cutting machine shall not be brought beyond the last cross-cut next the working face until the machine man shall have made an inspection for gas or until such examination shall have been made by some other competent person If any explosive gas is found in the place the machine shall not be taken in.

Section 1515 No coal-cutting machine shall be continued in operation in a gaseous portion of a mine (C class) for a longer period than half an hour without an examination being made for gas and if gas is found the current shall at once be switched off and the machine and the trailing cable shall forthwith be disconnected from the power supply.

Section 1516 The person in charge of a coal-cutting machine loading machine or drilling machine shall not leave the machine while it is working and shall before leaving the working place see that the current is cut off from the trailing cables In any gaseous portion of a mine (C class) if an electric spark or arc be produced by the cable or rails the defect shall be immediately reported to the mine foreman or his assistant and the condition remedied without delay.

Section 1517 In any gaseous portion of a mine (C class) any gangway airway or other working which is served by cars being pushed to the face of it must not have any trolley wire therein closer than one hundred and fifty (150) feet from its face No modification of this rule shall be allowed unless the mine inspector of the district be first consulted and his permission obtained to make such modification A trailing cable is permitted in all such cases.

No electric haulage motor shall be taken to the face of any working place in any gaseous portion of a mine (B or C class) in the absence of the men working in such place until it is first examined by a competent person and found to be safe.

Section 1518 In no case shall the potential used in the trolley system be higher than low voltage Provided That this section shall not apply to trolley systems now in service or extensions thereof.

Section 1519 No electrical equipment shall be operated in that part of any mine in which more than one and one-half (1½) per cent of combustible gas can be detected and all work must be stopped except such as may be necessary to reduce the percentage content to one and one-half or less

Section 1520 In gaseous mines (B class) open lights and electric lamps are permissible provided a flame safety lamp approved by the Department of Mines is used for testing purposes Such safety lamps shall be as far as practicable kept near the roof of the working face

It shal not be assumed that a mine or portion thereof is gaseous because of the partial or exclusive use of electric cap lamps

Section 1521 In each part of all gaseous mines (C class) no light other than a locked safety lamp or a locked safety lamp and electric cap lamp both of a type which shall be first approved by the Departmnet of Mines shall be allowed or used in such part Whenever safety lamps or electric cap lamps are required in any mine or part thereof they shall be the property of the owner of said mine and a competent person who shall be appointed for the purpose shall examine every safety lamp and electric cap lamp before it is taken into the workings for use and he shall ascertain that all safety lamps are clean safe and securely locked and safety lamps and electric cap lamps shall not be used until they have been so examined and found safe and in the case of safety lamps clean and securely locked

Section 1522 No one except a duly authorized person shall have in his possession a key or any other contrivance for the purpose of unlocking any safety lamp in any gaseous mine where locked safety lamps or electric

cap lamps are used It shall be unlawful for any person or persons working in gaseous mines (C class) or portion of a gaseous mine (C class) which is worked by locked safety lamps or locked safety lamps and electric cap lamps to carry into the mine matches smokers' articles or any other material or articles which may cause fire To prevent such articles being carried into a dangerous mine or section thereof the mine foreman when he see fit shall cause a search of the men for such articles

Section 1523 In any gaseous portion of a mine (C class) except such parts as are ventilated by pure intake air incandescent lamps shall be protected by gas tight fittings of strong glass

Section 1524 All shot firing in gaseous mines or sections of mines (C class) shall be done by the use of an electric battery approved by the Bureau of Mines and furnished free of charge by the owner or operator of such mine No black powders shall be used in such mines

Section 1525 No shot firing unit shall be connected to the shot firing leads until all other connections preparatory to the firing of shots have been completed and all persons have moved to a place of safety

Section 1526 In any gaseous portion of a mine (C class) the potential used for signaling purposes shall not exceed twenty-four (24) volts and bare wires shall not be used for signal circuits except in intake air currents

Section 1527: Where electric transformers are located on the outside and mounted on steel structures there shall be provided proper walkways or platforms so that examinations or inspections of the same can be made. All transformers within eight (8) feet of the ground shall be protected by fencing, such fencing to be of a height that will prevent persons from inadvertently coming in contact with the same.

Section 1528 At all surface plants of collieries and in all mines where electric power is used adequate switches shal be provided at the points where it may be necessary to turn power on or off Such switches except high voltage air break and disconnecting switches and those on D C feeder or on trolley circuits shall be so arranged that they can be operated only from and without the box when the latter is completely closed

Section 1529 Any person or persons failing to comply with the provisions of this article shall be guilty of an offense against this act and upon conviction shall be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) or undergo imprisonment for thirty (30) days in the county jail or both at the discretion of the court

ARTICLE XVI

Inquests

Section 1601 If whenever death occurs from an accident in or about an anthracite coal mine of this Commonwealth and after an examination of such accident the mine inspector finds an inquest should be held he shall notify the coroner to hold such inquest without delay and if no inquest be held by the coroner within forty-eight (48) hours after such notice the inspector shall institute a further and fuller examination of such accident and for this purpose he shall have power to compel the attendance of witnesses at such examination and to administer oaths and affirmations to persons testifying thereat The inspector shall make a record of all such investigations and accidents which record shall be preserved in his office The cost of such investigations shall be paid by the Department of Mines in like manner as other costs are now paid

Section 1602 An inquest held by the coroner upon the body of a person killed by explosion or other accident shall be adjourned by the coroner if the inspector of mines be not present to watch the proceedings and the coroner in such case shall notify the inspector in writing of such adjournment inquest and the time and place of holding the same at least three (3) days previous thereto

Section 1603 Due notice of an intended inquest to be held by the coroner shall be given by the coroner to the inspector and at any such inquest the mine inspector and any representative of a party in interest shall have the right to examine witnesses and read the law governing the case to the coroner's jury

Section 1604 If at any inquest over the body or bodies of persons whose death was caused by an accident in or about a mine or colliery the inspector cannot be present to watch the proceedings the coroner may proceed with such inquest and if it is shown by the evidence given at the inquest that the accident was caused by neglect or by any defect in or about the mine or colliery which in the judgment of the jury requires a remedy the coroner shall send notice in writing to said inspector of such neglect or default

Section 1605 No person who is interested personally nor a person employed in the mine or at a colliery in or at which loss of life has occurred by accident shall be qualified to serve on a jury empaneled on the inquest and a constable or other officer shall not summon such a person so disqualified as a juror but the coroner shall empanel a majority of the jury from miners who are qualified to judge the nature of the accident

ARTICLE XVII

Medical Rooms and First Aid Treatment

Section 1701 It shall be unlawful to operate any anthracite mine in the State of Pennsylvania employing more than five persons unless said mine is provided with a sufficient quantity of medical supplies bandages linens splints woolen and water-proof blankets The mine foreman or his assistant shall keep a record showing the required articles on hand Said articles shall be stored in rooms erected at a convenient place in the mine and on the surface which rooms shall not be less than eight by twelve feet and sufficiently furnished lighted clean and ventilated so that therein medical treatment may be given injured employes in case of emergency The furnishings shall be sufficient to accommodate two or more persons in reclining and sitting posture. In the mines where five (5) men or less are employed there shall be kept at such mines first aid kits so that first aid to the injured may be rendered in case of necessity

Section 1702 The neglect or refusal to perform the duties required to be performed by this article or the violation of any of the requirements hereof shall be deemed a misdemeanor and shall upon conviction thereof in the Court of Quarter Sessions of the county wherein the misdemeanor was committed be punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment in the county jail for a period not exceeding six (6) months or both at the discretion of the court

ARTICLE XVIII

Regulating Weights of Explosives

Section 1801 On and after the passage of this act each and every keg or box of explosives used manufactured or sold in or around the anthracite coal mines of this Commonwealth shall have clearly stamped upon it the name of the person firm or corporation manufacturing said explosives the percentage strength of such explosives and also the number of pounds of explosives contained in said keg or box

Section 1802 Any manufacturer or dealer in said explosives making or selling or causing to be made or sold any keg or box of said explosives containing less weight than shall be shown as stamped upon the keg or box shall be subject to a penalty of five dollars ($5.00) for each and every keg or box of said explosives manufactured or sold which does not contain the respective weights as set forth in the foregoing section

Section 1803 It shall not be lawful for any other person firm or corporation except the person firm or corporation whose name shall be stamped on said keg or box to use any such stamped keg or box for the purpose of containing explosives

Section 1804 Any person firm or corporation violating the provisions of section one thousand eight hundred three of this article shall be subject to a fine of not less

than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00)

ARTICLE XIX

Recovery of Bodies of Entombed Workmen

Section 1901 Whenever any workman or workmen shall heretofore have been or shall hereafter be enclosed entombed or buried in any anthracite coal mine in this Commonwealth it shall be the duty of the court sitting in equity in the county wherein such workman or workmen are enclosed entombed or buried upon the petition of any of the relatives of those enclosed entombed or buried to make an order of court for the petitioner to take testimony in order that the court may ascertain whether such workman or workmen or the body or bodies of such workman or workmen can be recovered or taken out of said mine

Section 1902 If after full hearing it shall appear to the court that such undertaking is feasible or practicable said court may forthwith issue a peremptory mandamus to the owner or owners lessee or lessees operator or operators of such coal company to forthwith proceed to work for and recover and take out the body or bodies of such workman or workmen and said court shall have full authority to enforce such peremptory mandamus in the manner already provided for the enforcement of such process

ARTICLE XX

Records of Coal Loaded by Miners

Section 2001 At every anthracite coal mine in this Commonwealth where coal is mined and paid for by the car a record of all cars of coal mined shall be kept at the miners' chutes or at the most convenient and practical of said chutes where said coal is loaded in cars which record shall be the final basis of computing the miners' earnings per car without any deduction for any slate or other refuse that may be loaded on said car or cars in the usual and natural course of mining and loading coal and which record shall be open at all times for the inspection of all miners

Section 2002 Any individual firm or corporation violating any of the provisions of section two thousand one shall be guilty of a misdemeanor and upon conviction shall for each offense be sentenced to pay a fine of not less than fifty ($50.00) nor more than one hundred dollars ($100.00) Provided That nothing contained in this article shall affect any existing contract

Section 2003 Any person who wilfully shall from any loaded coal car in or about any mine breaker or yard in this Commonwealth take remove sever carry away obliterate or destroy any ticket card tin-slip or other device or sign used to indicate or identify the person or persons to whom credit or pay is or shall be due for the mining of the coal in said car or for the loading of said car for the purpose of depriving such person or persons from getting credit or pay for said car or for the purpose of defrauding such person in any manner shall be deemed guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine not exceeding one hundred dollars ($100.00) or to undergo imprisonment not exceeding one (1) year either or both at the discretion of the court and the jury trying the case may infer such intent from the fact of taking removing carrying away severing obliterating or destroying in any manner of such tickets card tin-slip or other device or sign as aforesaid

ARTICLE XXI

Wash Houses

Section 2101 It shall be the duty of the owner operator or superintendent of each mine or colliery at the request in writing of twenty (20) or more men employed in any of the mines to provide a suitable building not an engine or boiler house which shall be convenient to the principal entrance of such mine for the use of the persons employed therein for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom The said building shall be maintained in good order be properly lighted and heated and supplied with pure cold and warm water and shall be provided with facilities for persons to wash It shall be the duty of the owner operator or superintendent of each mine or colliery to maintain proper attendants continuously at each and every wash house in order to maintain the wash house in a clean and sanitary condition at all times If any person or persons shall neglect or fail to comply with the provisions of this article or maliciously injure or destroy or cause to be injured or destroyed the said building or any part thereof or any of the appliances or fittings used for suplying light heat and water therein or any act tending to the injury or destruction thereof he or they shall be deemed guilty of an offense against this act

ARTICLE XXII

Ambulances and Stretchers

Section 2201 The owner operator or superintendent of every mine or colliery except as hereinafter provided shall provide and keep at such mine or colliery a motor ambulance and also at least two (2) stretchers for the purpose of conveying to their places of abode any person or persons who may be injured while in the discharge of his or their work at such mine or colliery

Section 2202 The said motor ambulance shall be constructed upon good substantial and easy springs It shall be covered and closed and shall have windows on the sides or ends It shall be of sufficient size to convey at least two (2) injured persons with two (2) attendants at one time and shall be provided with spring mattresses or other comfortable bedding to be placed on roller frames together with sufficient covering and protection for the convenient movement of the injured It shall also be provided with seats for the attendants The stretchers shall be constructed in such manner as to afford the greatest case and comfort in the carriage of injured persons The motor ambulance shall at all times be properly heated

Section 2203 Whenever any person or persons employed in or about a mine or colliery shall receive such injury by accident or otherwise while so employed as would render him or them unable to walk to his or their place of abode the owner operator or superintendent of such mine or colliery shall immediately cause such person or persons to be removed in said motor ambulance to his or their place of abode or to a hospital as the case may require Provided however That where two or more mines or collieries are located within four miles of each other or a motor ambulance is located within four miles of each colliery but one motor ambulance as aforesaid shall be required if said mines or collieries have ready and quick means of communication one with the other by telegraph or telephone

Section 2204 A motor ambulance as aforesaid shall not be required at any mine or colliery at which less than twenty (20) persons are employed

Section 2205 In case the distance from any mine or colliery to the place of abode of the person injured is such as to permit his conveyance to his home or to a hospital more quickly and conveniently by railway such mode of conveyance shall be permitted but in such case the conveyance must be under cover and the comfort of the injured person must be provided for

Section 2206 There shall be furnished free of charge by the State Highway Department a registration certificate and two number tags for every such motor ambulance

ARTICLE XXIII

Employment of Boys and Females

Section 2301 No woman or girl of any age shall be employed or permitted to be in any mine for the purpose of employment therein nor shall a woman or girl of any age be employed or permitted to be in or about the outside structures or workings of a mine or colliery for the purpose of employment Provided however That this prohibition shall not affect the employment of a female of not less than sixteen (16) years of age in an office or in the performance of clerical work at a colliery

Section 2302 No minor under sixteen (16) years of age shall be employed or permitted to work in about or in connection with any breaker or any outside part of any mine or colliery No minor under eighteen (18) years of

age shall be employed to be permitted to work inside any coal mine No minor under eighteen (18) years of age shall be employed or permitted to work about or in connection with the outside part of any mine or colliery in the operation of hoisting machines at oiling or cleaning machinery in motion at switch-tending and gate-tending at track repairing or in any other dangerous occupation

Section 2303 Before any person under twenty-one (21) years of age shall be permitted to work in or about any mine or colliery he shall first file with the employer a statement properly sworn to before a magistrate or other proper officer setting forth the date and place of birth and post office address Such statements shall be filed in the colliery office and they shall be available at all times for inspection by the mine inspector of the district or other authorized inspectors or officers charged with the enforcement of this act

Section 2304 Any person who shall violate any of the provisions of this article shall upon conviction thereof be sentenced to pay a fine of not less than ten dollars ($10.00) nor more than two hundred dollars ($200.00) or to undergo an imprisonment of not more than ten (10) days or both at the discretion of the court

ARTICLE XXIV

Soliciting Money or Other Valuables From Employes

Section 2401 On and after the passage of this act and mine superintendent mine foreman or assistant foreman or any other person or persons who shall receive or solicit any sum of money or other valuable consideration from any of his or their employes for the purpose of continuing in his or their employ or for the purpose of procuring employment shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00) or undergo an imprisonment of not less than six (6) months or both at the discretion of the court

ARTICLE XXV

Duties of Outside Foremen

Section 2501 The owner operator or superintendent of a colliery shall place a competent person to be called an "outside foreman" in charge of the breaker and outside work of such colliery who shall direct and see that the provisions of this act are complied with in respect to the breaker outside machinery ropes cages and all other things pertaining to the outside work unless otherwise provided for in this act

Section 2502 Whenever an outside foreman cannot personally carry out the provisions of this act so far as they pertain to him the owner operator or superintendent shall authorize him to employ a sufficient number of competent persons to act as his assistants who shall be subject to his orders

Section 2503 In all coal breakers where the coal dust is so dense as to be injurious to the health of persons employed therein the owner operator or superintendent of said breaker shall upon the request of the inspector immediately adopt measures for the removal of the dust

Section 2504 It shall be the duty of the outside foreman of a colliery or his assistant to inspect and examine personally all machinery in breakers and in all other places where machinery is used for the preparation or storage of coal He shall see that all dangerous machinery rolls pulleys screens belts walks etc are properly protected by coverings railings or fencing so as to prevent persons from inadvertently walking against or falling upon the same

Section 2505 All hoisting ropes safety catches main links and chains shall be carefully examined each day they are used by a competent person delegated by the outside foreman to make such examination A record of any defects found therein by which life or limb may be endangered shall be made in a bobk and signed by the person making it and said book shall be kept in the colliery office where it shall be available for inspection by the inspector of the district

Section 2506 It shall be the duty of the outside foreman to have all iron hoisting chains main links sockets and slope couplings that are used to lower men into and hoist them from the mines annealed at least once every four (4) months and as much oftener as may be found necessary A record of such annealment shall be kept in a book and signed by the person in charge of the work Provided That this shall not apply to hoisting chains main links sockets and slope couplings that are made of modern heat treated steel

Section 2507 It shall be the duty of the outside foreman to have the motor ambulance kept in good working condition and to this end he shall have it inspected by a competent mechanic once every month and any defects found shall be immediately remedied A record of such motor ambulance inspection together with its condition shall be made in a book and signed by the person making the inspection

Section 2508 It shall be the duty of the outside foreman to keep in the colliery office all employment certificates of minors at which place they shall be open for inspection by the mine inspector of the district or by any other person authorized by law to inspect such certificates

Section 2509 It shall be the duty of the outside foreman to have all cages by which persons are hoisted or lowered in shafts tested for safety as often as once every three (3) months Whenever such test shows that a cage drops nine (9) inches or more or that other dangerous defects exist such cage shall not be further used until all defects therein found have been remedied

Section 2510 If at any time it is found by an employe that any part of the machinery in any breaker or about any colliery has become dangerous he shall immediately notify the foreman whose duty it shall be to have such defect or dangerous condition remedied without delay

Section 2511 The outside foreman shall see that a suitable safety device is installed on the railroad tracks that lead to the breaker and maintained in good working order to protect the loaders who may be loading railroad cars from the coal pockets All railroad car runners shall be provided with safety belts to prevent their falling off such cars

Section 2512 The outside foreman shall before the tenth day of each month send to the mine inspector of the district for the preceding month a report of the condition of all hoisting cages safety catches ropes main links chains breaker machinery motor ambulances or other machinery designating the condition of each by using the words "good" "fair" or "bad" as the case may be This report shall be signed by the outside foreman Such reports shall be made on forms furnished by the Department of Mines

ARTICLE XXVI

Breakers and Machinery

Section 2601 No inflammable structure shall be located over the entrance of any mine opening connecting the surface with the underground workings and no breaker or other inflammable structure for the preparation or storage of coal shall be located nearer than two hundred (200) feet to any mine opening provided that this section shall not apply to breakers and other structures that are now erected

Section 2602 The sides of stairs trestles and dangerous plank walls in and around the collieries shall be provided with hand and guard railings to prevent persons from falling over their sides This section shall not forbid the temporary removal of a fence guard rail or covering for the purpose of repairs or other operations if proper precautions are used and the fence guard rail or covering is replaced immediately thereafter

Section 2603 All persons employed to operate machinery in and about the breaker other than that used to lower and hoist persons into and out of the mines shall be sober and competent persons not less than eighteen (18) years of age

Section 2604 A signal apparatus shall be established at important points in every breaker so that in case of an accident the engineer can be promptly notified to stop the machinery

Section 2605 No person under eighteen (18) years of age shall be appointed to oil the machinery and no person

shall oil dangerous parts of such machinery while it is in motion

Section 2606 No person shall play with loiter around or interfere with any machinery in or about any mine or colliery

Section 2607 The main link of the chain connecting the rope to the cage gun-boat or car in any shaft or slope shall be made of the best quality of iron or of heat treated steel Bridle chains made of the same quality of iron or heat treated steel shall be attached to the main link rope or rope socket from the cross head of the cage gun-boat or car when persons are being lowered or hoisted thereon

Section 2608 An efficient brake shall be attached to every drum that is used for lowering or hoisting persons or material in any mine

Section 2609 Flanges or horns of sufficient dimensions to prevent the rope from slipping off the said drums shall be provided and properly attached to the drum and all machines used for lowering or hoisting persons in mines shall be provided with an indicator to show the position of the cage car or gun-boat in the shaft or slope

Section 2610 It shall be the duty of the owner operator or superintendent of any or all coal breakers to have them properly heated and lighted in order to prevent injury to the health of persons employed therein

Section 2611 Failure to comply with any of the provisions of this article shall be deemed an offense against this act

ARTICLE XXVII

Hoisting Engineers

Section 2701 No person engaged as hoisting engineer at or about the anthracite coal mines of this Commonwealth part of whose duties it is to lower men and boys into and hoist them and coal from the said mines shall be engaged for a longer period than eight (8) hours out of each day of twenty-four (24) hours

Section 2702 An engineer placed in charge of an engine whereby persons are hoisted or lowered in any mine shall be a sober and competent person of not less than twenty-one (21) years of age

Section 2703 Every engineer shall work his engine slowly and with great care when any person is being lowered or hoisted in a shaft or slope and no one shall interfere with him while in the performance of this duty

Section 2704 An engineer who has charge of the hoisting machinery by which persons are lowered or hoisted in a mine shall be in constant attendance for that purpose during the whole time any person or persons are below ground

Section 2705 Any person persons firm partnership corporation or their agents managers or superintendents violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100.00)

ARTICLE XXVIII

Boilers and Connections

Section 2801 All boilers used for generating steam in and about mines and collieries shall be kept in good order and the owner operator or superintendent shall have them examined and inspected by a qualified inspector properly certified by the Commonwealth as often as once in six months and oftener if necessary The result of such examination under oath shall be certified in writing to the inspector for the district within thirty (30) days thereafter

Section 2802 It shall not be lawful to place any boiler or boilers for the purpose of generating steam under or nearer than one hundred (100) feet to any coal breaker or other structure in which persons are employed in the preparation of coal Provided That this section shall not apply to boilers or breakers already erected or to boilers used for heating purposes only

Section 2803 Each nest of boilers shall be provided with a safety valve of sufficient area for the steam to escape and with weights or springs properly adjusted

Section 2804 Every boiler house shall be provided with a steam gauge properly connected with the boilers to indicate the steam pressure and another steam gauge shall be attached to the steam pipe in the engine house and they shall be placed in such position that the engineer or fireman can readily examine them and see what pressure is carried Such steam gauges shall be kept in good order tested and adjusted as often as once in every six (6) months and their condition reported to the inspector in the same manner as the report of boiler inspection

Section 2805 Every fireman in charge of a boiler or boilers for the generation of steam shall keep constant watch over the same He shall see that the steam pressure does not at any time exceed the limit allowed by the outside foreman or superintendent He shall frequently try the safety valve and shall not increase the weight on the same He shall maintain a proper depth of water in each boiler and if anything should happen to prevent this he shall report the same without delay to the foreman for the time being in charge and take such other action as may under the particular circumstances be necessary for the protection of life and preservation of property

ARTICLE XXIX

Props and Timbers

Section 2901 It shall be the duty of the owner operator superintendent or mine foreman of any mine to furnish to miners all props cap pieces ties rails timbers and other materials necessary for the safe mining of coal suitably prepared and delivered to the workmen as near to their working places as they can be conveyed in ordinary mine cars free of charge and where the mine car cannot reach the foot of a working place such material shall be conveyed there by other means

Section 2902 Every workman in want of props ties rails or timbers shall notify the mine foreman or his assistant of the fact at least one day in advance giving the length of the props or timber required and in case of danger from loose roof or sides he shall not continue to cut or load coal until the said props and timber have been properly furnished and the place made secure

Section 2903 No person or persons working in any coal mine or colliery shall cut any props or timbers while the same are in position to support the roof or sides When it becomes necessary to remove any of the said props or timbers for any purpose it may be done by using prop or post pullers or by blasting

ARTICLE XXX

Returns and Notices

Section 3001 Notices of death or serious injuries resulting from accidents in or about mines or collieries shall be made to the inspector of mines in writing and shall specify the name age occupation of the person killed or injured and also the nature and character of the accident and of the injury caused thereby

Section 3002 The owner operator or superintendent of a mine or colliery shall without delay give notice in writing to the inspector of the district in which said mine or colliery is situated in any or all of the following cases

First Where any working is commenced for the purpose of opening a new slope or mine to which this act applies

Second Where any mine is abandoned or the workings thereof discontinued

Third Where the working of any mine is recommenced after any abandonment or discontinuance for a period exceeding two (2) months

Fourth Before any new coal breaker is completed and work commenced therein for the purpose of preparing coal for market

Fifth Where the pillars of a mine are to be removed or robbed

Sixth Where a squeeze or crush or any other cause or change may seem to affect the safety of persons employed in any mine or where fire occurs or a dangerous body of gas is found in any mine

Section 3003 On or before the second day of each month the owner operator or superintendent of every mine or colliery shall send to the mine inspector of the district for the preceding month an estimate of the number of days worked tons produced and the number of men employed

Section 3004 On or before the first day of February in each year the owner operator or superintendent of every mine or colliery shall send to the inspector of the district a correct report specifying with respect to the year ending December thirty-first previously the name of the operator and officials of the mine with their postoffice addresses the quantity of coal mined the amount of powder or other explosives consumed and the number of persons employed above and below ground in or about such colliery classifying the persons so employed The report shall be in such form as may be from time to time prescribed by the Secretary of Mines Blank forms for such reports shall be furnished by the Commonwealth

ARTICLE XXXI

General Rules

Section 3101 The owner operator and superintendent of a mine or colliery shall use every precaution to insure the safety of the workmen in all cases whether provided for in this act or not and shall have supervision direction and control of the mine foreman and all other mine employes

Section 3102 Whenever a place is likely to contain a dangerous accumulation of water the working approaching such place shall not exceed twelve (12) feet in width and there shall be constantly kept at a distance of not less than twenty (20) feet in advance at least one (1) bore hole near the center of the working and sufficient flank bore holes on each side

Section 3103 Not more than ten (10) persons shall be hoisted or lowered at any one time in any shaft or slope and whenever five (5) persons shall arrive at the bottom of any shaft or slope in which persons are regularly hoisted or lowered they shall be furnished with an empty car or cage and be hoisted except however in mines where there is provided a traveling way having an average pitch of fifteen (15) degrees or less and not more than one thousand (1000) feet in length This however shall not prohibit the hoisting or lowering of twenty (20) persons at one time on slopes where two (2) or more loaded cars are regularly hoisted Provided That not less than thirty (30) workmen working therein make such a request in writing to the inspector of the district and if in his judgment the hoisting appliances in every respect are of sufficient strength he may comply with the request of the workmen And provided further That in any coal mine or colliery where the hoisting appliances are not of sufficient strength to hoist or lower the number of persons named he shall have the power to reduce the number of persons to be hoisted or lowered

Section 3104 When high explosives other than gunpowder are used in any mine the manner of storing keeping moving charging and firing or in any manner using such explosives shall be in accordance with special rules as furnished by the manufacturers of the same The said rules shall be endorsed with his or their official signatures and shall be approved by the owner operator or superintendent of the mine in which such explosives are used

Section 3105 Every passageway used by persons in any mine and also used for transportation of coal or other material shall be made of sufficient width to permit persons to pass moving cars with safety but if found impracticable to make any passageway of sufficient width then holes of ample dimensions and not more than one hundred and fifty (150) feet apart shall be made on one side of said passageway The said passageway and safety holes shall be kept free from obstructions and shall be well drained the roof and sides of the same shall be made secure

Section 3106 When locomotives are used in haulage ways in any mine their speed shall not exceed six (6) miles per hour and a red light shall be provided and attached to the front end of every train of cars pushed by the locomotive in any such haulage ways No locomotive shall be permitted to be used in any mine or colliery unless it is manned by two or more men There shall also be provided a red light to be attached to the rear of every train of cars that is pulled by a locomotive in the main haulage ways of any mine

Section 3107 Any person or persons who shall knowingly or willfully damage or without proper authority remove or render useless any fencing means of signaling apparatus instrument or machine or shall throw open or obstruct any airway or open a ventilating door and not have the same closed or enter a place in or about a mine against caution or handle without proper authority or disturb any machinery or cars or do any other act or thing whereby the lives or health of persons or the security of the property in or about a mine or colliery is endangered shall be guilty of an offense against this act

Section 3108 When cars are run on gravity roads by brakes or sprags the runner shall ride only on the rear end of the last car and when said cars are run by sprags a space of not less than two (2) feet from the body of the car shall be made on one or both sides of the track wherever it may be necessary for the runner to pass along the side of the moving car or cars and said space or passageway shall always be kept free from obstructions

Section 3109 Safety holes shall be made at the bottom of all slopes and planes and be kept free from obstruction to enable the footman to escape readily in case of danger Such safety holes shall be properly heated in cold weather

Section 3110 Safety blocks or some other device for the purpose of preventing cars from falling into a shaft or running away on a slope plane or all other inclined tracks on which it may be necessary to block cars shall be placed at or near the head of every shaft slope plane or inclined track and said safety blocks or other device must be maintained in good working order

Section 3111 No person shall travel on any gravity plane while cars are being hoisted or lowered thereon Whenever ten (10) persons arrive at the bottom or top of any plane on which it is necessary for men to travel traffic thereon shall be suspended for a period of time long enough to permit them to reach the top or bottom of said plane

Section 3112 No mine cars shall be used in any mine unless the bumpers are of sufficient length and width to keep the bodies of said cars separated by not less than twelve (12) inches when the cars stand on a straight level road and the bumpers touch each other

Section 3113 For the purpose of making known the rules and the provisions of this act to all persons employed in or about such mine or colliery to which this act applies an abstract of the act and rules shall be posted up in legible characters in some conspicuous place or places at or near the mine or colliery where they may be conveniently read by the persons employed and so often as the same become obliterated or destroyed the owner operator or superintendent shall cause them to be renewed with all reasonable dispatch Any person who pulls down injures or defaces such abstract of the act or rules when posted up in pursuance of the provisions of this act shall be guilty of an offense against this act

Section 3114 Holes drilled for blasting purposes shall be stemmed to the mouth of the hole and in case of a misfire no stemming or charge shall be removed from such hole but another hole shall be drilled at least eighteen (18) inches from and parallel to the original hole Provided however That where an efficient sealing device is used stemming to the mouth of the hole shall not be necessary and in case of misfire in such sealed holes a second charge may be inserted to explode or destroy the original charge

Section 3115 A gangway or other working place from which chambers are driven or long wall mining is done in a low coal seam shall have a traveling way on one side of same at least three (3) feet wide and five (5) feet high Chambers or other places driven from such gangways shall not be more than three hundred (300) feet long unless provided with a traveling way at least

three (3) feet wide and three and one-half (3½) feet high

Section 3116 It shall not be lawful for any mine foreman or superintendent of any mine or colliery to employ any person who is not competent to understand the regulations of any mine evolving combustible gas Provided That this rule shall not apply to a section of a mine free from combustible gas

Section 3117 Any superintendent or mine foreman who prevents the footman from giving an empty car or cage to the number of men designated in section three thousand one hundred three shall be guilty of an offense against the provisions of this article and upon conviction shall be sentenced to pay a fine of fifty dollars ($50.00) for each offense An empty trip shall be hoisted in any shaft or slope where the engine has been standing idle for one hour or more before men are hoisted or lowered in said shafts or slopes and no person or persons shall ascend any shaft or slope when working on the night turn until one trip shall first be hoisted therein

Section 3118 When compressed air lines are located in close proximity to electric currents there shall be placed in such air lines at suitable places a safety section of rubber hose of not less than twelve (12) inches in length and of sufficient strength to withstand the air pressure contained in the pipe line Such safety device must be approved by the inspector of the district

Section 3119 In all stripping work which may be in connection with other sections of a mine and in which large charges of high explosives are being used sufficient warning must be given to the mine officials so that all men in the mine may be removed from the danger zone before such blasts are fired in any such strippings

ARTICLE XXXII

Definition of Terms

Section 3201 In this act unless the context otherwise requires the term "anthracite coal mine or colliery" includes every operation and work both under ground and above ground used or to be used for the purpose of mining and preparing coal and not included in the bituminous boundaries

Section 3202 The term "workings" includes all the excavated parts of a mine those abandoned as well as the places actually at work

Section 3203 The term "mine" includes all underground workings and excavations and shafts tunnels and other ways and openings also all such shafts slopes tunnels and other openings in course of being sunk or driven together with all roads appliances machinery and material connected with the same below the surface

Section 3204 The term "shaft" means a vertical opening through the strata and which is or may be used for the purpose of ventilation or drainage or for hoisting men or material in connection with the mining of coal

Section 3205 The term "slope" means any inclined way or opening used for the same purpose as a shaft

Section 3206 The term "breaker" means the structure containing the machinery used for the preparation of coal

Section 3207 The term "coal stripping" means an open type of mine from which the soil and all other material overlying the coal seam has been removed Any seam of coal whose thickness is less than three and one-half (3½) feet shall be considered a low coal seam

Section 3208 The terms "owner" and "operator" mean any person or body corporate who is the immediate proprietor or lessee or occupier of any coal mine or colliery or any part thereof The term "owner" does not include a person or body corporate which merely receives a royalty rent or fine from a coal mine or colliery or part thereof or is merely the proprietor of the mine subject to any lease grant or license for the working or operating thereof or is merely the owner of the soil and not interested in the minerals of the mine or any part thereof But any "contractor" for the working of a mine or colliery or part or district thereof shall be subject to this act as an operator or owner in like manner as if he were the owner

Section 3209 The term "superintendent" means the person who shall have on behalf of the owner general supervision of one or more mines or collieries

Section 3210 The term "mine foreman" means the person who shall have on behalf of the owner operator or superintendent charge of a mine with regard to the ventilation mining timbering and transportation of coal and the safety of the persons employed in the mine

Section 3211 The term "coal miner" means a person qualified by law to act as such and who cuts or blasts coal or rock at the face of a gangway airway breast or pillar or other working place in a mine and performs such other work as may be necessary in such working place for the extraction of coal

Section 3212 The term "booster fan" means a fan used to deliver the entire volume of one or more splits of air into the workings of the high resistance circuits

Section 3213 The term "auxiliary fan" means a fan used to deliver only a portion of the volume of the air in a split to the working face through tubing of some type

Section 3214 The term "non-gaseous mine or section thereof" means one in which not more than seven one-hundredths (7/100) of one percent of combustible gas can be found in the manner described in Article fourteen of this act

Section 3215 The term "section of a mine" means any portion of such a mine that is being ventilated by one split of air

Section 3216 The term "person" means and includes any individual partnership association or corporation and any employe agent director or officer thereof

Definition of Electrical Terms

Section 3217

(a) Potential The terms "potential" and "voltage" are synonymous and mean electrical pressure

(b) Difference of Potential Term "difference of potential" means the difference of electrical pressure existing between any two points of an electrical system or between any piece of electrical apparatus and the earth as determined by a voltmeter

(c) Where the conditions of supply of electricity are such that normally the difference in potential between any points of the circuit cannot exceed three hundred and twenty-five (325) volts the supply shall be deemed a low voltage

(d) Where the conditions of the supply of electricity are such that the difference of potential between any two points in the circuit may at any time exceed three hundred and twenty-five (325) volts but cannot exceed six hundred and fifty (650) volts the supply shall be deemed a medium voltage

(e) Where the conditions of supply of electricity are such that the difference of potential between any two points in the circuit at any time exceeds six hundred and fifty (650) volts the supply shall be deemed a high voltage

(f) Grounding Grounding any part of an electrical system shall consist of so connecting such part to the earth as will insure at all times a proper path for the immediate discharge of electrical energy

(g) Underground stations as herein considered are places where electrical machinery including transformers are permanently installed

ARTICLE XXXIII

Arbitration

Section 3301 Whenever an inspector finds any mine or colliery or part thereof or any matter thing or practice connected with such mine which in any respect thereof is not covered or provided against by any provision of this act or by any rule to be dangerous or defective or which in his judgment tends to bodily injure a person he shall give notice thereof in writing to the owner operator or superintendent of such mine or colliery stating in such notice the particular matter or defect requiring remedy and may demand that the same be remedied but the owner operator or superintendent of said mine or colliery shall have the right to refer the demand of the inspector to a board of arbitration and the matter shall then be arbitrated within forty-eight (48) hours of the time such complaint or demand is made and the party against whom the award is given shall pay all costs attending the case The said board of arbitration shall be

composed of three (3) persons one of whom shall be chosen by the inspector one by the said owner operator or superintendent and a third by the two thus selected and the decision of a majority of such board shall be final and binding in the matter

ARTICLE XXXIV

Injunctions

Section 3401 Upon application of the inspector of mines of the proper district acting in behalf of the Commonwealth any of the courts of law or equity having jurisdiction where the mine or colliery proceeded against is situated whether any proceedings have or have not been taken shall prohibit by injunction or otherwise the working of any mine or colliery in which any person is employed or is permitted to be for the purpose of working in contravention of the provisions of this act and may award such costs in the matter of the injunction or other proceedings as the court may think just but this section shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this act Written notice of the intention to apply for such injunction in respect to any mine or colliery shall be made to the owner operator or superintendent of such mine or colliery not less than twenty-four (24) hours before the application is made

ARTICLE XXXV

Penalties

Section 3501 Any person or persons who shall neglect or fail to comply with any of the provisions of Articles five (V) seven (VII) nine (IX) ten (X) eleven (XI) twelve (XII) fourteen (XIV) fifteen (XV) sixteen (XVI) twenty-one (XXI) twenty-two (XXII) twenty-five (XXV) twenty-six (XXVI) twenty-eight (XXVIII) twenty-nine (XXIX) thirty (XXX) or thirty-one (XXXI) of this act shall be guilty of an offense against this act

Such offenses against this act are declared to be misdemeanors

Section 3502 Any judge of the Court of Quarter Sessions of the Peace of the county in which a mine or colliery at which an offense against this act as hereinafter stated has occurred is situated is hereby authorized and required upon the presentation to him of the affidavit of any citizen of the Commonwealth setting forth that the owner operator or superintendent or any other person employed in or about such mine or colliery has been negligently guilty of an offense against the provisions of this act whereby a dangerous accident has resulted or might have resulted to any person or persons employed in such mine or colliery to issue a warrant to the sheriff of said county directing him to cause such person or persons to be arrested and brought before said judge who shall hear and determine the guilt or innocence of the person or persons so charged and if convicted he or they shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) in all cases not otherwise provided for in this act or to undergo an imprisonment in the county jail for a period not exceeding three (3) months or both at the discretion of the court Provided That any defendant may waive trial before a judge as herein provided and at any time at or before the time of such trial demand a trial by a jury in the Court of Quarter Sessions in which case he may enter into a recognizance before said judge with such surety or sureties and in such sum as said judge may approve conditioned for his appearance at the next Court of Quarter Sessions to answer the charge against him and abide the orders of the court in the premises meanwhile to be of good behavior and keep the peace or in default of such recognizance to be committed to the county jail to await such trial

Section 3503 If any person shall feel himself aggrieved by such conviction and sentenced before a judge as aforesaid he may appeal therefrom subject to the following conditions namely the appellant shall within seven (7) days after the decree has been made give notice to the prosecutor of his intention to appeal and within the same time enter into a recognizance with such surety or sureties and in such sum as shall be approved by said judge conditioned to appear and try such appeal before the next Court of Quarter Sessions of the peace and to abide the judgment of the court thereon and to pay all such costs and penalties as may be there awarded and upon compliance with such conditions the judge shall release the appellant from custody pending the appeal

Section 3504 Nothing in this act shall prevent any person from being indicted or liable under any other act to any higher penalty or punishment than is herein provided and if the court before which any such proceeding is had shall be of the opinion that proceedings ought to be taken against such persons under any other act or otherwise it may adjourn the case to enable such proceedings to be taken

Section 3505 All fines imposed under this act shall be paid into the county treasury for the use of the county

Section 3506 No conviction or acquittal under this act in any complaint shall be received in evidence upon the trial of any action for damages arising from the negligence of any owner operator or superintendent or employe of any mine or colliery

Section 3507 For any violation of duty by the mine inspector prescribed by this act he shall be deemed guilty of a misdemeanor and upon conviction be sentenced to pay a fine of not more than three hundred dollars ($300.00) or be imprisoned for a period not exceeding three (3) months either or both at the discretion of the court

Section 3508 The mine foreman and assistant mine foreman and any person placed in charge of the works or any part thereof shall be the agents of the owners and operators and such owners and operators shall employ them and discharge them at will

ARTICLE XXXVI

Effective Date

Section 3601 This act shall become effective immediately upon its final enactment Provided however That a period of six (6) months shall be allowed for mine owners operators or superintendents to adopt their mines to comply with the changes made in the existing law by this act and that this time may be extended by the Secretary of Mines for a further period not exceeding six (6) months upon sufficient cause being shown by the owners operators or superintendents of their inability to comply with the provisions of this act within the time herein specified

ARTICLE XXXVII

Repealer

Section 3701 Repeals The following acts and parts of acts of assembly are hereby repealed as respectively indicated

The act approved the ninth of May one thousand eight hundred eighty-nine (Pamphlet Laws one hundred fifty-four) entitled "An act to provide for the recovery of the bodies of workmen enclosed buried or entombed in coal mines" insofar as it relates to anthracite mines

eight hundred ninety-one (Pamphlet Laws one hundred

The act approved the second day of June one thousand seventy-six) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and its amendments

The act approved the fifteenth day of June one thousand eight hundred ninety-seven (Pamphlet Laws one hundred fifty-seven) entitled "An act for the better protection of employes in and about the coal mines by preventing mine superintendents mine foremen and assistants from receiving or soliciting any sums of money or other valuable consideration from men while in their employ and providing a penalty for violation of the same" insofar as it relates to anthracite mines

The act approved the twenty-ninth day of May one thousand nine hundred one (Pamphlet Laws three hundred forty-two) entitled "An act relating to anthracite mines and providing for the care and life and attention of employes injured in and about said mines" and its amendments

The act approved the twenty-eighth day of May one thousand nine hundred seven (Pamphlet Laws two hundred seventy) entitled "An act making the removing obliterating or destroying tickets cards tin-slip or other device used to indicate or to identify persons loading coal in cars from mine-cars a misdemeanor and providing penalty therefor" insofar as it relates to anthracite mines

The act approved the twenty-ninth day of April one thousand nine hundred eleven (Pamphlet Laws one hundred two) entitled "An act to provide for the safety of persons employed in and about the arnthracite coal-mines of this Commonwealth and to limit the hours of labor of hoisting-engineers emlpoyed at or about the same and fixing a penalty for the violation of this act"

The act approved the fifteenth day of June one thousand nine hundred eleven (Pamphlet Laws nine hundred seventy-nine) entitled "An act to safeguard life in the coal mines of the Commonwealth of Pennsylvania and to protect and preserve the property connected therewith by providing that al inside buildings shall be constructed of incombustible material and pr viding penalties for failure to comply with the terms of this act and making a violation thereof by mine superintendents a misdemeanor" insofar as it relates to anthracite mines

The act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand thirty-eight) entitled "An act requiring any individual firm or corporation mining anthracite coal in this Commonwealth where coal is mined and paid for by the car to keep a record of all coal mined at the niners' chutes where said coal is loaded in cars providing that said record shall be the final basis in computing the miners' earnings per car without any deduction for any slate or refuse that may be loaded in said car or cars in the usual and natural course of mining coal providing further that said record shall be open for the inspection of all miners and providing penalties for failure to comply with the provisions of this act"

The act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines"

All other acts or parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

Mr. YOURISHIN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 310, page 11, line 20 by striking out after the word "as" and before the word "provided" the word "[hereinbefore]".

Amend section 313, page 12, line 20 by striking out after the word "this" and before the word "shall" the word "[act] and inserting in lieu thereof the word "article."

Amend section 601, page 17, line 24 by striking out at the end of the line the word "[a]"

Amend section 601, page 17, line 25 by striking out at the beginning of the line the word "[board]" and inserting in lieu thereof the word "boards".

Amend section 601, page 17, line 25 by striking out after the word "in" and before the word "the" the following: "[each of]".

Amend section 601, page 17, line 25 by inserting after the word "the" and before "in-" the word "various."

Amend section 601, page 17, line 28 by inserting after "tical" and before the word "miners" the word "coal."

Amend section 601, page 18, line 16 by striking out after the word "The" and before the word "serving" the word "[person]" and inserting in lieu thereof the word "persons."

Amend section 601, page 18, line 17 by striking out after the word "mine" and before the word "examining" the word "[foreman]" and inserting in lieu thereof the word "foremen's."

Amend section 602, page 18, line 25 by striking out at the end of the line the following: "[for the purpose]."

Amend section 602, page 18, line 26 by striking out at the beginning of the line the following: "[of such examination]."

Amend section 606, page 20, line 7 by striking out at the end of the line the following: "[mine foremen]."

Amend section 606, page 20, line 8 by striking out at the beginning of the line the following: "[and assistant mine foremen]" and inserting in lieu thereof the following: "act as a mine foreman or assistant mine foreman."

Amend section 606, page 20, line 14 by striking out at the beginning of the line the following: "[and of good conduct]."

Amend section 606, page 20, line 23 by inserting after the word "examination" and before the word "for" the following: "of applicants."

Amend section 606, page 20, line 24 by inserting after the word "to" and before the word "mine" the following: "act as."

Amend section 608, page 21, line 27 by striking out at the beginning of the line the word "[act]" and inserting in lieu thereof the word "article."

Amend section 1405, page 60, line 16 by striking out after the word "working" and before the word "on" the word "[place]" and inserting in lieu thereof the word "places."

Amend section 1609, page 63, line 24 by inserting at the end of the line the word "not".

Amend section 1609, page 63, line 25 by striking out after the word "bare" and before the word "in" the word "[except]."

Amend section 1702, page 72, line 10 by inserting after the word "six" and before the word "months" the following: "(6)".

Amend section 1702, page 72, line 11 by striking out at the beginning of the line the following: "[(6)]".

Amend section 2611, page 85, by striking out lines 17 to 19, inclusive.

Amend section 3217, page 101, line 16 by striking out after "(if)" and before the word "Grounding" the word "[Grounding]".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to consideration on final passage of House Bill No. 2363, (Senate Bill No. 1251), as follows:

An Act to amend section one of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Act Number 108) entitled "An act providing for the appointment and filling of vacancies in the office of members of the board of revision of taxes

in counties of the first class" by making further provisions relative to the appointment of members of the said board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Act Number 108) entitled "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall hereafter be appointed as follows

One of the two members required to be attorneys-at-law the one member required to be a construction engineer and the one member required to be a real estate appraiser shall be appointed by the county treasurer of the county

One of the two members required to be attorneys-at-law the one member required to be a civil engineer and the one member required to be a real estate broker shall be appointed by the county controller

The one member required to be a business man an accountant or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the board shall be appointed by the county treasurer and the county controller acting jointly Provided however That should the county treasurer and the county controller fail to appoint such member within ten days of the effective date of this act or within ten days of a vacancy in the office of such member as the case may be such member shall be appointed by the county controller All vacancies shall be filled by the officer or officers who appointed the member whose place is to be filled

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Mooman,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Bois,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.,		

NAYS—51

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	Van Allsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to consideration on final passage of House Bill No. 2499, (Senate Bill No. 1358), as follows:

An Act to amend section six of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (P. L. 13) entitled "An act to carry into effect section five of Article fourteen of the constitution relative to the salaries of county officers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" by providing that in counties of the first class salaries of respective county offices shall not exceed the amount fixed by the tax levying body of such county for such offices

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (P. L. 13) entitled "An act to carry into effect section five of Article fourteen of the constitution relative to the salaries of county officers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" is hereby amended to read as follows

Section 6 All salaries fixed by this act (except in the case of such officers as may be otherwise provided for herein) shall be paid from the amounts paid into the proper county treasury from the respective offices after ascertaining and deducting the amount due the deputies and clerks in each office and if there has not been a sum sufficient from fees received and paid in or earned and due by the county for services rendered to pay the full amount of the salary of any officer holding any of said offices after deducting the amount due the deputies and clerks such officer will receive only such proportion of his salary as shall be equal to the aggregate of the net fees received and earned by him as aforesaid during his term of office during such month Provided That if the fees in any subsequent month or months shall exceed the amount of the expense and salary aforesaid for such month the deficit of such salary for such preceding month shall be made up from such excess Provided That in counties of the first class the total salaries paid to the clerks deputies and other employes in the respective county offices shall not exceed the amount fixed by the tax levying body of such county for such respective offices

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flanagan,	McElroy,	Shoemaker,
Alexander,	Flannery,	McFall,	Shugarts,
Allen,	Flinchbaugh,	McGee,	Siegel,
Allmond,	Ganser,	McKinney,	Simon,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Mihm,	Smith, John A.
Baker, F. T.	Haberlen,	Moomaw,	Snyder,
Baker, J. J.,	Hagerty,	Mooney,	Sollenberger,
Balthaser,	Hall,	Moran,	Spengler,
Bierly,	Hamilton, F. P.,	Moul,	Sproul,
Blank,	Hamilton, R. S.	Muir,	Stackpole,
Bohn,	Harkins,	Munley,	Stank,
Bois,	Harmuth,	Murrin,	Stewart,
Boltz,	Hays,	Nagel,	Stockham,
Boose,	Hering,	O'Brien,	Strode,
Boyer,	Hess,	O'Connor,	Terry,
Bradley,	Hetrick,	O'Keefe,	Thomas,
Brancato,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Toole,
Broad,	Holland,	Ostroff,	Tronzo,
Brown,	Holmes,	Patterson, C. S.,	Trout,
Brownfield,	Holstrom,	Patterson, J. W.,	Tumelty,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	Van Allsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Wood,
Dubbs,	Lyons,	Schrock,	Woodside,
Dysor,	Marino,	Schrope,	Wright,
Eckels,	Matthews, H. T.,	Schumacher,	Yanoshat,
Elbern,	Matthews, J. F.,	Serrill,	Yeakel,
Falkenstein,	McArdle,	Shaw,	Yourishin,
Finnerty,	McCullough,	Shea,	Zappala,
Fiss,	McDermott,	Shepard,	Furman,
Fitch,	McDevitt,		

NAYS—3.

Turner,	Weidemann,	Winner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to consideration on final passage of House Bill No. 2271, (Senate Bill No. 189) as follows:

An Act to amend section twenty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing additional seasons for the taking of pickerel in the inland waters

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by the act approved the twenty-second day of April one thousand nine hundred and twenty-nine (P. L. 621) is hereby further amended to read as follows

Section 20 Closed Seasons The following seasons are hereby established for

(a) Charr commonly called brook trout or any species of trout except lake or salmon trout from the first day of August to the fourteenth day of April next following both dates inclusive

(b) Lake trout or salmon trout from the thirtieth day of September to the thirtieth day of June next following both dates inclusive

(c) Small mouth and large mouth bass rock-bass white bass crappie strawberry or calico bass pike perch otherwise called wall-eyed pike or Susquehanna salmon pickerel muscallonge western and northern pike from the first day of December to the thirtieth day of June next following both dates inclusive Provided however That pickerel may be caught and taken not exceeding the daily creel limits fixed by this act during the months of December and January but only when tip-ups are employed while fishing through holes in the ice

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,

Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested

BILL PASSED OVER

There being no objection House Bill No. 1351, Senate Bill No. 308, Printer's No. 857 was passed over at the request of Mr. TURNER.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to consideration on final passage of House Bill No. 2491, (Senate Bill No. 1266), as follows:

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that

Section 1 Definition of Terms "Principal" as used in this act means any realty or personalty which has been so set aside or limited by the owner thereof or a person thereto legally empowered that it and any substitutions for it are eventually to be conveyed delivered or paid to a person while the return therefrom or use thereof or any part of such return or use is inthe meantime to be taken or received by or held for accumulation for the same or another person

"Income" as used in this act means the return derived from principal

"Tenant" as used in this act means the person to whom income is presently or currently payable or for whom it is accumulated or who is entitled to the beneficial use of the principal presently and for a time prior to its distribution

"Remainderman", as used in this act means the person ultimately entitled to the principal whether named or designated by the terms of the transaction by which the principal was established or determined by operation of law

"Trustee" as used in this act includes the original trustee of any trust to which the principal may be subject and also any succeeding or added trustee

Section 2 Application of the Act Powers of Settler This act shall govern the ascertainment of income and principal and the apportionment of receipts and expenses between tenants and remaindermen in all cases where a principal has been established with or unless otherwise stated hereinafter without the interposition of a trust except that in the establishment of the principal provision may be made touching all matters covered by this act and the person establishing the principal may himself direct the manner of ascertainment of income and principal and the apportionment of receipts and expenses or grant discretion to the trustee or other person to do so and such provision and direction where not otherwise contrary to law shall control notwithstanding this act

Section 3 Income and Principal Disposition

(1) All receipts of money or other property paid or delivered as rent or realty or hire of personalty or dividends on corporate shares payable other than in shares of the corporation itself or interest on money loaned or interest on or the rental or use value of property wrongfully withheld or tortiously damaged or otherwise in return for the use of principal shall be deemed income unless otherwise expressly provided in this act

(2) All receipts of money or other property paid or delivered as the consideration for the sale or other transfer not a leasing or letting of property forming a part of the principal or as a repayment of loans or in liquidation of the assets of a corporation or as the proceeds of property taken on eminent domain proceedings where separate awards to tenant and remainderman are not made or as proceeds of insurance upon property forming a part of the principal except where such insurance has been issued for the benefit of either tenant or remainderman alone or otherwise as a refund or replacement or change in form of principal shall be deemed principal unless otherwise expressly provided in this act Any profit or loss resulting upon any change in form of principal shall enure to or fall upon principal

(3) All income after payment of expenses properly chargeable to it shall be paid and delivered to the tenant or retained by him if already in his possession or held for accumulation where legally so directed by the terms of the transaction by which the principal was established while the principal shall be held for ultimate distribution as determined by the terms of the transaction by which it was established or by law

Section 4 Apportionment of Income Whenever a tenant shall have the right to income from periodic payments which shall include rent interest on loans and annuities but shall not include dividends on corporate shares and such right shall cease and determine by death or in any other manner at a time other than the date when such periodic payments should be paid he or his personal representative shall be entitled to that portion of any such income next payable which amounts to the same percentage thereof as the time elapsed from the last due date of such periodic payments to and including the day of the determination of his right is of the total period during which such income would normally accrue The remaining income shall be paid to the person next entitled to income by the terms of the transaction by which the principal was established But no action shall be brought by the trustee or tenant to recover such apportioned income or any portion thereof until after the day on which it would have become due to the tenant but for the determination of the right of the tenant entitled thereto The provisions of this section shall apply whether an ultimate remainderman is specifically named or not Likewise when the right of the first tenant accrues at a time other than the payment dates of such periodic payments he shall only receive that portion of such income which amounts to the same percentage thereof as the time during which he has been so entitled is of the total period during which such income would normally accrue the balance shall be a part of the principal

Section 5 Corporate Dividends and Share Rights

(1) All dividends on shares of a corporation forming a part of the principal which are payable in the shares of the corporation shall be deemed principal Subject to the provisions of this section all dividends payable otherwise than in the shares of the corporation itself including ordinary and extraordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation shall be deemed income Where the trustee shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation it shall be considered as a cash dividend and deemed income irrespective of the choice made by the trustee

(2) All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in such corporation and the proceeds of any sale of such rights shall be deemed principal All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or

other securities in another corporation and the proceeds of any sale of such rights shall be deemed income

(3) Where the assets of corporation are liquidated amounts paid upon corporate shares as cash dividends declared before such liquidation occurred or as arrears of preferred or guaranteed dividends shall be deemed income all other amounts paid upon corporate shares on disbursement of the corporate assets to the stockholders shall be deemed principal All disbursements of corporate assets to the stockholders whenever made which are designated by the corporation as a return of capital or division of corporate property shall be deemed principal

(4) Where a corporation succeeds another by merger consolidation or reorganization or otherwise acquires its assets and the corporate shares of the succeeding corporation are issued to the shareholders of the original corporation in like proportion to or in substitution for their shares of the original corporation the two corporations shall be considered a single corporation in applying the provisions of this section But two corporations shall not be considered a single corporation under this section merely because one owns corporate shares of or otherwise controls or directs the other

(5) In applying this section the date when a dividend accrues to the person who is entitled to it shall be held to be the date specified by the corporation as the one on which the stockholders entitled thereto are determined or in default thereof the date of declaration of the dividend

Section 6 Premium and Discount Bonds Where any part of the principal consists of bonds or other obligations for the payment of money they shall be deemed principal at their inventory value or in default thereof at their market value at the time the principal was established or at their cost where purchased later regardless of their par or maturity value and upon their respective maturities or upon their sale any loss or gain realized thereon shall fall upon or enure to the principal

Section 7 Principal Used in Business

(1) Whenever a trustee or a tenant is authorized by the terms of the transaction by which the principal was established or by law to use any part of the principal in the continuance of a business which the original owner of the property comprising the principal had been carrying on the net profits of such business attributable to such principal shall be deemed income

(2) Where such business consists of buying and selling property the net profits for any period shall be ascertained by deducting from the gross returns during and the inventory value of the property at the end of such period the expenses during and the inventory value of the property at the beginning of such period

(3) Where such business does not consist of buying and selling property the net income shall be computed in accordance with the customary practice of such business but not in such way as to decrease the principal

(4) Any increase in the value of the principal used in such business shall be deemed principal and all losses in any one calendar year after the income from such business for that year has been exhausted shall fall upon principal

Section 8 Principal Comprising Animals Where any part of the principal consists of animals employed in business the provisions of section seven shall apply and in other cases where the animals are held as a part of the principal partly or wholly because of the offspring or increase which they are expected to produce all offspring or increase shall be deemed principal to the extent necessary to maintain the original number of such animals and the remainder shall be deemed income and in all other cases such offspring or increase shall be deemed income

Section 9 Disposition of Natural Resources Where any part of the principal consists of property in lands from which may be taken timber minerals oils gas or other natural resources and the trustee or tenant is authorized by law or by the terms of the transaction by which the principal was established to sell lease or otherwise develop such natural resources and no provision is made for the disposition of the net proceeds thereof after the payment of expenses and carrying charges on such property such proceeds if received as rent on a lease shall be deemed income but if received as consideration whether as royalties or otherwise for the permanent severance of such natural resources from the lands shall be deemed principal to be invested to produce income Nothing in this section shall be construed to abrogate or extend any right which may otherwise have accrued by law to a tenant to develop or work such natural resources for his own benefit

Section 10 Principal Subject to Depletion Where any part of the principal consists of property subject to depletion such as leaseholds patents copyrights and royalty rights and the trustee or tenant in possession is not under a duty to change the form of the investment of the principal the full amount of rents royalties or return from the property shall be income to the tenant but where the trustee or tenant is under a duty arising either by law or by the terms of the transaction by which the principal was established to change the form of the investment either at once or as soon as it may be done without loss then the return from such property not in excess of five per centum of its fair inventory value or in default thereof its market value at the time the principal was established or at its cost where purchased later shall be deemed income and the remainder principal

Section 11 Unproductive Estate

(1) Where any part of a principal in the possession of a trustee consist of realty or personalty which for more than a year and until disposed of as hereinafter stated has not produced an average net income of at least one per centum per annum of its fair inventory value or in default thereof its market value at the time the principal was established or of its cost where purchased later and the trustee is under a duty to change the form of the investment as soon as it may be done without sacrifice of value and such change is delayed but is made before the principal is finally distributed ther the tenant or in case of his death his personal representative shall be entitled to share in the net proceeds received from the property as delayed income to the extent hereinafter stated

(2) Such income shall be the difference between the net proceeds received from the property and the amount which had it been placed at simple interest at the rate of five per centum per annum for the period during which the change was delayed would have produced the net proceeds at the time of change but in no event shall such income be more than the amount by which the net proceeds exceed the fair inventory value of the property or in default thereof its market value at the time the principal was established or its cost where purchased later The net proceeds shall consist of the gross proceeds received from the property less any expenses incurred in disposing of it and less all carrying charges which have been paid out of principal during the period while it has been unproductive

(3) The change shall be taken to have been delayed from the time when the duty to make it first arose which shall be presumed in the absence of evidence to the contrary to be one year after the trustee first received the property if then unproductive otherwise one year after it became unproductive

(4) If the tenant has received any income from the property or has had any beneficial use thereof during the period while the change has been delayed his share of the delayed income shall be reduced by the amount of such income received or the value of the use had

(5) In the case of successive tenants the delayed income shall be divided among them or their representatives according to the length of the period for which each was entitled to income

Section 12 Expenses Trusts Estates

(1) All ordinary expenses incurred in connection with the trust estate or with its administration and management including regularly recurring taxes assessed against any portion of the principal water rates premiums or insurance taken upon the estates of both tenant and remainderman interest on mortgages on the principal ordinary repairs trustees' compensation except commissions computed on principal compensation of assistants and court costs and attorney's and other fees on regular accountings shall be paid out of income But such expenses where incurred

in disposing of or as carrying charges on unproductive estate as defined . section eleven shall be paid out of principal subject to the provisions of subsection two of section eleven

(2) All other expenses including trustee's commissions computed upon principal cost of investing or re-investing principal attorneys' fees and other costs incurred in maintaining or defendng any action to protect the trust or the property or assure the title thereof unless due to the fault or cause of the tenant and costs of or assessments for improvements to property forming part of the principal shall be paid out of principal Any tax levied by any authority federal State or foreign upon profit or gain defined as principal under the terms of subsection two of section three shall be paid out of principal notwithstanding said tax may be denominated a tax upon income by the taxing authority.

(3) Expenses paid out of income according to subsection one which represent regularly recurring charges shall be considered to have accrued from day to day and shall be apportioned on that basis whenever the right of the tenant begins or ends at some date other than the payment date of the expenses Where the expenses to be paid out of income are of unusual amount the trustee may distribute them throughout an entire year or part thereof or throughout a series of years After such distribution where the right of the tenant ends during the period the expenses shall be apportioned between tenant and remainderman on the basis of such distribution.

(4) Where the costs of or special taxes or assesments for an improvement representing an addition of value to property held by the trustee as part of principal are paid out of principal as provided in subsection two the trustee shall reserve out of income and add to the principal each year a sum equal to the cost of the improvement divided by the number of years of the reasonably expected duration of the improvement.

Section 13 Expenses Non-Trust Estates

(1) The provisions of section twelve so far as applicable and excepting those dealing with costs of or special taxes or assessments for improvements to property shall govern the apportionment of expenses between tenants and remaindermen where no trust has been created subject however to any legal agreement of the parties or any specific direction of the taxing or other statutes but where either tenant or remainderman has incurred an expense for the benefit of his own estate and without the consent or agreement of the other he shall pay such expense in full

(2) Subject to the exceptions stated in sub-section one the cost of or special taxes or assessments for an improvement representing an addition of value to property forming part of the principal shall be paid by the tenant where such improvement cannot reasonably be expected to outlast the estate of the tenant In all other cases a portion thereof only shall be paid by the tenant while the remainder shall be paid by the remainderman Such portion shall be ascertained by taking that percentage of the capital which is found by dividing the present value of the tenant's estate by the present value of an estate of the same form as that of the tenant except that it is limited for a period corresponding to the reasonably expected duration of the improvement The computation of present values of the estates shall be made on the expectancy basis set forth in the American Experience Tables of Mortality and no other evidence of duration or expectancy shall be considered

Section 14 Uniformity of Interpretation This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it

Section 15 Short Title This act may be cited as the Uniform Principal and Income Act

Section 16 Repeal All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed

Section 17 Time of Taking Effect This act shall take effect on October first one thousand nine hundred thirty-seven and shall apply to all estates of tenants or remaindermen which become legally effective after the date of final enactment of this act

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Fiannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.
Atkins,	Gorski,	Mellott,	Smith, John A
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2501, (Senate Bill No. 856), as follows:

An Act providing that all appointments made by the county commissioners in counties of the first class shall be equally divided between the majority and minority commissioners

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all appointments made by the county commissioners in counties of the first class

shall be equally divided between the majority commissioners and the minority commissioner so that the majority commissioners shall name one-half of all the appointees and the minority commissioner shall name one-half of all the appointees The term of employment of each person now employed under the county commissioners' office and having been originally appointed by the county commissioners shall cease as of the effective date of this act

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Shall the bill pass finally?

Mr. HOLLAND. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. HOLLAND. Will the gentleman from Philadelphia, Mr. Speaker, advise the House just what this bill does?

Mr. OMINSKY. Mr. Speaker and members of the House this act provides that the appointments made by the County Commissioners in cities of the first class shall be equally divided between the majority and the minority County Commissioners.

Mr. HOLLAND. Mr. Speaker, I rise to oppose this bill, and I do not think it is proper to talk in the Hall of the House on a question of patronage, especially when the gentleman from Philadelphia said on the floor of the House that there was not time to consider a bill to make the utilities pay the proper taxes.

POINT OF ORDER

Mr. BAINE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAINE. Mr. Speaker, the gentleman is not speaking on the merits of the bill before the House.

The SPEAKER. The point of order is well taken. The gentleman will confine his remarks to the bill before the House.

Mr. HOLLAND. Mr. Speaker, I plead here that I am telling exactly why I oppose the bill, because the time of this Legislature would be taken up to clean house in some county, when the gentleman from that county says we do not have time to take up the same matter for the rest of the State. I oppose the bill.

Mr. McDEVITT. Mr. Speaker and members of the House, in the last days of the session, after we have stood by and seen one Philadelphia ripper bill after another come up, I thought possibly when this bill came along we would simply vote and let it go at that, but it so happens that some question has come up as to what the bill does, and I am going to put it up to you. If you want to go home and rest easy, feel satisfied with yourselves and feel that you have done a good job, I do not know how you can vote for this bill at this time.

As you all know, we have county commissioners in every county in the State, and under the law there are two majority commissioners and a minority commissioner. In 1935 we had an election, and the Republicans carried every office up for election, including the two majority county commissioners. These commissioners have continued to perform their duties as well as possible, and possibly the Democratic Commissioner has not been given as many jobs as he might, but I venture to say that in your county they are not given any patronage whatsoever. This bill would provide that that Democratic minority commissioner in Philadelphia, who is a minority commissioner because the Republicans carried the city, the people have decided that the city shall be Republican, shall have fifty per cent of the jobs. I want to say to you that it is not fair, it is not decent, it is not the right kind of politics to play.

I think it is significant that this bill has laid around until the last days of this session. If there is any fairness at all, it should apply to every county in the State. If there is any decency in this kind of bill it ought to apply to every job and every office in every county, and I am going to ask you to cast your vote, not as a matter of political faith but to prevent the passage of acts of this type.

Mr. OMINSKY. Mr. Speaker and members of the House, I am wondering whether there are any members of this House who are patronage-minded. Senate Bill No. 856 is not a ripper bill. It merely endeavors to rectify an inequality which is existing today in the City of Philadelphia. We have in the City of Philadelphia three County Commissioners, and under the act regulating County Commissioners it is the intention and always has been the intention to have the County Commissioners bipartisan, because through the County Commissioners' offices are cleared election matters and various other things pertaining to parties of every type. Until the year 1935, when the Democratic party became a major party, in the City of Philadelphia the minority County Commissioners was always able to obtain appointments from the majority County Commissioners, because the Democratic party then was the tail-end of the kite of the Republican party in Philadelphia.

However, when the County Commissioners were elected in 1935, the Democratic party was able to put in office a real Democrat and when to took office, the arrogance of the majority County Commissioners in Philadelphia County was such that he was not even able to secure his own secretary, but the secretary to the minority County Commissioner was designated by the majority County Commissioners.

I might state at this time that those who were in the 1935 session will recall the minority floor leader, and the stubbornness of the minority floor leader of 1935, and you will realize that now as President of the County Commissioners of the City of Philadelphia, the 330,000 voters who voted the minority County Commissioner into office are disfranchised because the minority County Commissioner today is not even able to receive or obtain secretaries to do the work which he should do by virtue of his office. Therefore, this bill is not merely a patronage grabbing bill, but is a bill that will rectify inequalities in the City of Philadelphia. In the final analysis it is not a fifty-fifty proposition as far as patronage is concerned, because there are various appointments under the County Commissioners which will not be included in this bill. Therefore I ask the members to vote "aye" on Senate Bill No. 856.

Mr. McDEVITT. Mr. Speaker and members of the House, not to carry this debate to any great length, I believe, that the remarks of my friend from Philadel-

phia have amply demonstrated the truthfulness and the fairness of the statements that I have made. I can look around and see members from Allegheny County. You have a minority Republican Commissioner there, and the same thing applies to many other counties. How many jobs does that minority Commissioner have, if we are talking about jobs? It is absolutely childish to talk to men who know something about these matters and say that Philadelphia is now different from any other county. The question of representation I do not believe was ever meant to be a matter of jobs. There is a provision for bi-partisan representation in politics, but not in jobs. We are not suposed to be up here making laws so that one party or the other party shall have their share of patronage. That is something that naturally follows the result of the election. The Republicans won that election, the Republican ticket was elected, and the Democrats got the minority Commissioner. The same thing is true, or vice versa, in every county in this State. I don't see how any man in this House can vote for this bill, unless he is willing to have it apply to every county in the State, and to every political office in Harrisburg and in the State of Pennsylvania. I do not see how you can do anything but vote down this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. OMINSKY. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—112.

Allmond,	Elpern,	McDermott,	Scanlon,
Arnold,	Falkenstein,	McElroy,	Schor,
Aukerman,	Finnerty,	McFall,	Schrope,
Baine,	Fitch,	McGee	Shea,
Baker, J. J.,	Flanagan,	McShane,	Shepard,
Bierly,	Flannery,	Melchiorre	Shoemaker,
Blank,	Flinchbaugh,	Mihm,	Simon,
Bohn,	Gerard,	Mooney,	Skale,
Bois,	Gorski,	Moran,	Smith, James A.,
Boltz,	Hagerty,	Munley,	Smith, John A.,
Bradley,	Harmuth,	Murrin,	Thomas,
Brancato,	Hering,	O'Brien,	Thompson,
Broad,	Hindman,	O'Connor,	Toole,
Brownfield,	Hirsch,	O'Keefe,	Tumelty,
Caesar,	Holmes,	Ominsky,	Valibus,
Coakley,	Holström,	O'Neill,	Vogt,
Cohen, H. B.,	Hontz,	Ostroff,	Wagner,
Cohen, R. E.,	Horting,	Patterson, J. W.,	Walsh,
Coleman,	Jirolanio,	Pearson,	Weiss, D. H.,
Corrigan,	Keenan,	Pershing,	Weiss, S. A.,
Costanzo,	Kroll,	Piole,	Westrick,
DeNote,	Levy,	Powers,	Whalen,
Dickinson,	Lewis,	Reese,	Whitenight,
Donohoe,	Long,	Reising,	Wright,
Dougherty,	Lopresti,	Richter,	Yanoshat,
Downey,	Lovett,	Ruffennach,	Yourishin,
Dubbs,	McArdle,	Rush,	Zappala,
Dyson,	McCullough,	Sarraf,	Furman,

NAYS—64.

Achterman,	Hess,	Patterson, C. S.,	Stewart,
Alexander,	Hetrick,	Peale,	Stockham,
Baker, F. T.,	Holland,	Preston,	Trout,
Balthaser,	Huntley,	Readinger,	Turner,
Boose,	Imbrie,	Robinson,	Wall,
Boyer	Kelso,	Rothenberger,	Wampole,
Cadwalader,	Kline,	Royer,	Watkins,
Davies,	LaRue,	Schrock,	Webster,
Eckels,	Leisey,	Schumacher,	Weidemann,
Fiss,	Longaker,	Serrill,	Welliver,
Ganser,	Lyons,	Sloan,	Welsh,
Gillette,	Matthews, J. F.,	Snyder,	Wilson,
Habbyshaw,	McDevitt,	Sollenberger,	Winner,
Haberlen,	McKinney,	Sproul,	Wood,
Hall,	Moomaw,	Stackpole,	Woodside,
Hamilton, R. S.,	Muir,	Stank,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

QUESTION OF PARLIAMENTARY INQUIRY

(During the verification of the roll)

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, is a member entitled to vote who is not in the Hall of the House during the calling of the roll, but comes in during the verification of the roll?

The SPEAKER. A member is not entitled to vote under the rules, unless he is present in the House during the calling of the roll, and not only during the verification.

Mr. TURNER. Mr. Speaker, I again ask you to define what is the House?

The SPEAKER. Within the four walls of this room.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Harmuth, whether he was within the Hall of the House during the calling of the roll. I saw the gentleman coming down the aisle during the verification of the roll.

Mr. HARMUTH. Mr. Speaker, while the roll was called I was in my seat. I went back to the rear of the House before the verification of the roll, and came back when it was being verified.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2470, (Senate Bill No. 1210), as follows:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons firms or corporations to erect office buildings and to lease such office buildings for the use of the Comomnwealth the same to become the property of the Commonwealth upon termination of said lease

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Property and Supplies with the approval of the Governor shall have the power to enter into contract with any person firm or corporation which shall agree to erect within the City of Pittsburgh or the County of Allegheny or within the County of Philadelphia at a location suitable to the Governor and the Secretary of Property and Supplies a suitable office building in each of the respective counties above mentioned for the use of agencies of the Commonwealth and to agree on behalf of the Commonwealth of Pennsylvania to lease said building for a period of thirty years from the time of the completion thereof at such rental and subject to such terms and conditions as may be agreed upon No such contract shall be entered into until the plans and specifications for

such proposed building shall have been approved by the Department of Property and Supplies Any such contract shall provide that upon the termination of said thirty year lease the building so constructed and the ground upon which the same is situated shall become the property of the Commonwealth.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and wer as follows, viz:

YEAS—197.

Achterman,	Fitch,	McCullough,	Shea,
Alexander,	Flanagan,	McDermott,	Shepard,
Allen,	Flannery,	McDevitt,	Shoemaker,
Allmond,	Flinchbaugh,	McElroy,	Shugarts,
Arnold,	Ganser,	McFall,	Siegel,
Atkins,	Gerard,	McGee,	Simon,
Aukerman,	Gillette,	McShane,	Skale,
Baine,	Gorski,	Melchiorre,	Sloan,
Baker, F. T.,	Habbyshaw,	Mellott,	Smith, James A.,
Baker, J. J.,	Haberlen,	Mihm,	Smith, John A.,
Balthaser,	Hagerty,	Moomaw,	Sollenberger,
Bierly,	Hall,	Mooney,	Spengler,
Blank,	Hamilton, F. P.,	Moran,	Sproul,
Bohn,	Hamilton, R. S.	Moul,	Stackpole,
Bois,	Harkins,	Munley,	Stank,
Boltz,	Harmuth,	Murrin,	Stockham,
Boose,	Hays,	Nagel,	Strode,
Boyer,	Hering,	O'Brien,	Terry,
Bradley,	Hess,	O'Connor,	Thomas,
Brancato,	Hetrick,	O'Keefe,	Thompson,
Brigerman,	Hindman,	Cminsky,	Toole,
Broad,	Hirsch,	O'Neill,	Tronzo,
Brown,	Holland,	Ostroff,	Trout,
Brownfield,	Holmes,	Patterson, C. S.,	Tumelty,
Burrows,	Holstrom,	Patterson, J. W.,	Turner,
Cadwalader,	Hontz,	Peale,	Valibus,
Caesar,	Horting,	Pearson,	Van Allsburg,
Caputo,	Huntley,	Perry,	VanSickle,
Chervenak,	Imbrie,	Pershing,	Vogt,
Coakley,	Jirolanio,	Piole,	Wagner,
Cohen, H. B.,	Kane,	Powers,	Wall,
Cohen, R. E.,	Keenan,	Preston,	Walsh,
Coleman,	Kelso,	Readinger,	Wampole,
Coolahan,	Kilroy,	Reese,	Watkins,
Corrigan,	Kline,	Reising,	Webster,
Costanzo,	Kroll,	Richter,	Weiss, D. H.,
Davies,	LaRue,	Robinson,	Weiss, S. A.,
Decker,	Leisey,	Rothenberger,	Welliver,
DeNote,	Levy,	Royer,	Welsh,
Dickinson,	Lewis,	Ruffennach,	Westrick,
Donohoe,	Long,	Rush,	Whalen,
Dougherty,	Longaker,	Sarraf,	Whitenight,
Downey,	Lopresti,	Scanlon,	Wilson,
Dubbs,	Lovett,	Schor,	Woodside,
Dyson,	Lyons,	Schrock,	Wright,
Eckels,	Marino,	Schrope,	Yanoshat,
Elpern,	Matthews, H. T.,	Schumacher,	Yourishin,
Falkenstein,	Matthews, J. F.,	Serrill,	Zappala,
Finnerty,	McArdle,	Shaw,	Furman,
Fiss,			

NAYS—8.

McKinney,	Snyder,	Weidemann,	Wood,
Muir,	Stewart,	Winner,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS PASSED OVER

There being no objection House Bill No. 2203, Senate Bill No. 682. Printer's No. 687. was passed over at the request of Mr. HERBERT B. COHEN.

There being no objection House Bill No. 1869, Printer's No. 1213, was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2239, (Senate Bill No. 995), entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation re-organization winding up and dissolution of such corporation conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for service required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Cminsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,

Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1350, (Senate Bill No. 222), entitled:

An Act to amend sections five hundred and fifty-nine and five hundred and sixty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the collection of taxes for which collectors have been exonerated and other delinquent taxes and authorizing the appointment of collectors of delinquent taxes therefore

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2287, (Senate Bill No. 314), entitled:

An Act to amend the act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine," so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof and the rights of dissenting stockholders.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Hagerty,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,

Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2284, (Senate Bill No. 1105), entitled:

An Act concerning proxies authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry.
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2199, (Senate Bill No. 359), entitled:

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley car incorporated under the law of this Commonwealth to acquire the corporate powers franchises property rights and credits of such company

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,

Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wrig t,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2288, (Senate Bill No. 339), entitled:

An Act to amend the act, approved the thirteenth day of May, one thousand eight hundred and eighty-nine, (P. L. 205), entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged," by making the same applicable to the surviving company in case of a merger and by modifying the limitations, restrictions and conditions affecting the issue of stocks and bonds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin.	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie.	Pershing,	Vogt,
Caputo	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2267, (Senate Bill No. 740), entitled:

An Act to re-enact and amend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act No. twenty-one) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through check-weighmen and check-measurers elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarifying the provisions of said act providing for the filing of complaints with the Court of Common Pleas and for the procedure thereon and providing additional penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,

Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2295, (Senate Bill No. 1007), entitled:

An Act to add section four hundred seven and one-tenth to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing and regulating the designation of certain banking institutions as deputy county tax collectors by the board for the selection of depositories in counties of the second class and defining their powers and duties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, a few moments ago, on page 3, Senate Bill No. 856 was passed by this House, Printer's No. 839, and the title to the act as given on page 3 of the calendar is not the title of the act as it appears on the bill. The act as it originally was sent from the Senate was an act to amend the voting machine act by a division of the employes. The title was amended in the House, providing that all appointments made by the County Commissioners in counties of the first class shall be equally divided between the majority and the minority Commissioners, therefore the entire purpose of the act was changed from an act that amended the voting machine act, and providing for a division of the appointments between the majority and the minority Commissioners, to an act that provides that all appointments by the County Commissioners shall be divided between the majority and the minority. Therefore the calendar as it stood at the time of the passage of the bill did not give the title of the bill as the title is in the act now, in the first place. In the second place, of course the bill is clearly unconstitutional on the ground that the bill was changed during its course of passage through the House.

The SPEAKER. In reply to the parliamentary inquiry of the gentleman from Delaware, Mr. Turner, the Chair advises the gentleman that a point of order raised at this time will have to be ruled out as too late. The bill having already passed the House. The only recourse the gentleman would have would be a motion to reconsider the vote by which the bill passed finally.

In reply to the inquiry relative to a defective title as it appears upon the calendar, the calendar does not govern. It is the bill that is placed on the members' desks that governs. The calendar is only for the convenience of

the members; it has no bearing whatever on the bill. Members vote on the bills which are on file on their desks, and not on the titles as they appear on the calendar.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2326, (Senate Bill No. 1156), entitled:

An Act authorizing and regulating the issuing by cities of the second class of non-debt revenue bonds for the construction or acquisition of water-works and for extensions and improvements to waterworks; providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers; and establishing the rights of bondholders.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows,viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2148, (Senate Bill No. 571), entitled:

An Act to amend section sixteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flanagan,	McDevitt,	Shoemaker,

Alexander,	Flannery,	McElroy,	Shugarts,
Allen,	Flinchbaugh,	McFall,	Siegel,
Allmond,	Ganser,	McGee,	Simon,
Arnold,	Gerard,	McKinney,	Skale,
Atkins,	Gillette,	McShane,	Sloan,
Aukerman,	Gorski,	Melchiorre,	Smith, James A.,
Baine,	Habbyshaw,	Mellott,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Stackpole,
Blank,	Hamilton, R. S.	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Bois,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Valibus,
Burrows,	Hontz,	Patterson, J. W.,	Van Allsburg,
Cadwalader,	Horting,	Peale,	VanSickle,
Caesar,	Huntley,	Pearson,	Vogt,
Caputo,	Imbrie,	Perry,	Wagner,
Chervenak,	Jirolanio,	Pershing,	Wall,
Coakley,	Kane,	Piole,	Walsh,
Cohen, H. B.,	Keenan,	Powers,	Wampole,
Cohen, R. E.,	Kelso,	Preston,	Watkins,
Coleman,	Kilroy,	Readinger,	Webster,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Lewis,	Royer,	Whalen,
Dickinson,	Long,	Ruffennach,	Whitenight,
Donohoe,	Longaker,	Rush,	Wilson,
Dougherty,	Lopresti,	Sarraf,	Winner,
Downey,	Lovett,	Scanlon,	Wood,
Dubbs,	Lyons,	Schor,	Woodside,
Dyson,	Marino,	Schrope,	Wright,
Eckels,	Matthews, H. T.,	Schumacher,	Yanoshat,
Elpern,	Matthews, J. F.,	Serrill,	Yeakel,
Falkenstein,	McArdle,	Shaw,	Yourishin,
Finnerty,	McCullough,	Shea,	Zappala,
Fiss,	McDermott,	Shepard,	Furman,
Fitch,			

NAYS—4

Schrock,	Sproul,	Turner,	Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2294, (Senate Bill No. 950), entitled:

An Act relating ot the settlements of accounts of collectors of county taxes providing for procedure in such cases and for appeals to Courts of Common Pleas.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2312, (Senate Bill No. 999), entitled:

An Act to amend section three hundred eleven as amended of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the second class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,

Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Flannery,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2246, (Senate Bill No. 874), entitled:

An Act to amend section forty of the act approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" providing for the renewal of charters of corporations the charters franchises and property of which have been purchased by another corporation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2307, (Senate Bill No. 486), entitled:

An Act to further amend section nine of the act, approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" making additional provision for the filing of tax claims

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee.	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2289, (Senate Bill No. 413), entitled:

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee.	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and con-

sideration of House Bill No. 2367, (Senate Bill No. 365), entitled:

An Act to further amend the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" and repealing inconsistent acts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Walsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL PASSED OVER

There being no objection House Bill No. 2338, Senate Bill No. 606, Printer's No. 791, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2370, (Senate Bill No. 758), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred fifty-three) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by further requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility and further regulating insurance policies which may be accepted as proof of financial responsibility imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth providing for appeals in certain instances imposing further duties upon owners and operators of vehicles providing exceptions imposing duties upon insurers and upon brokers agents or representatives of insurers providing for the payment of judgments in installments prescribing additional penalties and adding new sections

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two six seven eight ten eleven thirteen fifteen sixteen and seventeen of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred fifty three) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" are hereby amended to read as follows

Section 1 Definitions Throughout this act unless the context indicates a different intention the singular includes the plural and the masculine pronoun includes the feminine and the neuter

As used in this act

(a) "Secretary" means the Secretary of Revenue of this Commonwealth

(b) "Motor vehicle" means any self-propelled device in upon or by which any person or property is or may be transported or drawn upon a public highway except tractors power shovels road rollers agricultural machinery and vehicles which move upon or are guided by a track or trolley or travel through the air

(c) "Motor vehicle liability policy" means a policy of liability insurance designating by explicit description or appropriate reference all motor vehicles with respect to which coverage is intended to be granted by said policy and insuring to the amounts or limits hereinafter specified the person named therein and any other person using or responsible for the use of any such motor vehicles with the consent express or implied of such insured against loss from the liability imposed by law upon the

insured or upon such other person for injury to or death of any person other than the insured and such persons as may be covered as respects such injury or death by any workmen's compensation law and for damage to property other than property of others in charge of the insured or of his employes or other agents arising out of the ownership maintenance use or operation of any such vehicle within the continental limits of the United States of America or the Dominion of Canada or a binder pending the issuance of such a policy or an endorsement to an existing policy as hereinafter provided Within the meaning of this definition separate concurrent policies whether issued by one or several insurers covering respectively personal injury or death as aforesaid and property damage as aforesaid shall be deemed a "Motor Vehicle Liability Policy"

(d) "Motor vehicle operators' policy" means a policy of liability insurance insuring the person named therein to the amounts or limits hereinafter specified against loss from the liability imposed by law upon the insured for injury to or death of any person other than the insured and such persons as may be covered as respects such injury or death by any workmen's compensation law and for damage to property other than property of others in charge of the insured or of his employes or other agents arising out of the operation by the insured of any motor vehicle within the continental limits of the United States of America or the Dominion of Canada or a binder pending the issuance of any such policy or an endorsement to an existing policy as hereafter provided Within the meaning of this definition separate concurrent policies whether issued by one or several insurers covering respectively personal injury or death as aforesaid and property damage as aforesaid shall be deemed a "Motor Vehicle Operators' Policy"

(e) "Operator" means the person including a chauffeur in actual physical control of a motor vehicle upon a highway

(f) "Operator's license" means the license issued to any person to operate a motor vehicle within this State

(g) "Owner" has the same meaning as in the laws requiring the registration of motor vehicles within this State

(h) "Person" means a natural person firm copartnership association or corporation

(i) "Proof of financial responsibility" means evidence in a form authorized by this act of ability to respond in damages resulting from the operation or ownership of a motor vehicle and arising by reason of personal injury to or death of any one person in the amount of at least five thousand dollars ($5,000) and subject to such limit for any one person injured or killed in an amount of at least ten thousand dollars ($10,000) for injury to or the death of two or more persons in any one accident and for damage to property in the amount of at least one thousand dollars ($1,000) resulting from any one accident

Section 2 Evidence of Ability to Respond in Damages For the purposes of this act the following will be deemed evidence of ability to respond in damages

(a) When proof of financial responsibility is required as a condition precedent to the granting of renewal of an operator's license or to the termination of the suspension thereof the written certificate of an insurer duly authorized to transact business within the state of residence of the person applying for such license or seeking to terminate the suspension thereof that it has issued to him or for his benefit a motor vehicle operator's policy or a motor vehicle liability policy which at the date of the certificate is in full force and effect and will so continue until the expiration of fifteen days after notice of expiration or cancellation shall have been given to the secretary in writing.

(b) When proof of financial responsibility is required of an owner of a motor vehicle as a condition precedent to the registration thereof or to the termination of the suspension of such registration the written certificate of an insurer duly authorized to transact business within the state of residence of the person applying for such registration or for the termination of the suspension thereof that it has issued to him or for his benefit a motor vehicle liability policy which at the date of the certificate is in full force and effect and will so continue until the expiration of fifteen days after notice of expiration or cancellation shall first have been given to the secretary in writing The secretary shall not accept any such certificate unless all motor vehicles registered in the name of the owner from whom proof is required are covered by the policies mentioned in such certificate or in it and other similar certificates furnished at the same time and an additional certificate shall be required as a condition precedent to the registration in the name of such owner of any motor vehicle not covered by the certificate or certificates on file

(c) In any case a bond conditioned for the payment of the amounts herein required for injury to or the death of persons and damage to property arising out of the ownership maintenance use or operation by the principal of a motor vehicle within the continental limits of the United States of America or the Dominion of Canada having as surety a corporation duly authorized to transact a surety business within the state of residence of the person applying for an operator's license the registration of a motor vehicle or the termination of the suspension of such license or registration Any such bond shall expressly provide that it shall not be cancellable until the expiration of fifteen days'written notice to the secretary and shall designate the tate as obligee but shall expressly provide that suit may be brought against the principal or surety named therein by any person or persons who may have a cause of action against the principal obligor for damages resulting from a motor vehicle accident in the event that the principal obligor does not within fifteen days from the time the judgment becomes final pay within the limits hereinbefore specified any final judgment entered against him for damages sustained as the result of such accident

(d) In any case the deposit with the secretary of the sum of eleven thousand dollars ($11,000) in cash which the secretary shall turn over to the State Treasurer as custodian and which the secretary shall employ in paying within the limits hereinbefore specified any final judgment or judgments which may be entered against the depositor for injury to or the death of persons and damage to property arising out of the ownership maintenance use or operation by the depositor subsequent to the date of the deposit of a motor vehicle within the continental limits of the United States of America or the Dominion of Canada Interest on money deposited hereunder shall be paid to the depositor at the highest rate which the State receives on its deposits payment to be made out of moneys from time to time appropriated for the purpose

Section 6 Insurance Policies Must Contain Certain Provisions to Constitute Proof of Financial Responsibility Binders Endorsements Insurance policies in order to constitute proof of financial responsibility under this act shall be subject to the provision hereinafter stated and any insurance carrier which executes a certificate that it has issued a motor vehicle operator's policy or a motor vehicle liability policy for the purpose of enabling any person to furnish proof of financial responsibility hereunder shall be conclusively presumed to have issued the policy mentioned in such certificate subject to such provisions whether or not they are set forth therein

(a) Should an execution on a final judgment against the insured in an action covered by a motor vehicle operator's policy or motor vehicle liability policy be returned unsatisfied the judgment creditor shall have a right of action against the insurer to the same extent that the insured would have had had such insured paid such final judgment No such policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after such loss or damage has occurred and any such cancellation or annullment shall be void The policy may provide that the insured or any other person covered by the policy shall reimburse the insurer for payments made on account of any accident claim or suit involving a breach of the terms pro-

visions or conditions of the policy and further if the policy shall provide for limits in excess of the limits designated in this act the insurer may plead against a judgment creditor of the insured with respect to the amount of such excess limits of liability and defenses which it may be entitled to plead against the insured Any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance

(b) The policy the written application therefor if any and any rider or endorsement which shall not conflict with the provisions of this act shall consitute the entire contract between the parties

(c) The insurer shall upon the request of the insured deliver to the insured for filing or at the request of the insured shall file direct with the secretary an appropriate certificate for the purpose of furnishing proof of the assured's financial responsibility as provided by this act

(d) Any insurer authorized to issue motor vehicle operator's policies or motor vehicle liability policies as provided in this act may pending the issuance of such a policy execute an agreement to be known as a binder or may in lieu of such a policy issue an endorsement to an existing policy each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy The provisions of this section shall apply to such binders and endorsements

(e) This act shall not be construed to prevent any insurance carrier from granting any lawful coverage in excess of or in addition to the coverage required by this act as proof of financial responsibility or from embodying in such policy any agreements provisions or stipulations not contrary to the provisions of this act and not otherwise unlawful

Section 7 Proof of Financial Responsibility Required When Operator's License or Operating Privilege Has Been Revoked or Suspended or Become Subject to Revocation or Suspension Whenever the secretary shall revoke or suspend [an] the operator's license of a resident or shall suspend the operating privilege of a non-resident [for violation of the laws regulating the operation of motor vehicles on the highways as may now or hereafter be provided by law] under the mandatory provisions of any law now in effect or hereafter enacted such license or operating privilege shall not be renewed unless and until the former holder of the license or privilege has furnished proof of financial responsibility and whenever the secretary shall in the exercise of his discretion revoke or suspend the operator's license of a resident or the operating privilege of a non-resident or whenever the secretary [for any such violation] has the right in his discretion to revoke or suspend an operator's license of a resident or the operating privilege of a non-resident but is disposed in the exercise of his discretion not to do so [he may nevertheless suspend such license or operating privilege until the holder thereof has furnished proof of financial responsibility] he may require the holder of the license or operating privilege to furnish proof of financial responsibility before such license or operating privilege shall be renewed or reinstated or continued

Section 8 Proof of Financial Responsibility Required as Condition Precedent to Issuance or Renewal of Operators' Licenses to Persons Having Certain Accident Record Penalty

(a) Until proof of financial responsibility has been furnished to the secretary an operator's license shall not be issued or renewed to a person who within any twelve months' period while operating a motor vehicle either within or outside of this State had [two] one or more accidents caused wholly or partially by his negligence which caused injury to persons or damage to property excluding injury to himself and damage to motor vehicles operated by such person amounting in the aggregate ot more than [two] one hundred dollars [($200)] ($100) except that where an operator by his negligence has caused one (1) or more accidents within any twelve (12) months period resulting in injury to persons or damage to property excluding injury to himself and damage to motor vehicles operated by himself amounting in the aggregate to more than one hundred dollars ($100) and such operator or other person or insurer has paid all the claims arising from such accident then such operator shall be exempt from the provisions of this section The amount of damages caused by accidents in which the applicant was involved will be deemed to have been the amounts paid in settlement of claims of other persons if all such claims have been settled and if such claims have not been paid then the amounts claimed by persons injured and by the persons entitled to recover for the death of persons killed and by the owners of property damaged or judgments obtained by such other persons

(b) For the purpose of this section where all claims have not been paid the happening of an accident while a person is operating a motor vehicle shall be prima facie evidence that it was caused wholly or partly by such person's negligence but the secretary may upon application of such person conduct an inquiry into the circumstances under which the accident occurred and thereupon find that the accident occurred without any negligence on the part of such person Damages may be deemed to be claimed only if the defendant has received a notification of the amount of damages claimed from the person injured the person entitled to recover for the death of the person killed or the owner of property damaged which notification shall be subscribed to and verified by the oath or affirmation of such person and a copy of the receipted bill or a copy of the bill rendered or a copy of the estimate of the probable cost prepared by a qualified person and subscribed to and verified by oath or affirmation of the person acknowledging payment rendering the bill or preparing the estimate

(c) The secretary's findings or such notification shall not be admissible in evidence in any court proceeding for damages instituted either by or against such person or in any criminal proceeding arising out of such accident

(d) Any person making a mis-statement of fact in notification required under sub-section (b) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year or by a fine not exceeding one thousand dollars ($1,000) or both in the discretion of the court

Section 10 Penalty for Failure to Furnish Correct Accident Record Any person who [knowingly] fails to give correctly the information required of him by the secretary in connection with an application for the issuance or renewal of an operator's license shall be ineligible to operate a motor vehicle within this State for a period of two years from the date when the secretary ascertains that the information was not correctly given If such person at that date holds an operator's license it shall forthwith be revoked and shall not be renewed under any circumstances until the two year period has expired If such person does not hold an operator's license such license shall not be issued to him until the expiration of the two-year period Upon the expiration of the two-year period such person shall not receive an operator's license until he has furnished proof of financial responsibility

Section 11 Proof of Financial Responsibility Required of Persons Who Fail to Satisfy Judgments Arising Out of Motor Vehicle Accidents Operator's License and Registration Certificates to Be Suspended Until Satisfaction of Judgment If within twenty days after it has been recorded any person fails to satisfy any judgment rendered against him by a court of competent jurisdiction in this or any other State or the District of Columbia or any province of the Dominion of Canada or by a District Court of the United State for damages on account of personal injury or of damage to property in excess of five dollars and thirty-three cents ($5.33) [two hundred dollars ($200)] resulting from the operation subsequent to the effective date of this act by him his agent or any other person with his express or implied consent of a motor vehicle owned by him or the operation by him or his agent of a motor vehicle not owned by him his operator's license and all of his registration certificates shall be forthwith suspended by the secretary upon receiving a certified

copy of such final judgment from the court in which the same was rendered and shall remain suspended and shall not be renewed nor shall any other motor vehicle be thereafter registered in his name while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for future accidents

If such person is not a resident of this State he shall not be permitted to operate any motor vehicle in this State and it shall not be lawful for any other person knowing that such operation is not permitted to operate in this State any motor vehicle owned by such non-resident while such judgment remains unsatisfied and subsisting and until such non-resident has furnished proof of financial responsibility for future accidents

If after such person has satisfied such judgment within the meaning of this act and has furnishe dproof of financial responsibility any other such judgment shall be recovered against him for any accident occuring before such proof was furnished his operator's license and registration certificates shall again be and remain suspended while such other judgment remains unsatisfied and subsisting

Section 13 Courts to Certify Motor Vehicle Accident Judgments to Secretary of Revenue Secretary to Forward Certificates to Proper Office of Other State if Debtor Is Non-resident Penalty

(a) It shall be the duty of the prothonotary or clerk of any court of this State in which any judgment for damages resulting from the operation of a motor vehicle is rendered to forward immediately to the secretary a certified copy of such judgment or a transcript thereof and the address of the judgment creditor and debtor

(b) In the event the defendant is a non-resident it shall be the duty of the secretary to transmit to the Commissioner of Motor Vehicles or other proper officer of the state of which the defendant is a resident a certified copy of such judgment

(c) Any person who violates any of the provisions of sub-section (a) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) and not more than five hundred dollars ($500) or by imprisonment of not less than six (6) months and not more than three (3) years or both in the discretion of the court

Section 15 Suspension of Operator's License or Registration Certificates upon Cancellation of Insurance or Surety Bond Whenever the secretary is notified of the cancellation of [a] any policy of insurance mentioned in a certificate furnished as evidence of ability to respond in damages or of a surety bond furnished as such evidence he shall forthwith suspend the operator's license and registration certificates if any in connection with the issuance continuance or renewal of which such evidence was furnished or policy of insurance continued and such cancellation shall remain effective until other proof of financial responsibility has been furnished to the secretary

Section 16 Proof of Financial Responsibility Once Required to Be Maintained

(a) Whenever in accordance with the provisions of this act a person has furnished proof of financial responsibility for the purpose of obtaining an operator's license or the registration of a motor vehicle owned by him it shall be obligatory upon such person thereafter to maintain such proof until he shall have been relieved by the secretary of the duty of maintaining such proof as hereinafter provided and in the event that such proof lapses or becomes dimished in security or amount it shall be the duty of the secretary to suspend the operator's license and certificates if any in connection with which such proof sufficient in amount has again been furnished

(b) The secretary may relieve a person [who has previously been required to furnish proof of financial responsibility] of the duty of maintaining or furnishing such proof at any time after three years shall have elapsed since such proof was first required or furnished if during the three years' period immediately preceding such person shall not have committed any violation of the [laws regulating the operation of motor vehicles on the highways] law because of which the secretary revoked or suspended or would have had the right to revoke or suspend such person's operator's license and if within said three years' period such person shall not have had while operating a motor vehicle either within or outside of this State [two] one or more accidents caused wholly or partially by his negligence which resulted in injury to persons or damage to property excluding motor vehicles operated by such person amounting in the aggregate to more than [two] one hundred dollars [($200.00)] ($100.00) and if there shall not be any pending claim or unsatisfied judgment against such person for damages resulting from the operation or ownership of a motor vehicle by such person during the three years' period

Section 17 Penalty for Operating Motor Vehicle [Contrary to Provisions of this Act] After Suspension or Before Re-instatement of Operator's License or Operating Privilege Any person who operates a motor vehicle within this State after his operator's license or operating privilege has been suspended or withdrawn [under the provisions of this act and while such license remains suspended] and before such license or privilege has been re-instated and any person a non-resident of this State who operates a motor vehicle within this State [contrary to the provisions of this act] after his operating privilege has been suspended or withdrawn and before such operating privilege has been re-instated shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one (1) year or by fine not exceeding one thousand dollars ($1000) or both in the discretion of the court

Section 2 That after section twenty-one of the said act the following new sections are hereby added

Section 22 Right of Appeal to Court from Suspension or in Lieu of Suspension Any person whose motor vehicle registration operator's license or learner's permit has been suspended or revoked by the secretary under the provisions of this act or any person who has been required to establish proof of financial responsibility in lieu of a suspension or revocation shall have the right to file a petition within thirty (30) days thereafter for a hearing de novo in the matter in the Court of Common Pleas of the county in which the operator or permitee resides or of the County of Dauphin in appeals filed by persons who are non-residents of this Commonwealth and such court is hereby vested with jurisdiction and it shall its duty to set the matter down for a hearing upon thirty (30) days written notice to the secretary and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is subject to suspension or revocation or either of them of motor vehicle registration operator's license or learner's permit under the provisions of this act

Section 23 Payment of Judgment in Installments A judgment debtor to whom this act applies may for the sole purpose of giving authority to the secretary to authorize the judgment debtor to operate a motor vehicle thereafter on due notice to the judgment creditor apply to the court in which the trial judgment was obtained for the privilege of paying such judgment in installments and the court in its discretion and without prejudice to any other legal remedies which the judgment creditor may have may so order fixing the amounts and times of payment of the installments While the judgment debtor is not in default in the payment of such installments the secretary upon his giving proof of ability to respond in damages for future accidents as hereinbefore provided may in his discretion restore or refrain from suspending his license and registration certificates but such license and certificates shall be suspended as hereinbefore provided if and when the secretary is satisfied that the judgment debtor has failed to comply with the terms of the court order

Section 24 Rates of Premium Shall be Uniform Penalty No insurer or corporate surety company or agent or officer thereof on its behalf shall because of the race or color of any person refuse to issue or execute a policy of insurance or bond establishing the financial responsi-

bility of such person as required in this act and no insurer or corporate surety company or agent or officer thereof on its behalf shall because of the color or race of any person charge or receive from such person otherwise in the same risk classification a premium for a policy of insurance or bond at a rate in excess of the rate charged any other person

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars ($200.00) or shall undergo imprisonment for not more than one (1) year or both in the discretion of the court

Section 25 Restrictions to Be Stated on Operator's Card Removal of Restrictions Penalty

(a) When a certificate of a motor vehicle liability policy of insurance has been furnished as compliance with the requirements of proof of financial responsibility as prescribed in this act and such liability policy extends only to designated vehicle the operator shall surrender his operator's card to the secretary and the secretary shall designate by explicit description or appropriate reference the vehicle described or identified in such certificate of motor vehicle liability policy upon the operator's license card of the person whose operator's privilege is so limited and return such card to the operator

(b) In the event a person establishes proof of financial responsibility by means of a motor vehicle liability policy of insurance and during the time that such proof is required to be maintained desires to be relieved of the limitations prescribed in the policy and be permitted to operate any motor vehicle he may have such restrictions removed upon filing a certificate of the insurer showing that there has been issued to him a motor vehicle operator's policy

(c) No person who has furnished a motor vehicle liability policy of insurance or on whose behalf a certificate of Motor Vehicle Liability Policy of Insurance has been furnished as compliance with the requirements of this act or who has retained or received an operator's license under a motor vehicle liability policy of insurance shall operate in this Commonwealth any vehicle not covered by such insurance or shall operate a motor vehicle without having in his possession his operator's card designating by explicit description or appropriate reference such vehicle

(d) Whenever a Motor Vehicle Liability Policy for any vehicle explicitly described or identified by appropriate reference on an operator's card is cancelled or lapses such operator shall immediately return the operator's card to the Secretary and notify the Secretary of such cancellation or lapse and such operator shall not operate any vehicle on the highways of this Commonwealth until he has received from the Department a corrected operator's card

(e) No person who is an owner of or in possession or control of a vehicle shall permit or direct any other person required to establish proof of financial responsibility to operate such vehicle in violation of any of the provisions of this act

Penalty Any person who violates any of the provisions of sub-sections (a) (c) (d) or (e) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one (1) year or by a fine not exceeding one thousand dollars ($1,000) or both in the discretion of the court

Section 26 Reports Required of Insurance Companies Penalty

(a) Every insurer engaging in the business of writing insurance against automobile liability automobile property damage or automobile collision insurance risks in this Commonwealth shall under oath or affirmation on a form and in a manner prescribed by the secretary on or before the first day of every September notify the secretary of

1 The number of commercial vehicles and non-commercial vehicles registered in this Commonwealth in the previous calendar year for which policies of automobile insurance have been issued

2 The number of commercial vehicles and non-commercialcial vehicles for which policies of automobiles insurance have been issued under the provisions of this act and the number of applications for such insurance that have been refused in the previous calendar year together with the name and address of the applicant for such insurance

(b) Every insurer engaging in the business of writing insurance against automobile liability automobile property damage or automobile collision insurance risks in this Commonwealth shall require each of its brokers or agents or representatives in this Commonwealth and it shall be the duty of such brokers agents or representatives upon refusing to accept an application for automobile insurance of any person required to establish proof of financial responsibility to notify the insurer immediately of the name and address of such person Provided that where such broker agent or representative is employed by or represents more than one insurer the giving of a notice herein required to any one insurer and the transmittal of such notice by such insurer to the Department of Revenue shall be sufficient compliance with the requirements of this section

Any insurer who fails to comply with any of the provisions of this section or who makes a mis-statement of fact shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000)

Any broker agent or representative in this Commonwealth of an insurer engaging in the business of writing insurance against automobile liability automobile property damage or automobile collision risks in this Commonwealth who violates any of the provisions of subsection (c) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

The provisions of this section shall continue in effect for a period of five years from the effective date of this act

Section 3 That sections twenty-two twenty-three twenty-four twenty-five and twenty-six of the said act are hereby amended to read as follows

Section 27 The Secretary shall have the authority to make regulations not inconsistent with this act for the efficient administration and enforcement of this act

Section [22] 28 Constitutionality If any provisions of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section [23] 29 Uniformity of Interpretation This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it

Section [24] 30 Short Title This act may be cited as the "Uniform Automobile Liability Security Act"

Section [25] 31 Repeal All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed

Section 4 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,

Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,

NAYS—1.

Brancato,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2355, (Senate Bill No. 1119), entitled:

An Act providing for the qualifications, examination, appointment, term of office and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines and the courts; and imposing penalties.

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,

Arnold,	Gillette,	Melchiorre,	Smith, John A.,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2167, (Senate Bill No. 681), entitled:

An Act to amend section five of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws thirteen) entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board" by making further provision with respect to the fidelity bonds of the members secretary and employes of the board

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee	Simon,

Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, F. T.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2325, (Senate Bill No. 1154), entitled:

An Act to amend Article four of the act approved the seventh day of March, one thousand nine hundred one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class," transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill.

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2327, (Senate Bill No. 1157), entitled:

An Act authorizing and empowering cities of the second class to erect and construct water-works as herein defined within and without their corporate limits to acquire property as herein defined within and without their corporate limits by purchase lease gift and the power of eminent domain and to use purchase sell dispose and supply water within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154.

Achterman,	Elpern,	McArdle,	Sarraf,

Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schropa,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.,		

NAYS—51.

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	VanAllsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2324, (Senate Bill No. 1153), entitled:

A Supplement to the act approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of the cities of the second class;" establishing a Department of Lands and Buildings in said cities; providing for its officers and employes; defining the powers, duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shea,	Yanoshat,
Falkenstein,	McCullough,	Shaw,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2315, (Senate Bill No. 1020), as follows:

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the employment by school auditors and for the compensation of an attorney

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith is hereby amended to read as follows

Section 2616 [The provisions of this act relating to the auditing of school finances shall begin with the beginning of the first fiscal year following the approval of this act] In all school districts where the accounts are audited by borough or township auditors the auditors may employ an attorney whenever the same is deemed advisable The compensation of such attorney shall be fixed by the auditors and shall not exceed the sum payable to one auditor for the making of the annual audit unless additional compensation shall be specially allowed by a court of record in connection with any proceeding before such court and shall be payable by the school district out of the general fund of the district

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Epern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2345, (Senate Bill No. 1041), entitled:

An Act to amend section one thousand two hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teachers to be citizens except in certain cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,

Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2283, (Senate Bill No. 785), entitled:

An Act authorizing political subdivisions other than cities of the first class to set-off delinquent taxes and municipal claims and penalties interest and cost due thereon against claims and accounts due by such political subdivisions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Coolahan,	Kelso,	Readinger,	Wampole,
Corrigan,	Kilroy,	Reese,	Watkins,
Costanzo,	Kline,	Reising,	Webster,
Cohen, H. B.,	Kroll,	Richter,	Weidemann,
Cohen, R. E.,	LaRue,	Robinson,	Weiss, D. H.,
Coleman,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2182, (Senate Bill No. 435), entitled:

An Act to amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws 88) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,

Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2351, (Senate Bill No. 1110), entitled:

An Act to add sub-division (h) to Article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing for a revolving fund for permanent street sidewalk and sewer improvements

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,

Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2357, (Senate Bill No. 1137), entitled:

A joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section eighteen

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,

Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2350, (Senate Bill No. 1109), entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the beginning of a revolving fund for street sidewalk and sewer improvements by funds raised from bond issues

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Skale,
Allmond,	Ganser,	McKinney,	Sloan,
Arnold,	Gerard,	McShane,	Smith, James A.,
Atkins,	Gillette,	Melchiorre,	Smith, John A.,
Aukerman,	Gorski,	Mellott,	Snyder,
Baine,	Habbyshaw,	Mihm,	Sollenberger,
Baker, F. T.,	Haberlen,	Moomaw,	Spengler,
Baker, J. J.,	Hagerty,	Mooney,	Sproul,
Balthaser,	Hall,	Moran,	Stackpole,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,

Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,

NAYS—0.

O'Neill,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2354, (Senate Bill No. 1116), entitled:

An Act to amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws 759) entitled "An act granting the right and lawful authority to corporations to construct operate and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply subject to the approval of the Water Supply Commission" extending the provisions of said act to additional corporations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Chervenak,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,

Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2417, (Senate Bill No. 1168), entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled, "An act relating to retirement from the Pennsylvania National Guard," as amended, by the act approved the twelfth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws six hundred eighty-one), by providing that service in excess of thirty-nine years and five months may be counted as more than forty years of service.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, R. S.,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. P.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2445, (Senate Bill No. 1301), entitled:

An Act providing for the erection construction and equipment of armories for the use of the Pennsylvania National Guard designating the manner of acquiring or setting aside of land for the erection and construction of armories thereon by The General State Authority authorizing the Commonwealth to lease such armories and their grounds from The General State Authority upon their completion and the Armory Board of the State of Pennsylvania to manage and operate the same and conferring powers and imposing duties upon certain State departments and boards

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, John A.,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,

Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2389, (Senate Bill No. 917), entitled:

An Act to establish as a State highway a certain section of public road in the Counties of Franklin and Adams and providing for its construction and maintenance at the expense of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Rowe,	Welliver,
Decker,	Lewis,	Ruffenach,	Welsh,
DeNote,	Long,	Smith,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2427, (Senate Bill No. 1308), entitled:

An Act to amend section four hundred and one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by further regulating depositories of funds of counties of the second class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Rowe,	Welliver,
Decker,	Lewis,	Ruffenach,	Welsh,
DeNote,	Long,	Smith,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,

Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2467, (Senate Bill No. 1144), entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by providing that certain companies shall not be subject to the tax

And said bill having been read at length the third time, considered, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boyle,	Hess,	O'Connor,	Thomas,
Brown,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNcte,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1177.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1177, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1177.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1177 Messrs. HERBERT B. COHEN, GERARD and TURNER.

Ordered, That the Clerk inform the Senate accordingly.

REPORT FROM THE COMMITTEE ON RULES

Mr. HERBERT B. COHEN offered a report from the Committee on Rules on Revision and Clarification of the Rules of the House of Representatives.

The SPEAKER. The report will lie over for printing under the Rules.

ANNOUNCEMENTS

The Committee on Agriculture will meet at 8:00 p. m. in Room 521.

A Democratic Caucus will be held at 8:30 p. m. this evening. All Democratic members are requested to be present.

RECESS

The SPEAKER. If there are no objections the Chair will declare a recess until 9:00 p. m. Are there objections? The Chair hears none and declares a recess until 9:00 p. m.

AFTER RECESS

The House reconvened at 9:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1000 and 1792

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1000, Printer's No. 1203, entitled "An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto."

House Bill No. 1792. Printer's No. 1114, entitled "An Act concerning elections including general municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and modifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections."

GEORGE H. EARLE.

APPROVAL OF HOUSE BILL No. 1343.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1343, Printer's No. 680, entitled "An Act to further amend the first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled 'An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly' by permitting the filing of claims in more than one county in certain cases."

GEORGE H. EARLE.

APPROVAL OF HOUSE BILLS Nos. 718, 1265, 1354 and 1977.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 718, Printer's No. 743, entitled "An Act to describe define and officially adopt a system of coordinates for designing the positions of points on the surface of the earth within the Commonwealth of Pennsylvania."

House Bill No. 1265, Printer's No. 357, entitled "An Act to further amend the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1656) entitled 'An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury' extending said act to all political subdivisions."

House Bill No. 1354, Printer's No. 1062, entitled "An Act to further amend section two thousand two hundred and twenty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," as amended, by regulating the retirement of and providing additional retirement allowances for superintendents of schools and superintendents of buildings in districts of the first class under certain circumstances and authorizing such school districts to provide for the payment of such additional allowances."

House Bill No. 1977, Printer's No. 595, entitled "An Act to amend sections three seven eight fifteen twenty-four and twenty-eight sections fourteen thirty-four and thirty-eight as amended sections eighteen and sixty-one as amended, sections fifty-four and fifty-seven as amended and to repeal section nineteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws 869), entitled "An act providing for the organization, government, discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for the reorganization of the division, changing the designation Staff Corps and Departments to State Staff and Detachment, defining the powers of the division commander, providing for the vacation of commissions upon transfer to the Inactive National Guard, making the period of enlistment and qualifications conform to the National Guard Bureau requirements, defining the duties of the Adjutant General, providing for the elimination of officers or warrant officers by courts of inquiry, changing the basic annual allowance for mounted troops and increasing the minimum allowance, providing expenses of headquarters for more than one division and eliminating the allowance for headquarters of trains, providing a term of office for staff and warrant officers and eliminating an obsolete reference to five year terms, providing that any sheriff or constable may receive and confine military offenders, providing that any division commander may appoint a general court-martial, providing for the collection of court-martial fines and execu-

tion of sentence of court-martial and rescinding obsolete provisions referring to staff officers."

GEORGE H. EARLE.

SENATE MESSAGES

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1640

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1640, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation

And has appointed Messrs. MUNDY, THOMPSON and GELDER a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2401.

An Act validating certain sheriff's sales of real estate and the title to such real estate in the hands of purchasers their heirs grantees and assigns

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, by striking out in lines 10 to 12 inclusive as follows: "notwithstanding any other irregularity in the proceedings for the sale of such real estate and"; also page 2, by striking out in lines 1 and 2 as follows: "irregularities had not existed" and inserting in lieu thereof the words "upset bid had been required"; also page 2, by inserting at the end of line 4, the following: "And provided further That this act shall not discharge the lien of any tax not included in the upset price"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mi.m,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Lelsey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2099.

An Act to further amend sections two hundred forty-six two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth seventh classes

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 12, by striking out the words "seventh classes" and inserting in lieu thereof the words "seventh and eighth classes".

Amend section 1, page 3, line 13, by striking out the words and figures "thirty-six hundred dollars ($3,600)" and inserting in lieu thereof the words and figures "thirty-eight hundred dollars ($3,800)"; also same page, line 23, by striking out the heavy faced bracket before the word "In"; also same page, line 29, by striking out the words and figures "thousand eleven hundred dollars ($1,1000)" and inserting in lieu thereof the words and figures "thousand nine hundred dollars ($900)"; also page 6, line 12, by inserting after the word "class" the words "having a population of forty thousand or more".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2457, (Senate Bill No. 1072), as follows:

An Act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That until the next United States decennial census is taken and an apportionment made thereon the Senate shall consist of fifty members and the State is hereby apportioned into fifty senatorial districts each of which shall be known by the number herein attached thereto and shall each be entitled to elect one Senator as follows to wit

First District The first second twenty-sixth thirty-ninth and forty-eighth wards of the city of Philadelphia

Second District The twenty-first twenty-eighth thirty-seventh thirty-eighth and forty-third wards of the city of Philadelphia

Third District The third fourth fifth sixth seventh eighth ninth tenth eleventh twelfth thirteenth fourteenth fifteenth thirtieth and thirty-sixth wards of the city of Philadelphia

Fourth District The twenty-seventh fortieth forty-sixth and fifty-first wards of the city of Philadelphia

Fifth District The sixteenth seventeenth eighteenth nineteenth twentieth twenty-fifth thirty-first and thirty-second wards of the city of Philadelphia

Sixth District The twenty-second forty-second forty-ninth and fiftieth wards of the city of Philadelphia

Seventh District The twenty-fourth twenty-ninth thirty-fourth forty-fourth and forty-seventh wards of the city of Philadelphia

Eighth District The twenty-third thirty-third thirty-fifth forty-first and forty-fifth wards of the city of Philadelphia

Ninth District The county of Delaware

Tenth District The city of Scranton and the borough of Dunmore in the county of Lackawanna

Eleventh District The county of Berks

Twelfth District The county of Montgomery

Thirteenth District The county of Lancaster

Fourteenth District The counties of Carbon Monroe Pike and Wayne

Fifteenth District The counties of Dauphin and Lebanon

Sixteenth District The counties of Lehigh and Bucks

Seventeenth District The cities of McKeesport Duquesne and Clairton the boroughs of Braddock East Pittsburgh Elizabeth Glassport Liberty Munhall North Braddock Port Vue Rankin Versailles Dravosburg and Whitaker and the townships of Elizabeth Forward Lincoln North Versailles South Versailles and Versailles in the county of Allegheny

Eighteenth District The county of Northampton

Nineteenth District The county of Chester

Twentieth District The residue of the county of Luzerne not included in the twenty-first district

Twenty-first District The cities of Pittston and Wilkes-Barre the boroughs of Ashley Avoca Dupont Duryea Exeter Hughestown Laflin Luzerne Pringle Sugar Notch Swoyersville Warrior Run West Pittston West Wyoming Yatesville and the Townships of Hanover Jenkins Pittston Plains and Wilkes-Barre in the County of Luzerne

Twenty-second District The residue of the county of Lackawanna not included in the tenth district

Twenty-third District The counties of Bradford Susquehanna and Wyoming

Twenty-fourth District The counties of Columbia Lycoming Montour and Sullivan

Twenty-fifth District The counties of McKean Potter and Tioga

Twenty-sixth District The counties of Cameron Clarion Clinton Elk and Forest

Twenty-seventh District The counties of Northumberland Snyder and Union

Twenty-eighth District The county of York

Twenty-ninth District The county of Schuylkill

Thirtieth District The counties of Blair and Huntingdon

Thirty-first District The counties of Cumberland Juniata Mifflin and Perry

Thirty-second District The county of Fayette

Thirty-third District The counties of Adams Franklin and Fulton

Thirty-fourth District The counties of Centre and Clearfield

Thirty-fifth District The county of Cambria

Thirty-sixth District The counties of Bedford and Somerset

Thirty-seventh District The counties of Indiana and Jefferson

Thirty-eighth District The sixteenth seventeenth eighteenth nineteenth twentieth twenty-ninth thirtieth thirty-first and thirty-second wards of the city of Pittsburgh and the boroughs of Greentree Ingram Mount Oliver Brentwood and Castle Shannon in the county of Allegheny

Thirty-ninth District The county of Westmoreland

Fortieth District The boroughs of Aspinwall Avalon Bellevue Ben Avon Ben Avon Heights Blaw Knox Brackenridge Bradford Woods Cheswick Edgeworth Emsworth Etna Fox Chapel Glenfield Haysville Leetsdale Millvale Oakmont Osborne Sewickley Sharpsburg Springdale Tarentum Verona and West View and the townships of Aleppo East Deer Fawn Franklin Frazer Hampton Harmar Harrison Indiana Kilbuck Leet Marshall McCandless O'Hara Ohio Penn Pine Plum Reserve Richland Ross Sewickley Sewickley Heights Shaler Springdale and West Deer in the county of Allegheny

Forty-first District The counties of Armstrong and Butler

Forty-second District The first second sixth ninth twenty-first twenty-second twenty-third twenty-fourth twenty-fifth twenty-sixth and twenty-seventh wards of the city of Pittsburgh in the county of Allegheny

Forty-third District The third fourth fifth seventh eighth tenth eleventh and twelfth wards of the city of Pittsburgh in the county of Allegheny

Forty-fourth District The thirteenth fourteenth and fifteenth wards of the city of Pittsburgh the boroughs of Chalfont Churchill East McKeesport Edgewood Forest Hills Pitcairn Swissvale Trafford Turtle Creek Wall Wilkinsburg and Wilmerding and the townships of Braddock Patton and Wilkins in the county of Allegheny

Forty-fifth District The twenty-eighth ward of the city of Pittsburgh the boroughs of Bridgeville Carnegie Coraopolis Crafton Dormont Heidelberg Homestead McDonald McKees Rocks Oakdale Rosslyn Farms Thornburg West Elizabeth and West Homestead and the townships of Baldwin Bethel Collier Crescent Finley Jefferson Kennedy Mifflin Moon Mount Lebanon Neville North Fayette Robinson Scott Snowden South Fayette Stowe and Upper Saint Clair in the County of Allegheny

Forty-sixth District the counties of Greene and Washington

Forty-seventh District The counties of Beaver and Lawrence

Forty-eighth District The counties of Venango and Warren

Forty-ninth District The county of Erie

Fiftieth District The counties of Crawford and Mercer

SENATORIAL APPORTIONMENT

Section 2 The districts as above enumerated shall be based on the decennial census of the United States for the year one thousand nine hundred and thirty and shall take the lines and boundaries and include all the territory within the same as said lines and districts respectively exist at the effective date of this act

Section 3 The nomination and election of a State Senator shall be made held and conducted and the return of votes cast at primary and general elections for the nomination and election of such members shall be made computed canvassed and certified as now or hereafter may be provided by law

Section 4 At the general election in the year one thousand nine hundred and thirty-eight and quadriennially thereafter Senators shall be chosen to serve for four years in the even-numbered districts At the general election in the year one thousand nine hundred and forty and quadriennially thereafter Senators shall be chosen to serve for four years in the odd-numbered districts

The Senators now in office shall continue in such office until the expiration of the terms for which they were elected

Section 5 The act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 449) entitled "An act to fix the number of Senators in the General Assembly of the State to apportion the State into senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators" and its amendments are hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—132

Achterman,	Falkenstein,	McCullough,	Robinson,
Alexander,	Finnerty,	McDermott,	Rothenberger,
Allmond,	Fitch,	McElroy,	Ruffennach,
Arnold,	Flanagan,	McFall,	Rush,
Aukerman,	Flannery,	McGee,	Sarraf,
Baine,	Flinchbaugh,	McShane,	Scanlon,
Baker, J. J.,	Ganser,	Melchiorre,	Schrope,
Balthaser,	Gerard,	Mellott,	Shaw,
Bierly,	Gorski,	Mihm,	Shea,
Blank,	Haberlen,	Moomaw,	Shepard,
Bohn,	Hagerty,	Mooney,	Siegel,
Boles,	Hamilton, F. P.,	Moran,	Skale,
Boltz,	Harkins,	Moul,	Smith, James A.,
Bradley,	Harmuth,	Munley,	Smith, John A.,
Broad,	Hays,	Murrin,	Spengler,
Brownfield,	Hering,	Nagel,	Stank,
Burrows,	Hess,	O'Brien,	Thomas,
Caesar,	Hetrick,	O'Connor,	Toole,
Coakley,	Hindman,	O'Keefe,	Tronzo,
Cohen, H. B.,	Hirsch,	Ominsky,	Vallbus,
Cohen, R. E.,	Holland,	O'Neill,	Vogt,
Coleman,	Hontz,	Ostroff,	Wagner,
Corrigan,	Horting,	Patterson, C. S.,	Walsh,
Costanzo,	Keenan,	Patterson, J. W.,	Weiss, S. A.,
Davies,	Kelso,	Pearson,	Welliver,
Decker,	Kilroy,	Pershing,	Welsh,
Dickinson,	Kroll,	Piole,	Westrick,
Donohoe,	LaRue,	Powers,	Whalen,
Dougherty,	Long,	Preston,	Wright,
Downey,	Lopresti,	Readinger,	Yanoshat,
Dubbs,	Lovett,	Reese,	Yourishin,
Dyson,	Marino,	Reising,	Zappala,
Elpere,	McArdle,	Richter,	Furman,

NAYS—52

Baker, F. T.,	Holstrom,	Muir,	Thompson,
Boose,	Huntley,	Peale,	Trout,
Boyer,	Imbrie,	Perry,	Turner,
Brancato,	Kane,	Royer,	VanAllsburg,
Brown,	Kline,	Schrock,	Wall,
Cadwalader,	Leisey,	Schumacher,	Wampole,
Eckels,	Levy,	Serrill,	Watkins,
Fiss,	Lewis,	Shoemaker,	Webster,
Gillette,	Longaker,	Sloan,	Weidemann,
Habbyshaw,	Lyons,	Sollenberger,	Wilson,
Hall,	Matthews, J. F.,	Stackpole,	Wood,
Hamilton, R. S.,	McDevitt,	Stewart,	Woodside,
Holmes,	McKinney,	Strode,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. BOIES filed the following reason for his vote:

I desire to vote "aye" on Senate Bill No. 1072, House Bill No. 2457, Printer's No. 837.

Although I doubt the constitutionality of this act and although I feel it is an unjust re-apportionment of the 45th District in that it "checker-boards" the 11th Legislative District into the 45th District and the newly formed district, and although the Representatives of the 11th Legislative District were not consulted in this re-apportionment, I desire to be recorded as voting "aye" because I am in agreement with the Democratic Party's pledge to re-apportion the State.

Mr. HARKINS filed the following reason for his vote:

I desire to vote "aye" on Senate Bill No. 1072, House Bill No. 2457, Printer's No. 837.

Although I feel that this bill is unconstitutional and that no re-apportionment would be constitutional until the session of 1941, that is the session immediately following the next decennial census, and although I also consider that this bill inflicts an unwarranted hardship upon the boroughs, townships and cities of the eleventh legislative district of Allegheny County in that some of them are indiscriminately thrown into one Senatorial district and others thrown into another Senatorial district, I desire to be recorded as voting "aye" because of the promises I made in my campaign, that I would favor legislative re-apportionment.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1978

Mrs. HORTING. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on House Bill No. 1978, Printer's No. 1922.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Reprsntatives for the purpose of considering House Bill No. 1978 entitled: "A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases" respectfully submit the following bill as our report:

FRANK W. RUTH,
C. HALE SIPE,
GEORGE A. DIETRICK,
Committee on the part of the Senate.
RUTH GRIGG HORTING.
D. RAYMOND SOLLENBERGER,
HARRY J. BROWNFIELD,
Committee on the part of the House of Representatives.

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the amount now required to be paid under the provisions of an act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended there shall be added to the minimum annual salaries of all members of the teaching staffs of elementary schools in fourth class school districts an amount which together with the said amount required by law to be paid will equal one thousand dollars ($1,000) and the minimum annual increment for such teachers shall be fifty dollars ($50) and the minimum number of increments shall be four (4) and the minimum annual salary of members of the teaching staffs of high schools in fourth class school districts shall be one thousand one hundred seventy dollars ($1,170) and the minimum annual increment for such teachers shall be one hundred dollars ($100) and the minimum number of increments shall be four (4) Provided That none of the said increments for the members of the teaching staffs of elementary or high schools in such districts shall be required before the first day of July one thousand nine hundred thirty-eight.

Section 2 Of the difference between the minimum salary required by this supplement to be paid to each member of the teaching staff of the schools of districts of the fourth class and the minimum salary now required by law the amount paid by the Commonwealth to a school district of the fourth class which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five per centum (75%) the amount paid to each school district of the fourth class which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be sixty per centum (60%) and the amount paid to each school district of fourth class which has a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) shall be fifty per centum (50%).

Section 3 If the act entitled "An act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores theatre or theatres as herein defined prescribing the method and manner of collecting such tax and its disposition including an appropriation for the purpose of administering this act and providing penalties" enacted at this session of the General Assembly be declared invalid void or unconstitutional by final decision in any court of competent jurisdiction then and in that event the Governor by proclamation shall under authority hereby conferred upon him suspend this act.

Section 4 This act shall become effective the first day of July one thousand nine hundred thirty-seven

On the question,

Will the House adopt the report of the Committee of Conference

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harnuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1157.

Mr. McELROY. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 1157, Printer's No. 1221.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1157, entitled: "An Act to amend section one, section three as amended, and sections four, five and nine as added, of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws 202), entitled 'An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws and prescribing penalties,' extending said act motor boats electrically propelled, and regulating license fees for such motor boats: providing for new license plates each license year, and fixing license years, and regulating the installation and use of mufflers," respectfully submit the following bill as our report:

SAMUEL L. GILSON
FRANK W. RUTH
Committee on the part of the Senate

MAHLON F. LARUE
LEO A. ACHTERMAN
ARTHUR J. WALL
Committee on the part of the House of Representatives

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats electrically propelled and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted etc. That the following words and terms when used in this act shall have the meanings ascribed to them in this section

"Board" The Board of Fish Commissioners of the Commonwealth or its duly authorized representative

"Inland Waters" Any public stream river lake artificial or natural body of water [or non-tidal waters of any river] within the Commonwealth

"Motor Boat" Any boat electrically propelled or any boat propelled by any type of internal combustion motor of one or more cylinders [including any type of water craft propelled by] including any type of water craft propelled by an out-board motor

"Person" An individual copartnership association or corporation

The masculine shall include the feminine or neuter and the singular shall include the plural

Section 2 That section three of said act as amended by section one of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) is hereby further amended to read as follows

Section 3 Any person owning a motor boat and desiring to operate or navigate the boat or cause it to be operated or navigated on any inland water shall make a written application to the Department of Revenue for a license for such boat Such application shall be made on a form prescribed prepared and furnished by the Department

Revenue and together with such other information as Department of Revenue may require shall state

(a) The name and address of the applicant and if the applicant is a partnership the names and addresses of all the partners and if the applicant is a corporation the names and addresses of its officers

(b) The size seating or other capacity gross weight and type of the boat

(c) The type number of cylinders the horse power and maximum speed of the motor and the type of muffler under-water exhaust used in connection with such motor

(d) The engine number of the motor which propels the boat

Upon receipt of an application and upon the payment of a license fee of one dollar for each cylinder of the motor built in or attached to the boat or a fee of two dollars in the case of electrically propelled boat the Department of Revenue shall issue to the applicant owner a license for his boat together with duplicate metallic license plates which plates shall contain a serial number [at least five inches in height] corresponding with the number on the license issued to the owner and shall be displayed conspicuously at all times one on each side of the bow of the boat [The owner may paint or stencil a facsimile of the license plates one on each side of the bow of the motor boat provided such license plates are stored in such motor boat] Such license plates [or facsimilie of such license plates] shall be used only on the boat the engine of which bears the number set forth in the application

Section 3 That sections four five and nine of said act as added by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) are hereby amended to read as follows

Section 4 Dealers' licence plates bearing the additional mark "X" may be used on motor boat in the possession of such manufacturer jobber or dealer when the boat is being used for demonstration purposes Application for dealers' licenses shall be made upon a form provided by the Department of Revenue and shall set forth the full name and business address of the applicant and such other information as the Department of Revenue shall require and shall be signed by such manufacturer jobber or dealer Upon receipt of the application and upon the payment of a license fee of five dollars for the initial set and five dollars for each additional set the Department of Revenue shall issue to the applicant manufacturer jobber or dealer a dealer's license together with duplicate metallic license plates which plates shall contain the letter "X" and a serial number corresponding with the number on the license issued to the dealer and shall be displayed conspicuously one on each side of the bow of the boat being used by the dealer

Section 5 Dealers' and owners' license plates shall be valid [from year to year provided the license is renewed as hereinafter required If the license is not renewed it shall be the duty of the motor boat owner to forward the license plates in his possession to the Department of Revenue and remove the facsimile of such license plates immediately upon the expiration of his license In the event the license plates have been lost or destroyed a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates Dealers' and owners' licenses shall be valid until the thirty-first day of December next following the date of their issuance and may be renewed from year to year upon application and payment of a fee as in the case of procurement of an original license] only for the license year April first of one year to March thirty-first of the succeeding year Upon the renewal of a license for any subsequent year new license plates shall be issued by the department

Section 9 No boat propelled by any type of internal combustion motor of one or more cylinders including out-board motors shall be operated on any of the inland waters unless the same is equipped with [an underwater exhaust or with a muffler having at least two baffle plates Such muffler and baffle plates shall be in good working order and of a type approved by the board No cut-outs or other devices shall be used to make such muffler ineffective] a muffling device supplied by the manufacturer of the motor for that particular model without modification to prevent excessive or unusual noise which shall at all times be maintained in good working order No person shall operate a motor boat with the cut-out open or muffler removed Provided That nothing contained in this section shall be construed to require motors to be so muffled when boats are engaged in legitimate racing contests or in preparation for the same

Section 4 This act shall become effective immediately upon its final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moonaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker	Sarraf,	Whalen,
Donohoe,	Lupresti,	Scanlon,	Whitenight
Dougherty,	Lovett,	Schor,	Wilson,
Downey	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Snugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON THIRD READING

Mr. O'KEEFE asked and obtained unanimous consent to call up out of order House Bill No. 2202, Senate Bill No.

654, Printer's No. 847, on page 50 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2202, (Senate Bill No. 654) as follows

An Act fixing the salary of the stenographer to the President of the Senate the clerk to the President Pro Tempore of the Senate and the Parliamentarian of the House of Representatives and authorizing the Speaker of the House of Representatives to appoint a secretary and fixing his salary

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the salary of the stenographer to the President of the Senate is hereby fixed at one thousand six hundred twenty dollars ($1,620) per annum the salary of the clerk to the President Pro Tempore of the Senate is hereby fixed at two thousand four hundred dollars ($2,400) per annum and the salary of the Parliamentarian of the House of Representatives is hereby fixed at three thousand six hundred dollars ($3,600) per annum The Speaker of the House of Representatives is hereby authorized to appoint a secretary at an annual salary of two thousand four hundred dollars ($2,400) per annum

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. O'KEEFE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting after the word "salary" the following: "and compensation."

Amend title, page 1, line 3 of title, by inserting after the word "Senate" the following: "the reading clerk of the House of Representatives."

Amend section 1, page 2, line 2, by inserting after the word "annum" the following: "the compensation of the reading clerk of the House of Representatives is hereby fixed at two thousand five hundred dollars ($2,500) for each regular session, and twelve dollars and fifty cents ($12.50) per diem for each special and extraordinary session."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2373, Senate Bill No. 782, Printer's No. 248 on page 1 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2373, (Senate Bill No. 782), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Coleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments board commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by consolidating the Pennsylvania State Police and the State Highway Patrol and their powers and duties into one agency to be known as the Pennsylvania Motor Police and establishing as part of such agency a Motor Police Force and making provision for the number selection qualifications promotion training and discipline of the members of such force

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 4, page 13, line 21 by striking out at the end of the line the following: "[on the first]"

Amend section 4, page 13 by striking out line 22 and inserting in lieu thereof the following: "immediately upon its final enactment"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2372, Senate Bill No. 770, Printer's No. 383 on page 42 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2372, (Senate Bill No. 770), as follows:

An Act to re-enact and amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as amended by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray the expenses required by such agency in the proper conduct of part of its work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the first of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as amended are hereby re-enacted amended or further amended as the case may be as follows

An Act appropriating the moneys in the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all moneys now in the Motor License Fund in the State Treasury and all moneys which may hereafter be paid into the Motor License Fund be and the same are hereby appropriated as hereinafter provided

Section 2 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the following purposes

(a) For sinking fund requirements and interest on outstanding bonds of this Commonwealth issued for the purpose of improving and rebuilding the highways of the Commonwealth the acquisition of toll bridges and for the payment of the compensation to the Commonwealth's loan and transfer agent for services rendered in connection with the registration transfer and payment of interest on said bonds and for other services required to be performed by such loan and transfer agent Payments to the Board of Finance and Revenue under this clause shall be made at such times and in such amounts as shall from time to time be provided by law but should the General Assembly at any time fail to enact legislation supplemental to this act payments shall from time to time be made hereunder upon the requisition of the Board of Finance and Revenue approved by the State Treasurer

(b) For the payment of approved claims for refund made to the board for moneys paid into the Motor License Fund to which the Commonwealth is not rightfully entitled

Section 3 As much of the money from time to time in the Motor License Fund as may be necesary is hereby appropriated to the Department of Revenue for administering and enforcing the laws rules or regulations relating to the operation of aircraft landing fields or intermediate landing fields and for the proper conduct of its work in titling and registering motor vehicles trailers and tractors licensing the operators of vehicles [and enforcing the laws regulating the registration titling and operation of vehicles upon the highways] and for the collection of liquid fuels taxes as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the Commissioner of Motor Vehicles or such other officer or officers of the department appointed by the secretary thereof to have charge of the foregoing activities of the department and such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts engineers draftsmen accountants secretaries auditors inspectors examiners statisticans clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required in the performance of the duties above mentioned and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department or for handling any legal business pertaining to its work

[(b) For the payment of the salaries wages or other compensation board lodging uniforms arms and equipment and their maintenance and traveling and other necessary expenses of State Highway Patrolmen Provided That the provisions of this clause shall not authorize any appropriation for such purposes to the Department of Revenue if the State Highway Patrol is by law placed under the administration of the State Police but said appropriation shall be available for like purposes to the State Police but not in excess of the amount limited by any other law]

[(c)] (b) For the purchase maintenance storage and royalties upon leased office equipment or other devices or machines

[(e)] For the construction through the Department of Property and Supplies or the purchase and repair or maintenance of buildings for the use of the State Highway Patrol]

[(f) Through the Department of Property and Supplies to purchase or lease lands and to construct thereon highways and buildings suitable for the examination of applicants for operators' licenses or to purchase or lease lands for the use of the State Highway Patrol]

[(g)] (d) For the payment of rentals for branch buildings and repairs thereto

[(h)] (e) For the payment of transportation medical attendance and hospital charges of employes injured or killed in line of duty and the payment of workmen's compensation to injured employes or dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department Provided That such insurance shall be carried only with the approval of the Governor

(f) For the payment of traveling expenses and witness fees in the amount of two dollars ($2) per capita per diem to witnesses testifying for the Commonwealth at hearings [and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess of five dollars ($5) shall be paid to any physician for such an examination]

[(j)] (g) For the payment of expenses in connection with traffic safety educational work exhibits photography models and other exhibition or educational accessories and for all other expense of every kind and description necessary effectively to carry on this work

[(k)] (h) For the purchase of registration plates and any other expenses incidental thereto

[(1)] (i) For the payment of rewards for detection of fraud

[(m)] (j) For the purpose of purchasing and acquiring in the name of the Commonwealth of Pennsylvania air navigation facilities and intermediate landing field equipment through the Department of Property and Supplies as agent

[(n)] (k) For the purpose of installing conditioning improving equipping maintaining and operating any air navigation facilities intermediate landing field equipment beacon sites landing fields and intermediate landing fields leased or acquired by the Commonwealth and lands acquired within the Commonwealth suitable for landing fields intermediate landing fields beacon sites and air navigation facilities

[(o)] (1) For all other expenses of every kind and description necessary for the performance by the department of the aforsesaid work

[(n)] (m) For payment to the Department of the Auditor General of the cost incurred by the department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specifically the aforesaid affairs of the Department of Revenue at such amounts as the Department of the Auditor General with the approval of the Executive Board shall determine

[(o)] (n) For payment to the Treasury Department of the cost of making disbursements out of the Motor License Fund on behalf of the Department of Revenue in the performance of the duties above mentioned at such amounts as the Treasury Department with the approval of the Executive Board shall determine

[(p)] (o) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Revenue

in the performance of the above mentioned duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

Section 4 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Pennsylvania Motor Police for the proper conduct of its work as provided by law as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the Commissioner of Pennsylvania Motor Police Deputy Commissioner of Pennsylvania Motor Police and such chiefs statisticians clerks experts and other assistants as may be required for the proper conduct of the work of the Pennsylvania Motor Police

Section 4 As much of the money from time to time in the Motor License Fund is hereby appropriated to the Pennsylvania Motor Police as shall be deemed by the Governor to be apportionable to the work of the Pennsylvania Motor Police in enforcing the laws regulating the use of the highways of this Commonwealth and in assisting the Department of Revenue in the collection of motor license fees fees for titling vehicles and tractors operators' license fees and the tax on liquid fuels and the issuance of certificates of title and motor and operators' licenses Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund shall be credited to the current appropriation out of the General Fund to the Pennsylvania Motor Police and shall be available for the purposes for which such appropriation is appropriated by law

Section [4] 5 The remainder of the money from time to time in the Motor License Fund is hereby appropriated to the Department of Highways for the following purposes

(a) For the payment of the salaries wages or other compensation and the traveling and other necessary expenses of the Secretary of Highways such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messenger laborers and other assistants and employes as may be required for the proper conduct of the work of the department and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department or for handling any legal business pertaining to its work

(b) For the purchase maintenance and repair of furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding and for the payment of premiums on policies of insurance covering motor vehicles operated by employes of the department and surety bonds for officers and employes of the department required to furnish such bonds but all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent except that the Department of Highways may purchase directly equipment materials and supplies necessary for the construction and repair of highways if such equipment materials or supplies are not on the schedule of the Department of Property and Supplies

(c) For the payment of rentals for branch buildings and repairs thereto

(d) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines

(e) For maintaining reconstructing replacing and repairing or assisting in maintaining reconstructing replacing and repairing State highways State-aid highways and any other highways which the department may be authorized to maintain reconstruct replace and repair or assist in maintaining reconstructing replacing and repairing and of such bridges as the department may be authorized by law to maintain reconstruct replace and repair or to assist in maintaining reconstructing replacing and repairing

(f) For constructing and improving or assisting in constructing and improving State highways State-aid highways and any other highways or streets and any bridges which the department may be authorized by law to constructor improve or assist in constructing or improving but the moneys expended by the department under this clause for construction and improvement of highways without expense to the political subdivisions of the State shall be allocated among the several counties in such manner and to such an extent as shall from time to time be provided by law and in the absence of or beyond any such statutory direction shall be expended as the department shall determine and the moneys expended for State aid and upon city streets shall be expended to the extent to which such expenditures shall from time to time be authorized by law

(g) For the maintenance and repair of all interstate bridges over the Delaware River between the Commonwealth and the State of New Jersey now owned or to be acquired or constructed from Morrisville Bucks County to Milford Pike County and of interstate bridges between this Commonwealth and the State of New York now owned or which may hereafter be acquired or constructed

(h) For the payment of transportation medical attendance and hospital charges for employes injured or killed in line of duty and the payment of workmen's compensation to injured employes or the dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department Provided That such insurance shall be carried only with the approval of the Governor

(i) For purchasing acquiring and leasing lands in the name of the Commonwealth containing stone suitable for use in the construction improvement reconstruction replacement or maintenance of highways and to quarry and prepare the stone therein for use in the construction improvement reconstruction replacement and maintenance of highways to manufacture any other material used in the construction improvement reconstruction replacement or maintenance thereof whether for use by the department in the construction improvement reconstruction replacement or maintenance of highways or for selling the same to contractors engaged in such work or to political subdivisions of the State for the construction improvement reconstruction replacement and maintenance of roads as may now or hereafter be provided by law

(j) For the erection of such buildings and the purchase of such machinery as may be necessary or essential for the proper prosecution of the work of quarrying or manufacturing stone or materials for the construction improvement reconstruction replacement or maintenance of highways

(k) Subject to the approval of the Governor and of the Department of Property and Supplies for the purchase or acquisition of land in the name of the Commonwealth for the purpose of erecting thereon garages storage sheds laboratories or other buildings necessary in connection with the construction improvement reconstruction replacement or maintenance of highways and for the erection on land thus acquired of such garages storage sheds laboratories or other buildings

(l) To propagate or purchase trees shrubs vines or grasses for planting on or along the State highways and to maintain the same

(m) For the purchase installation and maintenance of signs and traffic signals on State highways

(n) For the payment of traveling expenses and witness fees in amount of two dollars ($2) per capita per diem to witness testifying for the Commonwealth

(o) For the payment of damages to property heretofore hereafter caused or occasioned in connection with the work of the department in the construction improvement maintenance and repair or in the preparation of materials for such purpose of roads highways or bridges under the jurisdiction of the department and for which the Commonwealth is responsibile for maintenance and attributed to negligence or carelessness on the part of the employes of the department not exceeding however the sum of twenty-five thousand dollars ($25,000) during any fiscal biennium All claims for damages to property payable hereunder

shall be submitted to the Secretary of Highways in writing verified by affidavit and the secretary shall investigate the same and determine the amount to be paid if any subject to the approval of the Attorney General

(p) For all other expenses of every kind and description necessary effectively to carry on the work of the department as authorized by law

(q) For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specially the aforesaid affairs of the Department of Highways at such amounts as the Department of the Auditor General with the approval of the Executive Board shall determine

(r) For payment to the Treasury Department of the cost of making disbursements out of the Motor License Fund on behalf of the Department of Highways in the performance of the duties above mentioned at such amounts as the Treasury Department with the approval of the Executive Board shall determine

(s) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Highways in the performance of the above mentioned duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

(t) For payment to the Department of Property and Supplies of the cost incurred by that department in making purchases of supplies equipment and materials for the Department of Highways as purchasing agent including salaries wages or other compensation of employes traveling expenses telephone toll charges telegrams newspapers advertising and notices and all other expenses necessary for the performance by the Department of Property and Supplies of the aforesaid duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

Section [5] 6 Stores of any nature whatsoever including quarried or manufactured products and in addition equipment rental charges for the use of equipment either owned or leased by the Department of Highways shall be considered charges against any special appropriations made to the Department of Highways for any purposes Transfer requisitions shall be submitted by the Department of Highways from time to time to adjust the balances of the appropriations in accordance with the actual cost of work performed excluding however overhead advertising engineering and inspection expenses Such transfer requisitions shall be audited by the Auditor General and State Treasurer and if found correct shall become adjusting entries on the books of the fiscal officers and of the Department of Highways

Section [6] 7 Estimates of the amounts to be expended from the Motor License Fund under this act or any other act from time to time by the Department of Revenue the Pennsylvania Motor Police and the Department of Highways respectively and by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys whatsoever out of the Motor License Fund by the Board of Finance and Revenue for refunds or by the Department of Revenue or by the Pennsylvania Motor Police or by the Department of Highways for any purpose whatsoever in excess of the estimates approved by the Governor any other act or acts heretofore enacted to the contrary notwithstanding

Subject to the foregoing provision the moneys in the Motor License Fund shall be paid out of the fund upon warrant of the Auditor General drawn after requisition by the Board of Finance and Revenue the Department of Revenue the Pennsylvania Motor Police or the Department of Highways as the case may be

Section [7] 8 The provisions of this act as far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

[Section 8 The provisions of this act shall become effective on June first one thousand nine hundred twenty-nine]

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 7 by striking out lines 19 to 28, inclusive.

Amend page 8 by striking out lines 1 and 2.

Amend section 2, page 18, line 24 by striking out at the end of the line the following: "[on the first]"

Amend section 2, page 18, by striking out line 25 and inserting in lieu thereof the following: "immediately upon its final enactment"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question?

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2371, Senate Bill No. 769, Printer's No. 242 on page 51 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2371, (Senate Bill No. 769), entitled:

An Act to amend the title and the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fourteen) entitled "An act providing for a system of recording the identification of persons convicted of crime and fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania State Police district attorneys police officers wardens or keepers of jails prisons workhouses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties" by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 3, page 6, line 5 by striking out at the end of the line the following: "[on the first]."

Amend section 3, page 6 by striking out line 6 and inserting in lieu thereof the following: "immediately upon its final enactment."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments

will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2377, Senate Bill No. 887, Printer's No. 257 on page 52 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2377, (Senate Bill No. 887), entitled:

An Act to further amend section two four and six and to amend section seven of the act approved the seventh day of May one thousand nine hundred twenty-three (P. L. 151) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 3, page 5, line 10 by striking out at the end of the line the following: "[the first]."

Amend section 3, page 5 by striking out line 11 and inserting in lieu thereof the following: "immediately upon its final enactment."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2374, Senate Bill No. 784, Printer's No. 848 on page 50 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2374, (Senate Bill No. 784), entitled:

An Act to amend the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred fourteen) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police and providing for the payment into the Motor License Fund of moneys received or collected under the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred fourteen) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" is hereby amended to read as follows

An Act authorizing the utilization of [the school of] the Pennsylvania [State] Motor Police Training School for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania [State] Motor Police and making an appropriation

Section 2 That sections one two and three of the said act are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Pennsylvania [State] Motor Police shall have the power and its duty shall be to conduct at the [State] Pennsylvania Motor Police Training School courses of instruction for the proper training of persons to act as policemen for the several political subdivisions of this Commonwealth Subject to the provisions of this act the [Superintendent] Commissioner of [the] Pennsylvania [State] Motor Police is hereby authorized to establish standards of proficiency training and discipline for persons attending such school and to issue certificates of qualification to graduates of the various courses of instruction The [superintendent] Commissioner with the approval of the Governor shall employ such instructors and other employes as may be necessary for the purposes of this act

Section 2 All persons desiring admission to such school for the purpose of instruction shall submit applications to the [Superintendent] Commissioner of [the] Pennsylvania [State] Motor Police bearing the recommendation of the mayor of any city or the chairman of the police committee of any city or borough council or the burgess of any borough or the sheriff or the district attorney of any county No application shall be considered unless such applicant

(a) Is a male citizen of the United States of America

(b) Has good moral character and good health

(c) Is at least five feet eight inches tall and weighs at least one hundred forty-five pounds

(d) Is a graduate of a public high school or has an education equivalent thereto

Section 3 The [Superintendent] Commissioner of [the] Pennsylvania [State] Motor Police shall establish and charge each student a fee sufficient to cover the cost of the board laundry and supplies applicable to such student Such fee shall be payable in advance in monthly installments but shall not exceed the sum of forty dollars ($40.00) per month

All moneys received or collected hereunder shall be paid into the General Fund of the State Treasury through the Department of Revenue and shall be added and credited to the current biennial maintenance appropriation out of the General Fund to the Pennsylvania State Police and shall be available and is hereby appropriated for the

same purposes for which such current biennial appropriation is available

Section 3 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 2, page 4, line 17 by striking out after the word "Pennsylvania" and before the word "Police" the words "[State]" and inserting in lieu thereof the word "Motor"

Amend section 3, page 4, line 21 by striking out at the end of the line the following: "[on the first]."

Amend section 3, page 4, by striking out at line 22 and inserting in lieu thereof the following: "immediately upon its final enactment."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over, for printing.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2376, Senate Bill No. 886, Printer's No. 849, on page 51 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2376, (Senate Bill No. 886), entitled:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fifty) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State police and defining their powers and duties providing for the investigation of the cause origin and circumstances of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State police and the enforcement of its orders and prescribing penalties" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fifty) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State police and defining their powers and duties providing for the investigation of the cause origin and circumstance of fires and the inspection of all and the removal or change of certain buildings duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State Police and the enforcement of its orders and prescribing penalties" is hereby amended to read as follows:

An Act relating to fires and fire prevention imposing duties and conferring powers upon the [State] Pennsylvania Motor Police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to [said State] the Pennsylvania Motor Police and defining their powers and duties providing for the investigation of the cause origin and circumstance of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the [said State] Pennsylvania Motor Police and the enforcement of its orders and prescribing penalties

Section 2 That sections one two three four five seven nine ten eleven twelve thirteen and fifteen of said act are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the [term "State Police" as used in this act means "The Pennsylvania State Police"]

[The Superintendent] Commissioner of the Pennsylvania [State] Motor Police may appoint and remove the chief of the fire department of any county city borough town or township where a fire department is established or where no such fire department exists the burgess or constable of any borough or town or constable or the president or chairman of the board of supervisors of any township as assistants to the department and when so appointed shall be subject to the obligations imposed by this act to the authority of the [State] Pennsylvania Motor Police

The [Superintendent] Commissioner of [State] Pennsylvania Motor Police may also appoint individual citizens as assistants to the [State] Pennsylvania Motor Police who shall be subject to the obligation aforesaid and to the directions of [such State] the Pennsylvania Motor Police

The [State] Pennsylvania Motor Police may adopt and enforce rules and regulations governing the having using storage sale and keeping of gasoline naphtha kerosene or other substance of like character blasting powder gunpowder dynamite or any other inflammable or combustible chemical products or substances or materials The [State] Pennsylvania Motor Police may also adopt and enforce rules and regulations requiring the placing of fire-extinguishers in buildings

Section 2 Each of the aforesaid assistants shall inquire into the origin cause and other circumstances of every fire by which any property or life has been destroyed damaged or endangered accruing within the territorial limits of their respective cities boroughs towns or townships and shall make every effort to determine whether such fires were of incendiary origin or the result of design carelessness or accident

Upon the occurrence of any fire such assistant shall report the same to the [State] Pennsylvania Motor Police within five days after its occurrence If the fire appears to the assistant making such inquiry to be of such character and origin as shall require thorough and exhaustive investigation he shall immediately notify the [State] Pennsylvania Motor Police and shall when directed by the [State] Pennsylvania Motor Police assist in the making of such investigation The reports of any such fire shall be made in writing and in the manner and form prescribed by the [State] Pennsylvania Motor Police on the blanks furnished for that purpose Such reports shall in every case contain a statement of (a) All the facts relating to the cause of such fire that can be ascertained (b) the extent of the loss and damage to each property (c) the loss of life and personal injuries caused thereby or resulting therefrom (d) the amount of insurance upon each property destroyed or damaged and (e) such other information as may be required by the [State] Pennsylvania Motor Police

The assistant shall notify the [State] Pennsylvania Motor Police immediately by telephone or telegraphic message of not more than ten words of the occurrence of any incendiary fire

The duties hereinabove prescribed to be performed by the said assistant may be limited by the [State] Pennsylvania Motor Police so as to reasonably accord with their pre-existing public duties

Any of the aforesaid assistants who shall neglect or refuse to report to the [State] Pennsylvania Motor Police or who shall neglect or refuse to make reports or investigations of fires as provided in this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars or to undergo imprisonment not exceeding thirty days or both

Section 3 The [State] Pennsylvania Motor Police or its assistants upon the complaint of any person or whenever it or they shall deem it necessary shall inspect the buildings and premises within their jurisdiction Whenever any of the said officers shall find any buildings or structures which for want of repairs or by reasor of age or dilapidated condition or accumulation of waste rubbish debris explosive or inflammable substance in any buildings or on premises constituting a fire menace or hazard or for any other cause making it especially liable to fire and endangering property and so situated as to endanger other property it or they shall order the same to be removed or remedied if the same is reasonably practicable thereby lessening the danger of fire Whenever such officer shall find in any building combustible or explosive matter or inflammable conditions which are in violation of any law or ordinance applicable thereto or are dangerous to the safety of such buildings thereby endanger other property it or they shall order the same to be removed or remedied and such order shall contain a notice that an appeal therefrom may be taken and shall forthwith be complied with by the owner or occupant of such premises or buildings If such order is made by any assistant to the [State] Pennsylvania Motor Police such owner or occupant may within five days appeal to the [State] Pennsylvania Motor Police which shall within ten days review such order and file its decision thereon and unless by its authority the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant Any owner or occupant who feels aggrieved by any order of the [State] Pennsylvania Motor Police or by any decision upholding or modifying any order of any of its assistants may within five days after the same has been made or filed by the [State] Pennsylvania Motor Police file his petition with the court of common pleas of the proper county praying a review of such order and it shall be the duty of the court to hear the same at the first convenient day and to make such order in the premises as right and justice may require

The service of any such order shall be made upon the owner or occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises Whenever it may be necessary to serve such an order upon the owner of premises such order may be served either by delivering to and leaving with the said person a true copy of the said order or if such owner is absent from the jurisdiction of the officer making the order by mailing such copy to the owner's last known post office address

Any owner or occupant refusing or neglecting to comply with any final order or notice issued by the [State] Pennsylvania Motor Police or under its direction by any inspector or member of the [State] Pennsylvania Motor Police shall upon conviction thereof under summary proceedings instituted before any magistrate alderman or justice of the peace in the county where such violations occur be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) and in default of the payment of such fine and costs to be imprisoned in the county prison one day for each dollar of fine and costs unpaid Upon conviction after hearing the sentences provided in this act shall be imposed and shall be final unless an appeal be taken in the manner prescribed by law

All fines collected under this act shall be paid into the General Fund in the State Treasury [for the use of the Commonwealth] through the Department of Revenue

Section 4 The [State] Pennsylvania Motor Police or its assistants in addition to the investigation made by any of the assistants may at any time investigate the origin of circumstances of any fire occurring in this Commonwealth The [State] Pennsylvania Motor Police or its assistants shall have the power to summon witnesses and compel them to attend before them or either of them and to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation and may require the production of any books papers or documents deemed pertinent or necessary to the inquiry and shall have the power to administer oaths and affirmations to any persons appearing as a witness before them Such examination may be public or private as the officers conducting the investigation may determine

No person shall be excused from attending before the [State] Pennsylvania Motor Police or its assistants when summoned so to attend nor when ordered so to do shall he be excused from testifying or producing any books papers or documents before such [State] Pennsylvania Motor Police upon any investigation proceeding or inquiry instituted under the provisions of this act upon the ground or for the reason that the testimony or the evidence documentary or otherwise required of him may tend to convict him of a crime or subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction matter or thing concerning which he may have been required so to testify or produce evidence documentary or otherwise and no testimony so given or produced shall be received against him upon any criminal investigation or proceedings If after any such examination the [State] Pennsylvania Motor Police or any of its assistants is of the opinion that the facts in relation to such fire indicate that a crime has been committed it or he shall present the testimony taken on such examination together with any other data in his possession to the district attorney of the proper county with the request that he institute such criminal proceedings as such testimony or data may warrant

The [State] Pennsylvania Motor Police or its assistants may at all reasonable hours enter any building or premises within its or their jurisdiction for the purpose of making an inspection which under the provisions of this act it or they may deem necessary to be made

Section 5 Any witness who refuses to obey a summons of the [State] Pennsylvania Motor Police or its assistants or who refuses to be sworn or to testify or who disobeys any lawful order of the [State] Pennsylvania Motor Police or its assistants in relation to any investigation instituted by it or them or who fails or refuses to produce any books papers or documents touching any matter under investigation or examination or who is guilty of any contempt after being summoned to appear before it or any of them to give testimony in relation to any matter or subject under examination or investigation as aforesaid may be punished as for contempt of court For this purpose application may be made to any court within whose jurisdiction the contempt in question took place and for which purpose the Courts of Common Pleas of this Commonwealth are hereby given jurisdiction

Section 7 It shall be the duty of the [State] Pennsylvania Motor Police to prepare in consultation with the Superintendent of Public Instruction books of instruction for use in the public and private schools of students of all grades with regard to the dangers of fire and the prevention of fire waste It shall be the duty of the Superintendent of Public Instruction and of the principals or other persons in charge of the various schools of this Commonwealth to provide for the instruction and training of pupils of such schools by means of drills so that

they may in sudden emergencies be able to leave the school buildings in the shortest possible time without confusion or panic Such drills shall be held at least once a month when the schools are in session Books of instruction with regard to the danger of fire and the prevention of fire waste as above specified shall be published at the expense of the State under the direction of the Superintendent of Public Instruction and shall be distributed in sufficient quantities for the use of the school as herein provided and the curriculum of such schools shall include some regular and continuous study of such subjects during the entire school year

Section 9 The assistants to the [State] Pennsylvania Motor Police not receiving a salary for the performance of public duties shall receive upon the audit of the [State] Pennsylvania Motor Police fifty cents for each report of each separate fire reported to the [State] Pennsylvania Motor Police under this act and in addition thereto shall be paid the sum of fifteen cents for each mile traveled to the place of fire and in the discretion of the [State] Pennsylvania Motor Police where an investigation has been made a sum not to exceed three dollars ($3) for each day's service spent in such investigation

Section 10 All penalties or forfeitures collected under the provisions of this act shall be paid into the General Fund in the treasury of this Commonwealth through the Department of Revenue

Section 11 Every fire insurance corporation or association transacting business in this State shall file with the [State] Pennsylvania Motor Police through an actuarial bureau of any board of fire underwriters or through the secretary or other office of the insurance corporation or association a monthly report of fire losses showing (a) The name of the insured (b) location of property burned (c) date of the fire (d). the class of occupancy and construction (e) the probable cause of the fire (f) the sound valuation (g) total insurance (h) the total loss paid

Such corporation or association shall also file through officers an annual report of all fires on which losses have been paid during the preceding calendar year designating the amount of insurance written on such risk by the corporation or association the amount or probable loss the character of the property destroyed or damaged and the supposed cause of the fire

In all cases where such corporation or association receives evidence or information indicating that any fire was of incendiary origin a report of such fire and of such evidence or information shall be immediately communicated to the [State] Pennsylvania Motor Police

The monthly report hereinbefore required shall be made in writing and sent by registered mail to the [department] Pennsylvania Motor Police addressed to its office in the City of Harrisburg on or before the tenth day of each month as to all fires of which notice was received during the preceding month and shall include either in the first or subsequent monthly report the amount of loss as adjusted and actually paid by such corporation or association for on account of or by reason of such loss

The annual report hereinbefore required shall be made to the [State] Pennsylvania Motor Police on or before the first day of May

The notices and reports hereinbefore required by this section shall be in addition to any notices and reports such corporation or association may be required to make under the laws of this Commonwealth to the Insurance Commissioner or to any other State officer

Section 12 Every board association or bureau which now exists or hereafter may be formed for the purpose of suggesting establishing or maintaining rates of fire insurance on property located in this State shall supply to the [State] Pennsylvania Motor Police on request or permit the [State] Pennsylvania Motor Police to copy from its files reasonable data relating to the physical condition of insurable property in this State and relating to physical fire hazards in the various communities thereof

Section 13 Any fire insurance company or association wilfully violating any of the provisions of this act shall be liable to a penalty of two hundred and fifty dollars ($250) to be recovered at the suit of the [State] Pennsylvania Motor Police as debts of like amount are now by law recoverable and any foreign fire insurance company or association licensed to do business in this Commonwealth wilfully violating any of the provisions of this act shall in addition to incurring said penalty forfeit its rights to continue the transaction of its business in this State

Section 15 That all rules and regulations heretofore promulgated by the State Fire Marshall or by the Department of State Police or the Pennsylvania State Police and now in force shall continue in force until modified or abolished by the [State] Pennsylvania Motor Police

All suits actions or proceedings now pending under any act hereby repealed or supplied shall not be affected but shall be continued by the [State] Pennsylvania Motor Police

Section 3 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 3, page 14, line 20 by striking out at the end of the line the following: "[on the first]."

Amend section 3, page 14, by striking out line 21 and inserting in lieu thereof the following: "immediately upon its final enactment."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question.

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call out of order House Bill No. 2378, Senate Bill No. 883, Printer's No. 843, on page 50 of today's calendar, bills on third reading.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2378, (Senate Bill No. 883), entitled:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United State government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees the Mother's Assistant Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance persions for the blind old age assistance and the State Emergency Relief Board

On the question.

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 4, page 3, line 28 by striking out at the beginning of the line the following: "[(d)]" and inserting in lieu thereof the following: "(c)".

Amend section 4, page 4, line 3 by striking out at the beginning of the line the following: "[(e)]" and inserting in lieu thereof the following: "(d)".

Amend section 4, page 4, line 16 by striking out at the beginning of the line the following: "[(f)]" and inserting in lieu thereof the following "(e)."

Amend section 4, page 4, line 20 by striking out at the beginning of the line the following: "[(g)]" and inserting in lieu thereof the following: "(f)."

Amend section 4, page 4, line 26 by striking out at the beginning of the line the following: "[(h)]" and inserting in lieu thereof the following: "(g)."

Amend section 4, page 5, line 3 by striking out at the beginning of the line the following: "[(i)]" and inserting in lieu thereof the following: "(h)."

Amend section 4, page 5, line 6 by striking out at the beginning of the line the following: "[(j)]" and inserting in lieu thereof the following: "(i)."

Amend section 9, page 11, line 10 by striking out at the end of the line the following: "[H And]."

Amend section 9, page 11 by striking out lines 11 to 15 inclusive.

Amend section 18, page 17, line 12 by inserting at the end of the line the following: "Provided That said act shall remain in force and effect for such time and to the extent necessary for the expenditure by the Governor of the moneys in or accruing to the Federal Unemployment Relief Fund in accordance with such program pertaining to unemployment relief as shall be promulgated by the Department of Public Assistance."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2409, Senate Bill No. 880, Printer's No. 434, on page 23 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2409, (Senate Bill No. 880), entitled:

An Act appropriating to the Department of Public Assistance for public assistance all restitutions and overpayments collected by or for such department

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 7 by inserting after the word "shall" and before the word "be" the following: "(except any portion thereof required by law to be returned to the Federal government)."

Amend section 2, page 1, line 13 by striking out after the word "of" and before the word "one" the word "[June]" and inserting in lieu thereof the word "July."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were severally read as follows:

HOUSE BILL No. 158.

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts magistrates aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts.

HOUSE BILL No. 638.

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

HOUSE BILL No. 965.

An Act to amend section one of the act approved the sixteenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws 244) entitled "An act applying to third class counties only and regulating the selection drawing and summoning of all jurors and talesmen and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his minimum salary providing for the custody of jury wheel and the fixing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the rights to excuse jurors prescribing the time of challenging jurors for the array and regulating the procedure if array is quashed repealing all acts or parts of acts inconsistent therewith" by reconstuting the jury board.

HOUSE BILL No. 1962.

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the republication of certain surveys and studies in order to make the same available to the citizens of the State.

HOUSE BILL No. 826.

An Act making an appropriation for the preparation of the Eighteenth Division History and creating a commission for such purposes.

HOUSE BILL No. 2099.

An Act to further amend sections two hundred forty-six two hundred fifty-six and two hundred sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" fixing the salary and qualifications of the district attorney and providing for the appointment and compensation of assistant district attorneys stenographers and clerks in counties of the sixth seventh and eighth classes

HOUSE BILL No. 2401.

An Act validating certain sheriff's sales of real estate and the title to such real estate in the hands of purchasers their heirs grantees and assigns.

SENATE BILL No. 213.

An Act to amend ection eighteen of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" requiring local ordinances in certain cases to conform to this act and the regulations made thereunder.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION No. 72

Mr. HOLLAND obtained unanimous consent to call up out of order Resolution No. 72, Printer's No. 1216,

The resolution was read by the Clerk as follows:

In the House of Representatives, April 27, 1937.

Whereas, The Members of the General Assembly of the Commonwealth of Pennsylvania are strongly in favor of the removal of abnormal profits during time of war; and

Whereas, It is their belief that war should be prosecuted with special privilege to none and on the basis of equal service for all; and

Whereas, There is now pending in the Federal Congress a bill which would not only accomplish these desirable results, but by its enactment into law would do much towards the preservation and promotion of peace; and therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States to pass the Sheppard House Bill (Senate No. 25, House No. 1954) at the earliest possible moment; and be it further

Resolved, That a copy of this resolution be transmitted to each of the members elected from the Commonwealth of Pennsylvania to the House of Representatives and to the Senate of the Congress of the United States.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

Messrs. LONGAKER, GILLETTE and SERRILL offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, June 3, 1937.

Whereas, Word has been received that our esteemed colleague, Dr. Albert F. Merrell, has been absent from the sessions of the House of Representative this week on account of illness, being confined in the Hahnemann Hospital; therefore be it

Resolved, That we send to Dr. Merrell our sincere and fervent hope for his complete and speedy recovery in order that he may shortly again fill his accustomed place in his home community;

Resolved, That a copy of this resolution be transmitted to Dr. Merrell by the Chief Clerk of this House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2343, (Senate Bill No. 911), entitled:

An Act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits certain debts and interest on certain debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint-stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legistlative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestions of the Department of Revenue providing for refunds of suc hmoneys and property and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stech,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Strickham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,

Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2303, (Senate Bill No. 1130), entitled:

An Act to further amend the act approved the fifteenth day of May, one thousand nine hundred and fifteen (P. L. 534) entitled, "An act relating to motion-picture films, reels, or stereopticon views or slides; providing a system of examination, approval and regulation thereof, and of the banners, posters, and other like adverstising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of the act," by prohibiting the possession of motion picture films, reels or views not approved; requiring permits in certain cases; and increasingly penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Skale,
Allmond,	Ganser,	McKinney,	Sloan,
Arnold,	Gerard,	McShane,	Smith, James A.,
Atkins,	Gillette,	Melchiorre,	Smith, John A.,
Aukerman,	Gorski,	Mellott,	Snyder,
Baine,	Habbyshaw,	Mihm,	Sollenberger,
Baker, F. T.,	Haberlen,	Moomaw,	Spengler,
Baker, J. J.,	Hagerty,	Mooney,	Sproul,
Balthaser,	Hall,	Moran,	Stackpole,
Barly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Patterson, J. W.,	VanAllsburg,
Burrows,	Hontz,	Peale,	VanSickle,
Cadwalader,	Horting,	Pearson,	Vogt,
Caesar,	Huntley,	Perry,	Wagner,
Caputo,	Imbrie,	Pershing,	Wall,
Chervenak,	Jirolanio,	Piole,	Walsh,
Coakley,	Kane,	Powers,	Wampole,
Cohen, H. B.,	Keenan,	Preston,	Watkins,
Cohen, R. E.,	Kelso,	Readinger,	Webster,
Coleman,	Kilroy,	Reese,	Weidemann,
Coolahan,	Kline,	Reising,	Weiss, D. H.,
Corrigan,	Kroll,	Richter,	Weiss, S. A.,
Costanzo,	LaRue,	Robinson,	Welliver,
Davies,	Leisey,	Royer,	Welsh,
Decker,	Levy,	Ruffennach,	Westrick,
DeNote,	Lewis,	Rush,	Whalen,
Dickinson,	Long,	Sarraf,	Whitenight,
Donohoe,	Longaker,	Schor,	Wilson,
Dougherty,	Lopresti,	Schrock,	Winner,
Downey,	Lovett,	Schrope,	Wood,
Dubbs,	Lyons,	Schumacher,	Woodside,
Dyson,	Marino,	Serrill,	Wright,
Eckels,	Matthews, H. T.,	Shaw,	Yanoshat,
Elpern,	Matthews, J. F.,	Shea,	Yeakel,
Falkenstein,	McArdle,	Shepard,	Yourishin,
Finnerty,	McCullough,	Shoemaker,	Zappala,
Fiss,	McDermott,	Shugarts,	Furman,
Fitch,	McDevitt,		

NAYS—3.

Rothenberger,	Scanlon,	Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2500, (Senate Bill No. 1404), entitled:

An Act to further amend sub-paragraph three of subsection (a) of section five hundred five of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof all public officers collecting moneys payable to the Commonweath or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provisions relative to interest upon State deposits

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,

Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2238, (Senate Bill No. 957), entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County; providing for trial without jury and for the filing of agreements therefor; providing for the payment of jury fees.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer,	Hess,	O'Connor,	Thomas,
Bradley,	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch	McDevitt,	Shoemaker,	Furman,

NAYS—1.

Weidemann.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2318, (Senate Bill No. 1050), entitled:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred sixty-one) entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor" by substituting Owen J. Zimmerman or his successor in title for Samuel Zimmerman.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,

Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2449, (Senate Bill No. 1315), entitled:

An Act requiring collectors of city, county, borough, town, township, school, and poor district taxes to file certain reports with the Quarter Sessions Court and the Department of Internal Affairs; directing such Department to prepare and furnish forms for such reports; making such reports available for public inspection; requiring all payments to such collectors for compensation and expenses to be by warrant or order; prohibiting such collectors from deducting their compensation and expenses from public funds in their possession; and making vilolation of the act a misdemeanor.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Skale,
Allmond,	Ganser,	McKinney,	Sloan,
Arnold,	Gerard,	McShane,	Smith, James A.,
Atkins,	Gillette,	Melchiorre,	Smith, John A.,
Aukerman,	Gorski,	Mellott,	Snyder,
Baine,	Habbyshaw,	Mihm,	Sollenberger,
Baker, F. T.,	Haberlen,	Moomaw,	Spengler,
Baker, J. J.,	Hagerty,	Mooney,	Sproul,
Balthaser	Hall,	Moran,	Stackpole,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boles,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,

NAYS—1.

Rothenberger,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2420, (Senate Bill No. 1223), entitled:

An Act to amend section one of the act approved the tenth day of May one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods wares or merchandise of any kind fixtures machinery equipment or real estate by every corporation joint-stock association limited partnership or company providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties" providing for the payment of unemployment compensation contributions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gillette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. J.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,

NAYS—1.

McKinney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2214, (Senate Bill No. 1004), entitled:

An Act declaring bonds issued by The General State Authority legal investments for the investment of certain funds and moneys

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Flanagan,	McElroy,	Simon,
Alexander,	Flannery,	McFall,	Skale,
Allen,	Flinchbaugh,	McGee,	Sloan,
Allmond,	Ganser,	McShane,	Smith, James A.,
Arnold,	Gerard,	Melchiorre,	Smith, John A.,
Atkins,	Gillette,	Mellott,	Snyder,
Aukerman,	Gorski,	Mihm,	Sollenberger,
Baine,	Habbyshaw,	Moomaw,	Spengler,
Baker, F. T.,	Haberlen,	Mooney,	Sproul,
Baker, J. J.,	Hagerty,	Moran,	Stackpole,
Balthaser,	Hall,	Moul,	Stank,
Bierly,	Hamilton, F. P.,	Munley,	Stewart,
Blank,	Hamilton, R. S.,	Murrin,	Stockham,
Bohn,	Harkins,	Nagel,	Strode,
Boies,	Harmuth,	O'Brien,	Terry,
Boltz,	Hays,	O'Connor,	Thomas,
Boose,	Hering,	O'Keefe,	Thompson,
Boyer,	Hess,	Ominsky,	Toole,
Bradley,	Hetrick,	O'Neill,	Tronzo,
Brancato,	Hindman,	Ostroff,	Trout,
Brigerman,	Hirsch,	Patterson, C. S.,	Tumelty,
Broad,	Holland,	Patterson, J. W.,	Turner,
Brown,	Holmes,	Peale,	Valibus,
Brownfield,	Holstrom,	Pearson,	VanAllsburg,
Burrows,	Hontz,	Perry,	VanSickle,
Cadwalader,	Horting,	Pershing,	Vogt,
Caesar,	Huntley,	Piole,	Wagner,
Caputo,	Imbrie,	Powers,	Wall,
Chervenak,	Jirolanio,	Preston,	Walsh,
Coakley,	Kane,	Readinger,	Wampole,
Cohen, H. B.,	Keenan,	Reese,	Watkins,
Cohen, R. E.,	Kelso,	Reising,	Webster,
Coleman,	Kilroy,	Richter,	Weidemann,
Coolahan,	Kline,	Robinson,	Weiss, D. H.,
Corrigan,	Kroll,	Rothenberger,	Weiss, S. A.,
Costanzo,	LaRue,	Royer,	Welliver,
Davies,	Leisey,	Ruffennach,	Welsh,
Decker,	Levy,	Rush,	Westrick,
DeNote,	Lewis,	Sarraf,	Whalen,
Dickinson,	Long,	Scanlon,	Whitenight,
Donohoe,	Longaker,	Schor,	Wilson,
Dougherty,	Lopresti,	Schrock,	Winner,
Downey,	Lovett,	Schrope,	Wood,
Dubbs,	Lyons,	Schumacher,	Woodside,
Dyson,	Marino,	Serrill,	Wright,
Eckels,	Matthews, H. T.,	Shaw,	Yanoshat,
Elpern,	Matthews, J. F.,	Shea,	Yeakel,
Falkenstein,	McArdle,	Shepard,	Yourishin,
Finnerty,	McCullough,	Shoemaker,	Zappala,
Fiss,	McDermott,	Shugarts,	Furman,
Fitch,	McDevitt,	Siegel,	

NAYS—2.

McKinney, Muir,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2392, (Senate Bill No. 960), entitled:

An Act providing for the making of compacts by the Commonwealth with other states for mutual helpfulneess in relation to persons on probation or parole and imposing certain powers and duties on the Governor and the Board of Pardons.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2478, (Senate Bill No. 1317), entitled:

An Act to amend section two of the act approved the seventh day of July, one thousand nine hundred and thirty-six (P. L. 37), entitled "An act to provide for the public sale by cities of the first class of tax anticipation certificates representing registered delinquent taxes, and authorizing the appropriation for current or other purposes funds realized or estimated to be collectible from the sale thereof," by limiting appropriations to amounts realized by the sale of such certificates.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2489, (Senate Bill No. 1235), entitled:

An Act providing for the creation division and consolidation of wards in cities of the first class and defining procedure therefor.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,

Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2498, (Senate Bill No. 1355), entitled:

An Act to amend section twenty-seven of the act approved the twentieth day of July one thousand nine hundred seventeen (Pamphlet Laws one thousand one hundred forty-three) entitled "An act relating to free public non-sectarian libraries and branch libraries within this Commonwealth providing for their establishment maintenance and regulation and for the maintenance and regulation of such free public non-sectarian libraries as may have been already established by the several counties cities boroughs towns and townships and providing that all library property and all gifts devises grants or endowments for library purposes shall be exempt from taxation and providing that the several counties cities boroughs towns and townships may levy taxes condemn private property and borrow money for library purposes and imposing penalties for injurying library property and for violations of library regulations and repealing existing laws in relation to the above subjects" by exempting from collateral inheritance tax all gifts devises grants or endowments made to national libraries.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganset,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2443, (Senate Bill No. 1258), entitled:

An Act to further amend sections five and eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to

make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" by providing for anual renewals of the registration of pharmacists and assistant pharmacists.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154.

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boies,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.,		

NAYS—51.

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	VanAllsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2432, (Senate Bill No. 915), entitled:

An Act to amend the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1195) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" as amended providing for aid to counties holding agricultural exhibitions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, John A.,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2433, (Senate Bill No. 952), entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) as amended entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by and increasing the term for which sequestrators may lease sequestrated property.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2419, (Senate Bill No. 1220), entitled:

An Act to validate conveyances purporting to be the act and deed of a corporation heretofore erroneously executed and acknowledged or executed and acknowledged by persons purporting to be agents of or trustees for a corporation which has since been dissolved.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate

with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2446, (Senate Bill No. 1311), as follows:

An Act providing for the erection construction and equipment of buildings for a new State sanatorium or new buildings at existing sanatoria designating the manner of acquiring or setting aside of land for the erection and construction of such buildings by The General State Authority authorizing the Commonwealth to lease such new sanatorium or building or buildings and the grounds connected therewith from The General State Authority upon their completion and the Department of Health to manage and operate the same and conferring powers and imposing duties upon certain State departments.

Whereas It is the desire of the Commonwealth of Pennsylvania that The General State Authority construct a new sanatorium or erect additional buildings to existing sanatoria and lease the same to the Commonwealth therefore.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Health with the approval of the Governor may select for acquisition either by the Department of Property and Supplies in the name of the Commonwealth or by The General State Authority with funds of the authority a tract of land well supplied or capable of being supplied with water and capable of being sewered and drained for the erection and construction thereon by The General State Authority of an additional sanatorium for the treatment of persons afflicted with tuberculosis The title to the lands so acquired shall be approved by the Attorney General If it shall be found that the Commonwealth owns State forest lands or other lands suitable in whole or in part for such use such lands may be designated by the Department of Health with the approval of the Governor and the department board or commission of the Commonwealth having possession and control of the same and any additional lands necessary may be selected and acquired as aforesaid

Section 2 The Department of Property and Supplies shall have authority to convey any land so acquired or selected or any lands now owned in connection with any State sanatorium to The General State Authority for the purpose of having such authority erect and construct thereon and equip buildings for a new sanatorium or a new building or buildings to any existing sanatorium The plans and specifications of any such sanatorium building or buildings whether erected on land acquired directly by The General State Authority or by conveyance to it from the Commonwealth shall be subject to the approval of the Department of Health and shall provide for suitable buildings and an adequate water supply system sewage treatment works heat and electric power plant or plants service lines and other necessary equipment structures and improvements The buildings shall be of modern design plain and substantial and capable of extension as the needs of the sanatorium may require

Section 3 The Department of Property and Supplies with the approval of the Governor is hereby authorized on behalf of the Commonwealth to enter into a lease for a term of not more than thirty (30) years with The General State Authority to acquire the use of the new sanatorium building or buildings so erected constructed and equipped and any lands or farms connected therewith for the purpose of operation and management In such case the management and operation of the sanatorium building or buildings and the care treatment and maintenance of patients therein shall be the function of the Department of Health Subject to and in the manner provided in the Administrative Code of 1929 and its amendments the Department of Health shall have power to employ and fix the compensation of a director physicians mechanics nurses clerks stenographers and other employes as may be deemed necessary for the proper maintenance and management of the sanatorium and patients therein and the land connected therewith The compensation of all persons so appointed and all other expenses in connection with such care and maintenance of patients therein shall be paid from the appropriation made to the Department of Health for such purposes

Section 4 In the management and operation of the new sanatorium building or buildings the Department of Health shall have all the powers conferred and perform all the duties imposed by the laws of this Commonwealth on it in respect to the existing sanatoria for tubercular patients

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Loprestl,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with

amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2440, (Senate Bill No. 1224), entitled:

An Act to amend Article nine of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing that a domestic business corporation formed by merger of one or more domestic business corporations and one or more foreign business corporations shall be entitled to a credit on the bonus due the Commonwealth equal to the amount of the bonus paid under existing laws by the corporations so merging.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2298, (Senate Bill No. 1042), entitled:

An Act to amend section one thousand five hundred four of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three) entitled, "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the re-settlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political sub-division of the State, and certain officers of such sub-divisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by making further provision relating to advances out of appropriations.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,

Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout.
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2195, (Senate Bill No. 853), entitled:

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2441, (Senate Bill No. 1226), entitled:

An Act authorizing the Joint Commission having jurisdiction over bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New York to sell and dispose of certain real and personal property to lease real estate and to license Public Utility Companies to occupy with their facilities parts of such bridges as are within the jurisdiction of the Commission and providing for the disposal of the proceeds thereof.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,

Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2341, (Senate Bill No. 820), entitled:

An Act to further amend section one of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to transfer of structures and facilities of public service companies providing for ascertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hetrick,	O'Connor,	Thomas,
Boyer	Hindman,	O'Keefe,	Thompson,
Bradley	Hirsch,	Ominsky,	Toole,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Hess,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2398, (Senate Bill No. 1231), entitled:

An Act empowering the Department of Property and Supplies with the consent and approval of the Department of Military Affairs and the Governor to lease or rent a part or parts of the Pennsylvania Military Reservation at Indiantown Gap, to the City of Harrisburg, for the purpose of impounding water for a water supply; and appropriating the moneys received therefrom to the Department of Military Affairs.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,

Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2393, (Senate Bill No. 986), entitled:

An Act to amend section one hundred fifty-five of the act approved the thirty-first day of March, one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled, "An act to consolidate, revise and amend the penal laws of this Commonwealth;" extending the provisions to memorials, tablets and works of art erected within buildings or on grounds

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2410, (Senate Bill No. 881), entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Gerard,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,

Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2322, (Senate Bill No. 1134), entitled:

An Act to repeal the act approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 102), entitled "An act transferring money from the State School Fund to the General Fund, and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2451, (Senate Bill No. 1269), as follows:

An Act to further amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto a new subdivision (h) consisting of sections 685 (six hundred and eighty-five) to 696 (six hundred and ninety-six) inclusive defining the specific powers and financial requirements of title insurance companies providing for the regulation and supervision thereof prohibiting the guaranteeing of mortgages by such companies providing for reserves and limiting the amount of liability permissible under policies of title insurance for a single transaction

Section 1 Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing law' is hereby amended by adding thereto a sub-division

(h) consisting of section 685 (six hundred and eighty-five) to section 696 (six hundred and ninety-six) to read as follows

Section 685 Specific Powers and Financial Requirements of Title Insurance Companies.

A Title insurance companies shall have the power to make insurance of every kind pertaining to or connected with titles to real estate and to make execute and perfect such and so many contracts agreements policies and other instruments as may be required therefor such insurances to be made for the benefit of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances

B Title insurance companies shall have the power to take receive and hold any and all such pieces of real property as may have been or may hereafter be the subject of any insurance made by such companies under the powers hereinbefore recited whether given by law or by charter and the same to grant lease bargain sell convey and dispose of in any manner as they see proper Provided That no title insurance company shall continue to hold such real estate for more than five years from the date of the acquisition thereof unless it shall obtain the written approval of the Insurance Commissioner to hold such real estate for a longer period of time

C Title insurance companies shall have a paid-in capital of not less than two hundred fifty thousand dollars and in addition a surplus paid-in at least equal to fifty per centum of the paid-in capital

Section 686 Power to Insure Titles to Real Estate Loss of Power

A Every corporation which upon the effective date of this act shall lawfully possess and which has within one year prior to such date exercised the power to insure owners of real property mortgages and others interested in real property and others from loss by reason of defective titles liens and encumbrances shall subject to the conditions herein prescribed continue to possess such power

B Every corporation which shall possess the power to insure owners of real property mortgages and others interested in real property from loss by reason of defective titles liens and encumbrances but which does not hereafter exercise such power for any consecutive priod of one year shall be forever barred from the exercise of such power

Section 687 Power to Accept Deposits Loss of Title Insurance Powers If any corporation which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances and also the further powers to receive deposits or otherwise to engage in a banking business shall not have exercised within one year preceeding the effective date of this act any of such further powers then every such corporation which shall again exercise such further powers to receive deposits or otherwise engage in a banking business shall make no further contracts or policies of title insurance If any such corporation shall not hereafter exercise any of such further powers for any consecutive period of one year than each such corporation which shall again exercise any of such further powers to receive deposits or otherwise engage in a banking business shall make no further contracts or policies of title insurance

Section 688 Power to Act as a Fiduciary Loss of Title Insurance Powers If any corporation which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances and also the further powers to act as trustee guardian executor administrator or in any other similar fiduciary capacity shall not have exercised within one year preceding the effective date of this act any of such further powers then every such corporation which shall again exercise any of such further powers shall make no further contracts or policies of title insurance If any such corporation shall not hereafter exercise any of such further powers for any consecutive period of one year than each such corporation which shall again exercise any of such further powers shall make no further contracts or policies of title insurance

Section 689 Prohibition Upon Guaranteeing Mortgages A title insurance company shall not in any manner whatsoever guarantee the payment of the principal of the interest of bonds or other obligations secured by mortgages upon real property This section shall not however be construed to affect contracts and policies guaranteeing the payment of the principal or the interest of bonds or other obligations secured by mortgages upon real property when such contracts and policies have been lawfully executed by a title insurance company and are valid and outstanding upon the effective date of this act or any continuation extension or renewal thereof

Section 690 Establishment and Maintenance of Re-insurance Reserve Fund Each company which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances shall establish and maintain a re-insurance reserve fund by setting aside a sum equal to ten per centum of the premium (that is the sum charged for insurance over and above examination and settlement fee) paid on each policy which such company may hereafter issue until the total amount set aside (including any reserve heretofore set up under any prior Act of Assembly) shall equal the sum of two hundred fifty thousand dollars and thereafter shall set aside a sum equal to five per centum of such premiums until the total amount shall equal a sum not less than five hundred thousand dollars provided that such premiums shall not be less than one-quarter of one per centum on the amount of insurance as issued or if less than one-quarter of one per centum the amount set aside shall be equal to two and one-half per centum of said one-quarter of one per centum provided that the total reserve fund or amounts in excess of that required by the foregoing provisions may be set aside at any time or from time to time out of such surplus or undivided profits as may be available for that purpose in accordance with existing law or the regulations of the Department of Banking and provided further that any company which at the time of the effective date of this act has set aside and is maintaining an insurance reserve fund as required by the Act of April 26 1929 (P. L. 834) is hereby empowered to use the same as part of the reserve required to be set up and maintained by this act The reserve fund set up by any company shall be maintained as herein provided so long as any policies shall be outstanding

Section 691 Cancellation of Policy Whenever any policy of title insurance hereafter issued is surrendered or cancelled by the holder or liability thereon is completely discharged the company which shall have issued such policy of title insurance may withdraw the reserve of such policy or credit such reserve against any reserve that may be due

Section 692 Establishment and Maintenance of Reserve Fund for Unpaid Losses Each company which shall possess the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances shall at all times maintain reserve funds for unpaid losses in addition to funds for other reserves and liabilities and shall calculate said reserves by making a careful estimate in each case of the loss likely to be incurred by reason of every claim presented or that may be presented pursuant to notice from or on behalf of the insured of the occurrence of an event that may result in a loss The sum of the items so estimated shall be the total amount of the reserves for unpaid losses of said insurer

Section 693 Custody of Reserve Funds

A The custody of funds equal in amount to the sum of the re-insurance reserve liability and the reserve for unpaid losses shall be retained by each company which shall possess the power to insure owners of real estate mortgages and others interested in real property from loss by reason of defective titles liens and encumbrances and the said funds shall be earmarked and kept separate and apart

from other assets of the company in the manner hereinafter provided The supervision of said funds shall be under the Insurance Commissioner whether the business of the company be confined exclusively to the title insurance business or whether the business of the company shall include in addition to the title insurance business a banking business or the business of acting in a fiduciary capacity

B Said reserve funds of each such company shall be invested by each such company in those investments authorized by law for the investment of the reserve funds of life insurance companies

C The income from said reserve funds shall become a part of the general assets of the company

Section 694 Trust Funds Depletion of Reserve Funds

A The principal of such reserve funds shall be a trust for the protection of the policyholders and shall be applied only for the benefit of the holders of policies of title insurance

B If by reason of losses depreciation in the market price of any investments or other cause the reserve funds of any such company should on any date be less than the minimum amount herein required to be maintained in such reserve fund on such date such company shall forthwith give written notice thereof to the Insurance Commissioner and shall make no further contracts or policies of title insurance until the reserve funds have been restored and until it shall have received a certificate from the Insurance Commissioner authorizing it to issue such policies

Section 695 Limit of Net Retention No such company shall issue a policy of title insurance for a single transaction the liability under which shall exceed an amount which is ten times the capital and surplus of such company but nothing herein contained shall prevent any one or more of such companies from assuming the liability on a single policy jointly with another such company or companies in excess of ten times its capital and surplus provided that the total amount of such insurance shall not exceed ten times the total combined capital and surplus of all such companies liable under such insurance and provided that each such company shall not assume more than its proportionate shares of the total amount at risk

Section 696 Additional Requirements Except for the requiremnts of this Article all of the laws rules and regulations pertaining to stock casualty insurance companies shall apply and shall be applied to title insurance companies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2334, (Senate Bill No. 907), entitled:

An Act to repeal certain parts of acts relating to struck juries

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,

Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2237, (Senate Bill No. 951), entitled:

An Act providing for the service of process in civil actions on non-resident owners, tenants or users of real estate located within the Commonwealth of Pennsylvania, and the footways and curbs adjacent thereto, or any such resident of this Commonwealth who shall subsequently become a non-resident and making the ownership, possession, occupancy, control, maintenance and use of such real estate, footways and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said non-resident, upon whom civil service may be served; and providing for further notice to the defendants in any such action.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Cacsar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2447, (Senate Bill No. 1313), entitled:

An Act to add section five hundred and fifty-three to the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing additional penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,

Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Orderer, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2390, (Senate Bill No. 958), entitled:

An Act to amend sections, one, two, four, five and seven of the act approved the fifteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws one thousand seventeen) entitled, "An act relating to criminal procedure; providing for the securing of attendance of witnesses; from without the State in criminal cases; and making uniform the law in reference thereto," by further regulating the attendance of such witnesses; and limiting the powers with respect thereto to judges learned in the law.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Herring,	O'Brien,	Tarr,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2236, (Senate Bill No. 942), entitled:

An Act to amend sub-section three of section one of the act approved the ninth day of July one thousand nine hundred and one (P. L. 614) entitled "An act relating to the service of certain process in actions at law and the effect thereof and providing who shall be made parties to certain writs" as amended by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership possession occupancy control maintenance and use of real estate and the footways and curbs adjacent thereto in counties other than that wherein the real estate footways and curbs are located and the writ issues

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,

Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Huntley,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2488, (Senate Bill No. 1159), entitled:

An Act to amend sub-section (e) of section 206 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by providing minimum capital and financial requirements to do business for title insurance companies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2278, (Senate Bill No. 436), entitled:

An Act to further amend section one of the act approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 479) entitled, as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants, persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants," by providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2183, (Senate Bill No. 438), entitled:

An Act to amend section fifty-three of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws 568) entitled "An act relating to the commencement of actions" as amended fixing the time when judgement by default for want of an appearance may be taken in foreign attachment proceedings.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2391, (Senate Bill No. 959), entitled:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states and imposing certain duties in magistrates aldermen and justices of the peace and the Secretary of the Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McFall,	Simon,
Alexander,	Flinchbaugh,	McGee,	Skale,

Allen,	Gerber,	McShane,	Sloan,
Allmond,	Gerard,	Melchiorre,	Smith, James A.,
Arnold,	Gillette,	Mellott,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Snyder,
Aukerman,	Habbyshaw,	Moomaw,	Sollenberger,
Baine,	Haberlen,	Mooney,	Spengler,
Baker, F. T.,	Hagerty,	Moran,	Sproul,
Baker, J. J.,	Hall,	Moul,	Stackpole,
Balthaser,	Hamilton, F. P.,	Muir,	Stank,
Bierly,	Hamilton, R. S.,	Munley,	Stewart,
Blank,	Harkins,	Murrin,	Stockham,
Bohn,	Harmuth,	Nagel,	Strode,
Boles,	Hays,	O'Brien,	Terry,
Boltz,	Hering,	O'Connor,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hetrick,	Ominsky,	Toole,
Bradley,	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	Van Allsburg,
Burrows,	Horting,	Pershing,	Van Sickle,
Cadwalader,	Huntley,	Piole,	Vogt,
Caesar,	Imbrie,	Powers,	Wagner,
Caputo,	Jirolanio,	Preston,	Wall,
Chervenak,	Kane,	Readinger,	Walsh,
Coakley,	Keenan,	Reese,	Wampole,
Cohen, H. B.,	Kelso,	Reising,	Watkins,
Cohen, R. E.,	Kilroy,	Richter,	Webster,
Coleman,	Kline,	Robinson,	Weidemann,
Coolahan,	Kroll,	Rothenberger,	Weiss, D. H.,
Corrigan,	LaRue,	Royer,	Weiss, S. A.,
Costanzo,	Leisey,	Ruffennach,	Welliver,
Davies,	Levy,	Rush,	Welsh,
Decker,	Lewis,	Sarraf,	Westrick,
DeNote,	Long,	Scanlon,	Whalen,
Dickinson,	Longaker,	Schor,	Whitenight,
Donohoe,	Lopresti,	Schrock,	Wilson,
Dougherty,	Lovett	Schrope,	Winner,
Downey,	Lyons,	Schumacher,	Wood,
Dubbs,	Marino,	Serrill,	Woodside,
Dyson,	Matthews, H. T.,	Shaw,	Wright,
Eckels,	Matthews, J. F.,	Shea,	Yanoshat,
Elpern,	McArdle,	Shepard,	Yeakel,
Falkenstein,	McCullough,	Shoemaker,	Yourishin,
Finnerty,	McDermott,	Shugarts,	Zappala,
Fiss,	McDevitt,	Siegel,	Furman,
Fitch,	McElroy,		
Flanagan,			

NAYS—2.

McKinney,	Perry,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2422, (Senate Bill No. 1234), entitled:

An Act prohibiting during a declared emergency foreclosure entry of judgment and issuance of execution on agreements bonds and mortgages affecting real property because of failure to fully discharge municipal liens against such property where such liens pursuant to ordinance or resolution are being paid in installments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2490, (Senate Bill No. 1265), entitled:

An Act to amend clause (c) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate for the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and adminis-

trators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appintment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents" as amended permitting the assignment transfer payment and delivery to a foreign appointed executor administrator trustee guardian committee or other fiduciary of any moneys and property within this Commonwealth by any debtor bailee custodian agent attorney pledgee trustee fiduciary or other individual association partnership or corporation a resident thereof owing the same to or holding the same in the name or for the account of a decedent minor legal incompetent or cestui que trust a non-resident of Pennsylvania

And sail bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2184, (Senate Bill No. 439), entitled:

An Act to amend section four of the act approved the seventeenth day of March one thousand eight hundred and sixty-nine (Pamphlet Laws eight) entitled "An act relative to fraudulent debtors" fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service residence or appearance

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2469, (Senate Bill No. 1161), entitled:

An Act to amend section 101 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by including title insurance companies within the definition of the word "company" as used in the act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2395, (Senate Bill No. 1152), entitled:

An Act to amend section twenty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty-three) entitled, "An act relating to the organization, jurisdiction and procedure of the Orphans' Courts; the powers and duties of the judges thereof; and appeals therefrom," by authorizing the Orphans' Court to conduct jury trials to determine issues awarded by it; and regulating the procedure and appeal in such cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Bierly,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,			Yeakel,

Finnerty, Fiss, Fitch, Flanagan, McCullough, McDermott, McDevitt, McElroy, Shea, Shepard, Shoemaker, Shugarts, Yourishin, Zappala, Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2386, (Senate Bill No. 641), entitled:

An Act declaring certain rights, grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void; vesting power in the Department of Forests and Waters, the Water and Power Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights grants and privileges; and providing the procedure in such cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman, Alexander, Allen, Allmond, Arnold, Atkins, Aukerman, Baine, Baker, F. T., Baker, J. J., Balthaser, Bierly, Blank, Bohn, Boies, Boltz, Boose, Boyer, Bradley, Brancato, Brigerman, Broad, Brown, Brownfield, Burrows, Cadwalader, Caesar, Caputo, Chervenak, Coakley, Cohen, H. B., Cohen, R. E., Coleman, Coolahan, Corrigan, Costanzo, Davies, Decker, DeNote, Dickinson, Donohoe, Dougherty, Downey, Dubbs, Dyson, Eckels, Elpern, Falkenstein, Finnerty, Flannery, Flinchbaugh, Ganser, Gerard, Gillette, Gorski, Habbyshaw, Haberlen, Hagerty, Hall, Hamilton, F. P., Hamilton, R. S., Harkins, Harmuth, Hays, Hering, Hess, Hetrick, Hindman, Hirsch, Holland, Holmes, Holstrom, Hontz, Horting, Huntley, Imbrie, Jirolanio, Kane, Keenan, Kelso, Kilroy, Kline, Kroll, LaRue, Leisey, Levy, Lewis, Long, Longaker, Lopresti, Lovett, Lyons, Marino, Matthews, H. T., Matthews, J. F., McArdle, McCullough, McElroy, McFall, McGee, McShane, Melchiorre, Mellott, Mihm, Moomaw, Mooney, Moran, Moul, Munley, Murrin, Nagel, O'Brien, O'Connor, O'Keefe, Ominsky, O'Neill, Ostroff, Patterson, C. S., Patterson, J. W., Peale, Pearson, Perry, Pershing, Piole, Powers, Preston, Readinger, Reese, Reising, Richter, Robinson, Rothenberger, Royer, Ruffennach, Rush, Sarraf, Scanlon, Schor, Schrock, Schrope, Schumacher, Serrill, Shaw, Shea, Shepard, Siegel, Simon, Skale, Sloan, Smith, James A., Smith, John A., Snyder, Sollenberger, Spengler, Sproul, Stackpole, Stank, Stewart, Stockham, Strode, Terry, Thomas, Thompson, Toole, Tronzo, Trout, Tumelty, Turner, Valibus, Van Allsburg, Van Sickle, Vogt, Wagner, Wall, Walsh, Wampole, Watkins, Webster, Weidemann, Weiss, D. H., Weiss, S. A., Welliver, Welsh, Westrick, Whalen, Whitenight, Wilson, Winner, Wood, Woodside, Wright, Yanoshat, Yeakel, Yourishin, Zappala, Fiss, Fitch, Flanagan, McDermott, McDevitt, Shoemaker, Shugarts, Furman,

NAYS—2

McKinney, Muir,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2301, (Senate Bill No. 1055), entitled:

An Act authorizing the compounding, compromising and settlement by the Department of Public Instruction, with the approval of the Department of the Auditor General and the Department of Justice, of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions, trades, and occupations in the Department of Public Instruction.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman, Alexander, Allen, Allmond, Arnold, Atkins, Aukerman, Baine, Baker, F. T., Baker, J. J., Balthaser, Bierly, Blank, Bohn, Boies, Boltz, Boose, Boyer, Bradley, Brancato, Brigerman, Broad, Brown, Brownfield, Burrows, Cadwalader, Caesar, Caputo, Chervenak, Coakley, Cohen, H. B., Cohen, R. E., Coleman, Coolahan, Corrigan, Costanzo, Davies, Decker, DeNote, Dickinson, Donohoe, Dougherty, Downey, Dubbs, Dyson, Eckels, Elpern, Falkenstein, Finnerty, Fiss, Fitch, Flannery, Flinchbaugh, Ganser, Gerard, Gillette, Gorski, Habbyshaw, Haberlen, Hagerty, Hall, Hamilton, F. P., Hamilton, R. S., Harkins, Harmuth, Hays, Hering, Hess, Hetrick, Hindman, Hirsch, Holland, Holmes, Holstrom, Hontz, Horting, Huntley, Imbrie, Jirolanio, Kane, Keenan, Kelso, Kilroy, Kline, Kroll, LaRue, Leisey, Levy, Lewis, Long, Longaker, Lopresti, Lovett, Lyons, Marino, Matthews, H. T., Matthews, J. F., McArdle, McCullough, McDermott, McDevitt, McFall, McGee, McKinney, McShane, Melchiorre, Mellott, Mihm, Moomaw, Mooney, Moran, Moul, Muir, Munley, Murrin, Nagel, O'Brien, O'Connor, O'Keefe, Ominsky, O'Neill, Ostroff, Patterson, C. S., Patterson, J. W., Peale, Pearson, Perry, Pershing, Piole, Powers, Preston, Readinger, Reese, Reising, Richter, Robinson, Rothenberger, Royer, Ruffennach, Rush, Sarraf, Scanlon, Schor, Schrock, Schrope, Schumacher, Serrill, Shaw, Shea, Shepard, Shoemaker, Siegel, Simon, Skale, Sloan, Smith, James A., Smith, John A., Snyder, Sollenberger, Spengler, Sproul, Stackpole, Stank, Stewart, Stockham, Strode, Terry, Thomas, Thompson, Toole, Tronzo, Trout, Tumelty, Turner, Valibus, Van Allsburg, Van Sickle, Vogt, Wagner, Wall, Walsh, Wampole, Watkins, Webster, Weidemann, Weiss, D. H., Weiss, S. A., Welliver, Welsh, Westrick, Whalen, Whitenight, Wilson, Winner, Wood, Woodside, Wright, Yanoshat, Yeakel, Yourishin, Zappala,

Flanagan,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2288, (Senate Bill No. 904), entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2448, (Senate Bill No. 1314), as follows:

An Act to amend section two hundred seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" prescribing certain penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" is hereby amended to read as follows

Section 217 Information from Fire Rating Bureaus Penalty The Insurance Commissioner may address inquiries to any individual association or bureau which is or has been engaged in making rates or estimates for rates for fire insurance upon property in this Commonwealth in relation to the organization maintenance or operation or any other matter connected with its transactions and may require the filing of schedules rates forms rules regulations and such other information as may be required Every such individual association or bureau or some officer thereof shall promptly make such filing or reply to such inquiries in writing Provided however That surveys and completed schedules on specific risks may be required only upon specific complaint being registered by the policyholder or applicant for insurance with the Insurance Commissioner

Upon failure or refusal of any individual association or bureau to make any such filing or to reply to such inquiries in writing the Insurance Commissioner may in his discretion impose a penalty of not more than one thousand dollars ($1,000) for each such neglect or refusal From any such action of the Insurance Commissioner the party aggrieved may appeal to the Court of Common Pleas of Dauphin County

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Valibus,
Brownfield,	Hontz,	Peale,	Van Allsburg,
Burrows,	Horting,	Pearson,	Van Sickle,
Cadwalader,	Huntley,	Perry,	Vogt,
Caesar,	Imbrie,	Pershing,	Wagner,
Caputo,	Jirolanio,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Coakley,	Keenan,	Preston,	Wampole,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
Decker,	Lewis,	Ruffennach,	Westrick,
DeNote,	Long,	Rush,	Whalen,
Dickinson,	Longaker,	Sarraf,	Whitenight,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett	Schor,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	
Flanagan,			

NAYS—1

Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2486, (Senate Bill No. 778), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by amending subsection (e) of section 206 by reducing the maximum single risk permitted and increasing the cash premium to be held in cash or securities

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2193, (Senate Bill No. 817), entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and

trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees thereof appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2477, (Senate Bill No. 1302), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case, including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge, officer or magistrate, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,

Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2260, (Senate Bill No. 953), entitled:

An Act providing for the commencement of civil actions for damages arising from any accident or injury occurring upon real estate the footways sidewalks and curbs adjacent thereto and providing for the services of process in such cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2424, (Senate Bill No. 1252), entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2374, (Senate Bill No. 1051), entitled:

An Act declaring forfeitures of Commonwealth grants of public works canals rights and privileges where the conditions covenants or terms of such grants have been of shall hereafter be breached by disuse or otherwise by the owners or holders thereof authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act and ratifying any and all such pending proceedings.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skalc,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fisher,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2461, (Senate Bill No. 668), entitled:

An Act to amend Route 15176 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 694) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the constructior of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,			

Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2387, (Senate Bill No. 684), entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stauk,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2473, (Senate Bill No. 1229), entitled:

An Act to repeal section thirty of the act approved the first day of May one thousand eight hundred sixty-one (P. L. 450) entitled "An act relating to Allegheny County"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stauk,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate

with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2444, (Senate Bill No. 1262), entitled:

An Act providing for the sale of Fort Necessity Park in Wharton Township to the government of the United States for National Military Park purposes and giving consent to the purchase of said park other lands of historical importance and with certain reservations ceding jurisdiction over such lands

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2465, (Senate Bill No. 1087), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by changing the method of issuance of licenses and making further provisions for records and returns thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	Van Sickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.,		

NAYS—51

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	Van Allsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2311, (Senate Bill No. 809), entitled:

An Act to amend section three of Article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments and officers regulating commitments and providing for the audit of firemen's pension funds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2400, (Senate Bill No. 1260), entitled:

An Act to amend section one thousand four hundred and thirty-six of the act the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, further regulating the compensation to be paid attendance officers and home and school visitors in school districts of the first class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2483, (Senate Bill No. 683), entitled:

An Act to further amend sections six ten and twenty-nine of an act approved the thirty-first day of May one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and town and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads, defining highways and State-aid highways providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by amending Route fifty-two by adding thereto borough bridges over mill races as the responsibility of the Department of Highways by providing that no assessment shall be made against the Commonwealth to assist in the reconstruction of any structure eliminating grade crossings and by further authorizing the Attorney General under certain conditions to enter into agreements with townships of the payment in installments of certain claims of the Department of Highways against such townships for construction reconstruction or maintenance of State highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spangler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Pealc,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schoch,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2329, (Senate Bill No. 1171), entitled:

A Joint Resolution proposing an amendment to Article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	Van Sickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yanoshat,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2185, (Senate Bill No. 676), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain land located in the City of Allentown Lehigh County Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Bois,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer	Hess,	O'Connor,	Thompson,
Bradley	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2509, (Senate Bill No. 943), entitled:

An Act authorizing and empowering any city county school district or other municipality which shall have acquired a limited title to real estate for municipal purposes to secure a title in fee simple to any such real estate and providing and regulating the procedure in such cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,

Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Bois,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer	Hess,	O'Connor,	Thompson,
Bradley	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2399, (Senate Bill No. 1237), entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College subject to certain reservations and conditions the Mont Alto State Forest School and to accept a conveyance from said college of a tree nursery tract.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Bois,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer	Hess,	O'Connor,	Thompson,
Bradley	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Coakley,	Jirolanio,	Piole,	Wall,
Chervenak,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Mr. VAN SICKLE asked and obtained unanimous consent to call up out of order House Bill No. 2506, Senate Bill No. 343, Printer's No. 851, on page 54 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2506, (Senate Bill No. 343), entitled:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania

Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licensees application for licenses and providing for the licensing of package retailers and sales by licensees and fixing fees for such licenses and for amusement permits regulating the granting suspension revocation and transfer of licenses and the procedure therefor and conferring jurisdiction on certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the disposition of application license permit fees forfeitures and penalties and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. JIROLANIO. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

Mr. SCHUMACHER. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

RECONSIDERATION OF VOTE

Mr. JIROLANIO. Mr. Speaker, I move that the vote by which this bill was ordered transcribed for third reading be reconsidered.

Mr. VAN SICKLE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Northampton, Mr. Jirolanio, vote on the question?

Mr. JIROLANIO. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Northampton, Mr. Van Sickle vote on the question?

Mr. VAN SICKLE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it,

Whereupon a division was called for, more than a majority having voted in the affirmative the question was determined in the affirmative and the motion was agreed to.

Mr. JIROLANIO. Mr. Speaker, I move that the vote by which this bill passed second reading be reconsidered.

The motion was agreed to.

Mr. JIROLANIO. Mr. Speaker, I move that the vote by which the title was agreed to be reconsidered.

The motion was agreed to.

Mr. JIROLANIO. Mr. Speaker, I move that the vote by which the various sections were agreed to be reconsidered.

The motion was agreed to.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as reenacted and amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1217) are hereby re-enacted and further amended to read as follows

An Act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon [county treasurers] The Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt or brewed beverage" means any beer lager beer ale porter or similar fermented malt [liquor] or brewed beverage containing one-half of one per centum or more of alcohol by volume by whatever name such [liquors] malt or brewed beverage may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons holding licenses issued by the board to engage in the manufacture [bottling] transportation and sale of malt or brewed beverages also all persons engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States outside the Commonwealth of Pennsylvania

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages except to importing distributors and distributors in the original sealed [packages] containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(e) The term "importing [distributors] distributor" means and includes persons licensed by the board to engage in the purchase from anufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers and importing distributors under this act and the re-sale of malt or brewed beverages in the original sealed [packages] containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(f) The term ["retailer" means and includes persons licensed by the treasurer to engage in the retail sale of malt or brewed beverages classified and defined as follows] "retail dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee with the privilege of selling malt or brewed beverages in quantities not in excess of seventy-two fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

(g) The term "original containers" means and includes

bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(h) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(i) "Eating place" means a premise where food is regularly and customarily prepared and sold having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(j) ["Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired] "Club" means any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of malt and brewed beverages shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a club-house or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to grant a license if it appears that the charter is not in possession of the original incorporators or their direct and legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board may prescribe

(k) "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(l) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

(m) The term "manufacture" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(n) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least [eight] ten and in any other place at least [four] six permanent bedrooms for the use of guests and a public dining room or [eating place] rooms operated by the same management accommodating at least thirty persons at one time and a kitchen in which food is regularly prepared for the public apart from the public dining room or [eating place] rooms

(o) The term "package retailer" means and includes persons engaged in the retail sale of groceries food or delicatessen and licensed to engage in the sale of malt or brewed beverages not for consumption on the premises of such licensee and in quantities not in excess of seventy-two fluid ounces in a single sale to one person

(p) The term "sale" or "sell" shall include any transfer of malt or brewed beverages for a consideration

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold any malt or brewed beverages unless such persons holds a valid retail dispenser license issued under this act [by the treasurer] or a valid license issued under any other act authorizing the sale of spiritous and vinous liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another except as herein otherwise provided in the case of retail dispensers and package retailers or as may be otherwise authorized by law any malt or brewed beverages not for consumption upon the premises where sold unless such person holds a valid license issued under this act permitting such sale

Section 5 Manufacturers' Distributors' and Importing Distributors' Licenses

(a) It shall be unlawful for any person to manufacture malt or brewed beverages unless such person holds a valid manufacturers' license issued by the board The board shall issue to any person a resident of this Commonwealth of good repute who applies therefore pays the license fee hereinafter prescribed and files the bond hereinafter required a manufacturer's license to produce and manufacture malt or brewed beverages and to transport sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original [packages] containers in quantities of not less than two hundred eight-eight fluid ounces anywhere within the Commonwealth Each individual applicant for manufacturer's license and in the case of partnerships and associations each member thereof shall be a citizen of the United States and have been residents of this Commonwealth at least two years prior to the date of their respective applications In the case of corporations organized or registered under the laws of this Commonwealth it must appear that all of the officers and directors and the owners of at least fifty-one per centum of the capital stock of the corporation are citizens of the United States and have for a period of at least two years prior to the date of application been residents of this Commonwealth Licenses for places of storage shall be limited to those maintained by manufacturers on July 18 1935 and thereafter the board shall issue no licenses for places of storage in addition to those maintained on July 18 1935 The application for such license shall be in such form and contain such information as the board shall require All such licenses shall be granted for the calendar year Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof

(b) The Board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original [pack-

ages] containers as prepared for the market by the manufacturer at the place of manufacture Such licenses shall be issued only to reputable individuals partnerships and associations who are or whose members are citizens of the United States and have for two years prior to the date of their application been residents of the Commonwealth of Pennsylvania or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania which in the case of distributors have been purchased only from persons licensed under this act as manufacturers or importing distributors and in the case of importing distributors have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from [persons] manufacturers or importing distributors licensed under this act

Section 6 Malt and Brewed Beverages [Retailers'] Retail Licenses

(a) Subject to the restrictions hereinafter provided [the treasurer shall issue to a person who conducts a reputable hotel or any reputable incorporated club or reputable bona fide eating place where food is regularly and customarily prepared and sold and who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the bond hereinafter required a retail dispensers license for such place] in this act and upon being satisfied of the truth of the statements in the application that the premises and the applicant meet all the requirements of this act and the regulations of the board that the applicant seeks a license for a reputable hotel eating place or club as defined in this act the board shall in the case of a hotel or eating place grant and issue and in the case of a club may in its absolute discretion grant and issue to the applicant a retail dispenser's license

[Such] In the case of hotels and eating places license shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania all of whose officers and directors are citizens of the United States In the case of incorporated clubs licenses shall be issued only to those incorporated under the laws of Pennsylvania

No retail dispensers license shall be granted in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt or brewed beverages may be sold for consumption on the premises where sold

(b) Subject to the restrictions provided in this act and upon being satisfied of the truth of the statements in the application that the premises and the applicant meet all the requirements of this act and the regulations of the board that the applicant is a person of good repute and actually conducts on the premises for which a package retail license is applied a bona fide retail business in groceries food or delicatessen the board shall grant and issue to the applicant a package retail license The applicant shall be required to prove to the board before issuance or renewal of license that his principal business is the retail sale of groceries food or delicatessen and shall thereafter before each renewal of his license satisfy the board by such evidence as it shall require that in municipalities having a population of less than one million his gross receipts from the retail sale of groceries food or delicatessen were not less than at the rate of five-thousand dollars ($5,000) a year and in municipalities having a population of one million or more were not less than at the rate of ten thousand dollars ($10,000) a year

(c) In the case of any new license or the transfer of any license to a new location the board shall in its discretion grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil The board shall not issue new licenses except as herein otherwise provided in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the applicant therefor is filed at least thirty days before the effective date of the license Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post for a period of at least fifteen days beginning with the day the application is filed with the board in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied a notice of such application in such form of such size and containing such provisions as the board may require by its regulations Proof of the posting of such notice shall be filed with the board

Section 7 License Hearings Appeals from Refusal of Licenses The board may of its own motion and shall upon the written request of any applicant for license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application Such hearing shall be before the board a member thereof or an examiner designated by the board At such hearing the board shall present it reasons for its refusal or withholding of license renewal or transfer thereof The applicant may appear in person or by counsel may cross-examine the witness for the board and may present evidence which shall likewise be subject to cross-examined by the board Such hearing shall be stenographically recorded The examiner shall thereafter report to the board upon such hearing The board shall thereupon grant or refuse the license renewal or transfer thereof If the board shall refuse such license renewal or transfer following such hearing notice in writing of such refusal shall be mailed to the applicant at the address given in his application In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order Any person aggrieved by the refusal of the board [or treasurer] to issue renew or transfer a license may appeal to the Court of Quarter Sessions of the county in which the premises applied for are located within twenty days of date of refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board [or treasurer] [whereupon] [a hearing shall be held upon said petition by the court upon thirty days' notice to the board or treasurer which shall be represented in the proceeding by the Department of Justice or the district attorney as the case may be At said hearing testimony may be presented by the applicant and the board or treasurer after the consideration of which] The court shall hear the application de novo at such time as it shall fix of which notice shall be given to the board The court shall either sustain the refusal of the board [or treasurer] or order an issuance of the license to the applicant There shall be no further appeal any appeal shall act as a supersedeas unless upon sufficient cause

shown the court shall determine otherwise

Section 8 Public Service Licenses The board may issue public service malt and brewed beverage licenses to a railroad pullman or steamship company permitting malt or brewed beverages to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited Such licenses shall only be granted to reputable persons and for fit places The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated The board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee Any person aggrieved by the decision of the board in refusing suspending or revoking any such license [may within twenty days thereafter appeal to the Court of Common Pleas of Dauphin County which shall fix a time for hearing of which notice shall be given to the board as the court may provide The court shall hear the appeal de novo and shall make such affirming modifying or reversing the order of the board as to it shall appear just The action of the court shall be final] may appeal to the Court of Quarter Sessions of Dauphin County in the same manner as provided in this act for appeals from refusals of license

Section 9 License Year Mercantile License Exemption

(a) Licenses issued under this act to distributors importing distributors package retailers and retail dispensers [licensees] shall unless revoked in the manner provided in this act be valid for the license year which [in the case of retail dispensers shall begin on the first day of June of each year and in the case of distributors and importing distributors shall be for such license year as] may be established by the board for the particular license district in which the license issues [Retail dispenser's licenses may be issued at any time during the license year]

(b) Licenses issued under this act to manufacturers and public service companies shall unless revoked in the manner provided in this act be valid for the calendar year for which they are issued Licenses to manufacturers and public service companies may be issued at any time during a calendar year.

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt or brewed beverages and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt or brewed beverages from his gross income from all sources in making his returns for mercantile license tax purposes.

Section 10 Filing of Applications for Distributors' Importing Distributors' Package Retailers' and [Retailers'] Retail Dispensers' Licenses Eevery person intending to apply for a distributors' importing distributors package retailer's or retail dispenser's license as aforesaid in any municipality or township of this Commonwealth shall file with the board [or treasurer as the case may be] his or its application [In the case of distributors and importing distributors] All such applications shall be filed at a time to be fixed by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act The applicant shall at the time of filing the application and bond pay said board [or treasurer as the case may be] the filing fee of ten dollars as specified in this act.

Section 11 Application for Distributors' Importing Distributors' Package Retailers' and [Retailers'] Retail Dispensers' Licenses Application for distributors' importing distributors' package retailers' and [retailers] retail dispensers' licenses shall contain the following information and statements.

(a) The name and residence of the applicant and how long he has resided there and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application.

(b) The particular place for which the license is desired and a detailed description thereof.

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director all of whom shall be citizens of the United States if the application is for a distributor's importing distributor's package retailer's license and the applicant therefor is a corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that at least fifty-one per centum of the capital stock of the corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of all stockholders.

(d) Name of owner of premises and his residence.

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter permitted.

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter permitted.

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof.

(h) A full description of that portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution of malt or brewed beverages a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location and such additional information as the board may require.

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The [treasurer] board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club or if incorporated it was not incorporated in Pennsylvania.

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt or brewed beverages are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe

that each and all the statements contained in the petition are true and they therefore believe that the application shauld be granted and that the license should issue.

The application must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of the crime of prejury A license shall not be granted by the board [or treasurer as the case may be] unless the application contains the information herein required and the premises meet such reasonable sanitary requirements as the board by regulation shall prescribe.

Section 12 Prohibitions Against the Grant of Licenses

(a) Any retail dispenser may be granted licenses to maintain operate or conduct any number of places for the sale of malt or brewed beverages but a separate license must be secured for each place where malt or brewed beverages are sold.

(b) No person shall possess or be issued more than one distributor's importing distributor's or package retailer's license no person shall possess or be issued more than one class of license No distributor [or] or importing distributor or package retailer shall maintain or operate any place where sales are made other than that for which the license is granted No distributor [or] or importing distributor or package retailer shall maintain any place for the storage of malt or brewed beverages except in the same municipality or township in which the licensed premises is located and unless the same has been approved by the board In the event there is no place of cold storage in the same municipality or township the board may approve for an importing distributor or distributor a place of cold storage in the nearest municipality or township No distributor's [or] importing distributor's or package retailer's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor or malt or brewed beverages.

(c) Licenses shall be granted by the board [or treasurer] only to reputable individuals or to associations partnerships and corporations whose members or officers and directors are reputable individuals.

A retail dispenser or package retailer license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident of the county wherein his place of business is or is to be located.

No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or any of the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any manufacturer's importing distributor's distributor's package retail or retail dispensers license nor shall such a person have any interest directly or indirectly in any such license.

Section 13 Revocation and Suspension of Licenses

(a) After a license has been granted by the treasurer upon petition of the Attorney General the board the treasurer the district attorney or fifteen or more taxpayers residents of the ward borough or township where the place of business is located to the Court of Quarter Session and upon sufficient cause being shown or proof being made to the court that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of malt or brewed beverages or relating to the manufacture sale or transportation of alcohol or other alcoholic beverages it may upon due notice and proper hearing being given to the person so licensed suspend or revoke the said retail license issued by the treasurer The court shall assess or remit the costs in its discretion.

Any licensee whose retail license is revoked shall be ineligible to have a license or permit under this act or under another act relating to the manufacture sale or distribution of malt liquor or other alcoholic liquors until the expiration of three years from the date his license was revoked.

(b) The board upon sufficient cause being shown or proof being made that any licensee holding a license issued by the board or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the manufacture sale possession or transportation of malt or brewed beverages alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed suspend or revoke the license issued by the board under the provisions of this act In all cases where the board shall suspend or revoke a license it shall set forth its finding of fact the evidence from which such findings of fact are made and the reasons upon which its action is based Any licensee whose license is revoked by the board shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted i nthe said premises Any person aggrieved by the suspension or revocation of a license issued by the board under this act may within twenty days after such suspension or revocation appeal to the Court of Quarter Sessions of the county in which the premises in which said license was conducted are located Such appeal shall be upon the petition of the person aggrieved who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court after ten days notice to the board which shall be represented in the proceedings by the Department of Justice At such hearing testimony may be presented by the applicant and the board after the consideration of which the court shall either sustain the suspension or revocation of the license modify or beverse the order of the board In all such cases of appeal the Court of Quarter Sessions shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

(c) An person aggrieved by the action of the Court of Quarter Sessions shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence presented to it The action of the Superior Court shall be final] Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulations of the board adopted pursuant to such laws or any intention violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages by any licensee his officers servants agents or employes or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occured or for other sufficient cause the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the board shall rvoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year

after the date of the revocation of the license conducted in the said premises except in cases where the license or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within the said year In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the Court of Quarter Sessions in the same manner as herein provided for appeals from refusals to grant licenses In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of a manufactuer the offer in compromise shall be at the rate of one hundred dollars ($100) for each day of suspension in the case of an importing distributor thirty dollars ($30) and a distributor twenty dollars ($20) for each day of suspension and in the case of a retail dispenser package retailer or transporter for hire ten dollars ($10) for each pay of suspension No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred days.

Section 14 Licenses Not Assignable Transfers

(a) Licenses issued under this act may not be assigned The board upon payment of the transfer filing fee and the execution of a new bond [or treasurer as the case may be] is hereby authorized to transfer any license issued by it [or him] from one person to another or from one place to another or both within the same municipality or township as the board [or treasurer] may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally nor except as herein provided to a place as to which a license has been revoked [within one year of the date of application] Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the board [or treasurer] may determine such circumstances to justify its [or his] action transfers of licenses may be made only at times fixed by the board [or the treasurer] In the case of the death of a license the board may transfer the license to the surviving spouse or personal representative or to a person designed by him From any refusal to grant a transfer the person aggrieved shall have the right to grant a transfer the person aggrieved shall have the right to appeal to the Court of Quarter Sessions of the county in which the licensed premises are situated in the same manner as herein provided for. appeals from refusals to grant licenses.

(b) In the event that any person to whom a license shall have been issued under the [terms] provisions of this act by the board shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action [or shall have a reciever appointed by any court whether by voluntary or involuntary action] the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Therefore no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In all such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted.

Section 15 Applications for Transfers Fee Every applicant for a transfer of a license shall file a written application together with a filing fee of ten dollars with the board [or treasurer as the case may be] in such form as the board [or treasurer] shall prescribe and at such time as the board [or treasurer] shall fix and shall also file a bond as required on original applications for licenses.

Whenever any license is transferred no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year except the filing fee of ten dollars ($10).

Section 16 Renewal of Licenses [All applicants for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter Unless within one month of the date of filing of such application for renewal the applicant shall have been notified by the board or treasurer as the case may be of objections to the granting thereof filed by persons authorized so to do upon the payment of the license fee and the filing of a bond as in the case of an original application for license the board or treasurere shall issue such renewal of license Objections to the granting of the renewal of the license shall be limited to those filed by persons authorized to file petitions for the revocation or suspension of licenses as provided in section thirteen hereof] All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless the applicant shall have been formally notified by the board of objections to the renewal of his license based upon violation by the licensee or his servants agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act or the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new bond and shall pay the requisiste filing fee and license fee specified in this act.

(c) In case where a licensee or his servants agents employes are arrested charged with violating any of the laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board the board may in its discretion renew the license notwithstanding such alleged violations but such renewal license may be revoked by the board in the manner herein provided for the revocation of licenses if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked.

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited.

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no license shall authorize sales until this section has been complied with.

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor importing distributor package retailer or [retailer] retail dispenser or to any railroad pullman or steamship company until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed Bonds of all applicants except manufacturer's shall

have sufficient sureties either personal or as surety a surety company authorized to do business in this Commonwealth or shall have deposited therewith as collateral security cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds In all cases where cash or securities in lieu of other surety have been deposited with the board the depositor shall be permitted to continue the same deposit from year to year on each renewal of license but in no event shall he be permitted to withdraw his deposit during the time he holds said license or until six months after the expiration of the license held by him or while revocation proceedings are pending against such license All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board After notice from the board that such a bond has been forfeited the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond and when securities have been deposited with such a bond the State Treasurer shall sell at private sale at not less than the prevailing market price any such securities so deposited as collateral with any such forfeited bond The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities except that if the amount so realized after deducting proper costs and expenses is in excess of the penal amount of the bond such excess shall be paid over by him to the obliger on such forfeited bond Bonds with personal surety shall be executed by not less nor more than two individuals as sureties each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2000) or more Bonds of manufacturers shall have as surety a surety company authorized to do business in this Commonwealth Such bonds shall not be accepted until approved by the board [or treasurer as the case may be] All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to [the] alcohol alcoholic liquors and malt or brewed beverages and the regulations of the board [the manufacture sale possession or transportation of malt or brewed beverages or alcohol or any other alcoholic beverages] All bonds shall be filed with and retained by the board [or treasurer as the case may be] The penal sum of bonds filed by the manufacturers shall be ten thousand dollars ($10,000) for each place at which the licensee is authorized to manufacture The penal sum of bonds filed by distributors shall be one thousand dollars ($1,000) and for importing distributors two thousand dollars ($2,000) The penal sum of bonds filed by all other licensees shall be one thousand dollars ($1,000) for each place at which the licensee is authorized to sell malt or brewed beverages except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand dollars ($1,000) irrespective of the number of licensed cars or ships operated by such companies Every such bond may be forfeited when a license is revoked and shall be turned over to [the district attorney or] the Attorney General [as the case may be to be sued out] for collection if and when the licensee's license shall have been revoked and his bond forfeited as herein provided.

Section 19 License Fees Distribution of Revenues No license shall be issued to any manufacturer distributor importing distribution package retailer or retail dispenser and no public service licenses shall be issued until the licensee shall have first paid an annual license fee [for such grant] as follows

(a) In the case of a manufacturer the license fee shall be one thousand dollars ($1,000.00) for each place of manufacture and shall be paid to the board The fee for all such licenses when applied for and issued on or after April 1 But prior to July 1 shall be three-fourths of the annual fee July 1 but prior to October 1 shall be one-half of the annual fee October 1 but prior to January 1 shall be one-quarter of the annual fee.

(b) In the case of a distributor the license fee shall be four hundred dollars ($400.00) and shall be paid to the board.

(c) In the case of an importing distributor the license fee shall be nine hundred dollars ($900.00) and shall be paid to the board.

(d) In the case of a retail dispenser except clubs the license fee shall be graduated according to the population of the municipal unit or ownership in which the place of business is located and shall be paid to the [treasurer] board as follows

	[Retail] [Dispenser]
[(a)] (1) Less than 10,000	$100
[(b)] (2) 10,000 and more but less than 50,000	150
[(c)] (3) 50,000 and more but less than 100,000	200
[(d)] (4) 100,000 and more but less than 150,000	250
[(e)] (5) 150,000 and more	300

(e) In the case of [an incorporated] a club the fee shall be twenty-five dollars in all cases and shall be paid to the [treasurer] board.

(f) In the case of a package retailer the license fee shall be graduated according to the population of the municipal unit or township in which the place of business is located and shall be paid to the board as follows

(1) Less than 10,000	$ 75
(2) 10,000 and more but less than 50,000	100
(3) 50,000 and more but less than 100,000	150
(4) 100,000 and more but less than 150,000	175
(5) 150,000 and more	200

[(f)] (g) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board.

[(g)] (h) In the case of a public service license for the sale of malt or brewed beverages on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board.

[(h)] (i) The fee for filing applications for licenses and for renewals shall be ten dollars which together with fees for transfers shall be paid to the board [or treasurer issuing the licenses]

[(i)] (j) The license fees fixed by this section shall be paid before the license or renewal is issued.

[(j)] (k) The license fees for manufacturers distributors importing distributors package retailers and public service licenses and all filing fees for such licenses and all permit fees forfeitures and compromises penalties collected received or recovered under the provisions of this act shall be transmitted to the State Treasurer by the Board and shall be paid into the State Stores Fund Fees paid for retail dispensers licenses shall be paid into the State Treasury through the Department of Revenue into days of February and August of each year be paid by the special fund known as the "Liquor License Fund" The moneys in the "Liquor License Fund" shall on the first the [treasurer] board to the municipalities and townships in which the licensed places are located in such amounts as represent the aggregate license fees collected from retail dispenser licensees in such municipalities and townships during the preceding period [Filing fees collected by the treasurer shall be for the use of the county].

(l) The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and townships the board shall have the authority to deduct from the next semi-annual payment to the respective municipalities and townships the amount of any over-payment previously refunded by the board to any person on account of an over-charge or over-payment on a license fee.

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages ar sold or where orders are taken.

Section 21 Sales by Distributors and Importing Distributors No distributor or importing distributor shall purchase receive or re-sell any malt or brewed beverages except in the original containers as prepared for the market by the manufacturer at the place of manufacture No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces Provided That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor or in any place provided for such purposes by such distributor or importing distributor.

Section 22 Sales by [Retailers] Retail Dispensers and Package Retailers (a) No [retailer] retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufactuer at the place of manufacture The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed Provided however That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of seventy-two fluid ounces provided further That no club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club.

No [retailer] retail dispenser shall sell any malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a retail dispenser [licensed] from selling malt or brewed beverages in a hotel or club house in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same.

(b) No package retailer shall sell any malt or brewed beverages in quantities in excess of seventy-two fluid ounces or in other than original containers purchased only from Pennsylvania licensees No malt or brewed beverages sold or delivered by any package retailer shall be consumed or permitted to be consumed upon the premises of the package retailer or in any place provided for such purpose by such package retailer or any of his servants agents or employes

(c) The board may with the approval of the Governor temporarily close all licensed premises within any municipality or township during any period of emergency proclaimed to be such by the Governor.

Section 23 Unlawful Acts It shall be unlawful

[(a)] (I) For any maufacturer or the servants agents or employes of the same to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in th forenoon of the following Monday or for any distributor or importing distributor or the servants agents or employes of the same to sell trade or barter in malt or brewed beverages between the hours of nine o'clock post meridian of any Saturday and two o'clock ante meridian of the following Monday except in municipalities having a population of one million or more importing distributors and distributors may sell trade or barter in malt or brewed beverages until twelve o'clock midnight of any Saturday

[(b)] (II) For any hotel [restaurant] or eating place holding a retail dispenser's license or any package retailer or public service licensee or the servants agents or employes of such licensees to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock ante meridian and seven o'clock ante meridian of any week day Provided however That any municipality or township may by ordinance prohibit the sale of malt or brewed beverages between twelve o'clock midnight and seven o'clock ante meridian of any week day and where any ordinance has been so enacted it shall be unlawful and constitute a violation of this act to sell malt and brewed beverages between said hours

[(c)] (III) For any licensee or his servants agents or employes to sell furnish or give any malt or brewed beverages to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

[(d)] (IV) For any hotel [restaurant] or eating place holding a retail dispenser's license or any package retailer or public service licensee or his servants agents or employes to sell furnish or give any malt or brewed beverages to any person after two o'clock ante meridian or until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

[(e)] (V) For any licensee or his servants agents or employes to sell or offer to sell or purchase or receive any malt or brewed beverages except for cash excepting credits extended by a hotel or club to bona fide registered guests or members No rights of action shall exist to collect any claims for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for [packages or] original containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on such containers when title is retained by the vendor if such containers [or packages] have been returned to the manufacturer distributor importing distributor or other vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth provided however that as to all transactions affecting malt or brewed beverages to be re-sold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces

[(f)] (VI) For any licensee or his servants agents or employes to sell offer to sell or furnish any malt or brewed beverages to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

[(g)] (VII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or for any licensee or his servants agents or employes except a manufacturer on his own premises to hereafter lease purchase or receive for display or to [advertise] display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part any advertisement whatsoever relating to malt or brewed beverages [by trade name trade-mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any beverage] unless the actual value of such [advertising device] advertisement shall be not more than [seventy-five dollars ($75.00)] twenty-five dollars ($25.00) No sign or advertisement furnished leased or sold by any manufacturer importing distributor or distributor shall contain any thing except the trade name trade-mark or

place of manufacture of the malt or brewed beverage manufactured or sold by him

[(h)] (VIII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell, or for any other licensee or his servants agents or employes hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular malt or brewed beverage or the manufacturer producer or place of manufacture or production of any malt or brewed beverages unless the actual value of such advertising device including all displays in connection therewith shall not exceed ten dollars ($10) It shall be unlawful for any licensee to display or permit to be displayed any window advertising except in accordance with the regulations of the board

[(i)] (IX) For any licensee or his servants agents or employes to advertise or hold out for sale any malt or brewed beverage by trade name or other designation which would indicate the manufacturer or place of production of the said malt or brewed beverage unless he shall actually have on hand and for sale a sufficient quantity of the particular malt or brewed beverage so advertised to meet requirements to be normally expected as a result of such advertisement or offer

[(j)] (X) For any retail dispenser or his servants agents or employes to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

[(k)] (XI) For any licensee or his [or its] servants agents or employes to transport sell deliver or purchase any malt or brewed beverage upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the oiginal alcoholic strength extract or balling proof from which such malt or brewed beverages was produced This clause shall not be construed to prohibit a manufacturer from designing upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

[(l)] (XII) For any [retail] licensee his servants agents or employes except clubs to permit in any licensed premises dancing theatricals floor show or moving picture exhibitions of any sort unless the licensee shall have first received from the board a special permit to provide such entertainment or for any retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The board shall have power to provide for the issue of such special permits and to require a fee [of twenty-five dollars] for permits [authorizing theatricals floor shows or moving picture exhibitions] equal to one-fifth of the annual license fee but not less than twenty-five dollars All such fees shall be paid into the State Stores Fund Any violation of this clause shall in additio. to the penalty therein provided subject the licensee to suspension or revocation of his permit and his license

[(m)] (XIII) for any distributor or importing distributor or his servants agents or employes without the approval of the board and then only in accordance with board regulations to engage [on the licensed premises] in any other business whatsoever except the business of distributing malt or brewed beverages [or non-intoxicating beverages]

[(n)] (XIV) For any distributor importing distributor package retailer or retail dispenser or his servants agents or employes to have in his possession or to permit the storage of on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises [of] any spirituous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages

[(o)] (XV) For any licensee or his servants agents or employes except a manufacturer to manufacture import sell transport store trade or barter in any spirituous vinous or other alcoholic liquors or alcohol except malt or brewed beverages

[(p)] (XVI) For any licensee or his servants agents or employes to issue publish or post or cause to be issued published or posted any advertisement of [a] malt or brewed beverages including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

[(q)] (XVII) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

[(r)] (XVIII) For any licensee or his servants agents or employes to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties of nominal value which the board shall define

[(s)] (XIX) For any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages or any other commodity manufactured or sold by the licensee

[(t)] (XX) For any importing distributor distributor retail dispenser or package retailer or his servants agents or employes to fail to keep on the licensed premises for a period of at least two years such complete and truthful records as the board may prescribe covering the operation of his licensed business and particularly showing the date of all purchases of malt or brewed beverages the actual price paid therefor and the name of the vendor or for any licensee his servants agents or employes to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

[(u)] (XXI) For any licensee or his servants agents or employes to refuse the board or any of its authorized employes the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business

[(v)] (XXII) For any retail dispenser or his servants agents or employes to furnish give or sell below a fair cost any lunch to any customer except such articles of food as the board may authorize and approve

[(w)] (XXIII) For any person to hawk or peddle malt or brewed beverages

[(x)] (XXIV) For any licensee or his servants agents or employes to be directly or indirectly employed by any person engaged in the manufacture storage transportation or sale of spirituous or vinous liquors alcohol or malt or brewed beverages

[(y)] (XXV) For any licensee or his servants agents or employes to knowingly sell any malt or brewed bev-

erages to any person engaged in the business of illegally selling liquor or malt or brewed beverages

[(z)] (XXVI) For any person to transport within or import any malt or brewed beverages into this Commonwealth except in accordance with the rules and regulations of the board or for any person to transport malt or brewed beverages into or within this Commonwealth unless there shall be affixed to the original containers in which such malt or brewed beverages are transported stamps or crowns evidencing the payment of the malt liquor tax to the Commonwealth Provided however That this clause shall not be construed to prohibit transportation of malt or brewed beverages through this Commonwealth and not for delivery therein if such transporting is done in accordance with the rules and regulations of the board

(XXVII) For any manufacturer importing distributor or distributor or his servants agents or employes except with board approval to deliver or transport any malt or brewed beverages in any vehicle in which any other commodity is being transported

(XXVIII) For any package retailer or his servants agents or employes to display on the outside of his licensed premises any advertisement whatsoever relating to malt or brewed beverages

(XXIX) For any importing distributor distributor package retailer or retail dispenser or the servants agents or employes of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell malt or brewed beverages except in the interior of the licensed premises where the display cannot be seen from the outside the price at which malt or brewed beverages will be sold by him

(XXX) For any package retailer or retail dispenser to employ any minor or to permit any minor to render any sevice whatsoever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth

(XXXI) For any licensee his servants agents or employes to cash payroll checks except in accordance with board regulations

(XXXII) For any retail dispenser his servants agents or employes to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connected therewith except minors accompanied by parents guardians or under proper supervision

(XXXIII) For any licensee his servants agents or employes to give furnish trade barter serve or deliver any malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling malt or brewed beverages

(XXXIV) For any club retail dispenser or its servants agents or employes to sell malt or brewed beverages between the hours of three o'clock ante meridian and seven o'clock ante meridian on any day

(XXXV) For any importing distributor or distributor or package retailer engaged in the same of products other than malt or brewed beverages to fail to keep such complete separate records covering in every respect his transactions in malt or brewed beverages as the board shall by regulation require

(XXXVI) For any licensee or any officer director stockholder servant agent or employe of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to importing distributors distributors package retailers or retail dispensers licensed under this act or to hotel restaurant or club licensees licensed under any other act of this Commonwealth relating to liquor or malt or brewed beverages provided however that the provisions of this sub-section shall not apply to such a conflicting interest if it has existed for a period of not less than three years prior to January first one thousand nine hundred and thirty-seven and the board shall approve

(XXXVII) For any importing distributor or distributor except in municipalities having a population of one million or more to sell or deliver any malt or brewed beverages after the hour of seven o'clock post meridian of any day in which they may legally sell malt or brewed beverages except that on Saturdays and days preceding National holidays sales and deliveries may be made until nine o'clock post meredian

(XXXVIII) For any package retailer on all days and during all hours when the sale of malt or brewed beverages is prohibited to fail to keep all malt or brewed beverages in a locked compartment separated from all other commodities dealth in by him

Section 24 Things of Value Not to Be Offered It shall be unlawful for any person licensed to sell malt or brewed beverages or his servants agents or employes to offer or give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt or brewed beverages or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of such malt or brewed beverages or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 25 Unlawful to Fortify Adulterate or Contaminate Malt or Brewed Beverages It shall be unlawful to fortify adulterate contaminate or in any wise to change the character or purity of the malt or brewed beverages from that as originally marketed by the manufacturer at the place of manufacture

Section 26 Transportation in Original Packages It shall be unlawful for any [licensee or transporter for hire] person to transport any malt or brewed beverages except in the original containers It shall be unlawful for any [transporter for hire] person to transport for another any malt or brewed beverages within this Commonwealth unless such [transporter] person shall hold a permit issued by the board and shall have paid to the board such permit fee not exceeding one hundred dollars and shall have filed with the board a bond in the penal sum of not more than two thousand dollars as may be fixed by the rules and regulations of the board any other law to the contrary nothwithstanding

Section 27 Delivery Vehicles to Bear Name and Address of [Distributor Importing Distributor or Manufacturer] Licensee It shall be unlawful of a [manufacturer importing distributor or distributor] licensee to deliver or transport any malt or brewed beverages excepting in vehicles bearing the name and address and license number of such [distributor importing distributor or manufacturer] licensee painted or affixed on each side of such vehicle in letters no smaller than four inches in height

Section 28 Interlocking Business Prohibited

(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor importing distributor package retailer or retail dispenser or an officer director or stockholder or creditor of any distributor importing distributor package retailer or retail dispenser nor except as hereinafter provided be the owner proprietor or lessor of any place [covered directly or indirectly by any distributor's importing distributor's malt or brewed beverage or liquor license] for which a license has been issued for any importing distributor distributor package retailer or retail dispenser under this act or for which a hotel restaurant or club liquor license has been issued under any other act of this Commonwealth

(b) No distributor or importing distributor and no officer or director of any distributor or importing distributor shall at the same time be a manufacturer a package retailer [or] [or] a retail dispenser or a liquor licensee or be an officer director stockholder or creditor of a manufacturer a package retailer [or] [or] a retail dispenser or a liquor licensee or directly or indirectly own any stock of or have any financial interest in or be the owner pro-

prietor or lessor of any place covered by any other malt or brewed beverage or liquor license

(c) No licensee licensed under this act and no officer or director of such licensee shall directly or indirectly own any stock of or have any financial interest in any other class of business licensed under this act

(d) Excepting as hereinafter provided no manufacturer importing distributor or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage against the same for which a liquor package retailer or retail dispenser's license is granted nor shall a manufacturer importing distributor or distributor either directly or indirectly lend any moneys credit or equivalent thereof to or guarantee the payment of any bond mortgage note or other obligation of any liquor licensee package retailer or retail dispenser in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business operated under a liquor package retailer or retail dispenser's license excepting only the usual and customary credits allowed for returning [packages or] original containers in which malt or brewed beverages were packed for market by the manufacturer at the place of manufacture

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a distributor's or importing distributor's license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or their equivalent to or guarantee the payment of any bond mortgage not or other obligation of any distributor or importing distributor in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business where malt or brewed beverages are licensed for sale by a distributor or importing distributor excepting only the usual credits allowed for the return of [packages or] original containers in which malt or brewed beverages were originally [packages] packaged for the market by the manufacturer at the place of manufacture

(f) No distributor importing distributor package retailer or retail dispenser shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any other director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institution in which another licensee or any officer director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establishment or business operated under a distributors importing distributor's package retailer or retail dispenser's license excepting only the usual and customary credits allowed for the return of [packages or] original containers in which malt or brewed beverages were [packed] packaged for the market by the manufacturer at the place of manufacture

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or indirectly evade the provisions of this section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a distributor importing distributor package retailer or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July 18 1935

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth

Section 29 Malt or Brewed Beverages Manufactured Outside This Commonwealth In addition to compliance with all other provisions of this act the board shall require each person desiring to sell any malt or brewed beverages manufactured outside this Commonwealth to Pennsylvania licensees and shall require each Pennsylvania licensee who desires to purchase and re-sell any such malt or brewed beverages to pay to the board the same fees as are required to be paid by Pennsylvania licensees or by persons or licensees in any state territory or country outside of Pennsylvania who desire to sell malt or brewed beverages manufactured in Pennsylvania to licensees in such other state territory or country of origin of such malt or brewed beverages not manufactured in Pennsylvania and to observe and comply with the same regulations prohibitions and restrictions as are required of or enforced against Pennsylvania licensees or persons who desire to purchase and resell malt or brewed beverages manufacturer in Pennsylvania in such other state territory or county of origin In all cases where the board shall have issued any reciprocal regulations or orders concerning malt or brewed beverages manufactured in any state territory or country other than Pennsylvania no Pennsylvania licensee shall purchase any such malt or brewed beverages if their importation has been prohibited or if not entirely prohibited unless such regulations or orders have been observed and compiled with by the Pennsylvania licensee and by the person from or through whom the Pennsylvania licensee desires to purchase Any malt or brewed beverages manufactured outside of Pennsylvania which are sold transported or possessed in Pennsylvania contrary to any such regulations or orders of the board or without the payment of the fees herein required shall be considered contraband and shall be confiscated by the board and disposed of in the same manner as any other illegal liquor or malt or brewed beverages

Upon learning of the commission by a manufacturer of malt or brewed beverages whose principal place of business is outside this Commonwealth or by any servant agent employe or representative of such manufacturer within or partly within and partly outside this Commonwealth of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulation of the board adopted pursuant thereto or of any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment or liquor or malt or brewed beverages the board shall cite such manufacturer to appear before it or its examiner not less than ten nor more than fifteen days from the date of mailing such manufacturer at his principal place of business wherever located by registered mail or notice to show cause why the further importation into this Commonwealth of malt or brewed beverages manufactured by him should not be prohibited Upon such hearing whether or not an appearance was made by such outside manufacturer if satisfied that any such violation has occurred the board is specifically empowered and directed to immediately issue an order prohibiting the importation of malt or brewed beverages manufactured by such manufacturer into this Commonwealth for a period of not less than six months nor more than three years Notice of such board action shall be given immediately to such manufacturer and to all persons licensed to import malt or brewed beverages within this Commonwealth by mailing a copy of such order to such manufacturer at its principal place of business wherever located and to such licensees at their licensed premises Thereafter it shall be unlawful for any person licensed to import malt or brewed beverages within this Commonwealth to purchase or sell any malt or brewed beverages manufactured by such outside manufacturer during the term of such prohibition Any violation of such prohibitory order shall be a misdemeanor and shall be punished in the same manner as herein provided for any other violation of this act and shall also constitute grounds for revocation or suspension of a license to import malt or brewed beverages In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons or the ruling or order Any outside manuacturer aggrieved by the action of the board may appeal to the Quarter Sessions Court of Dauphin County in the same manner as herein provided for appeals from refusals to grant licenses

Section [29] 30 Penalty (a) Any person copartnership association or corporation or any officer director servant

employe or agent of any copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine [not exceeding] of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) and on failure to pay such fine to imprisonment for not less than one month nor more than three months for the first offense and for any second or subsequent offense shall be sentenced upon conviction dred dollars ($300) nor more than five hundred dollars to pay a fine [not exceeding] of not less than three hun- ($500) [Any such person or the members agents servants or employes of any such partnership or association or the officers directors agents servants or employes of any such corporation responsible for any violation of any of the provisions of this act in addition to the fines hereinbefore prescribed may upon a first conviction be sentenced to imprisonment for a term not exceeding six months and upon a second or subsequent conviction] and shall be sentenced to imprisonment for a term of not less than three months nor more than one year

(b) Upon proof being made that any licensee or any servant agent or employe of such licensee under this act has violated any of the provisions of this act or regulations of the board or any of the laws of the Commonwealth relating to liquor alcohol or malt or brewed beverages or the payment of tax thereon or the laws of the United States of America relating to the payment of tax on liquor alcohol or malt or brewed beverages the board [or the Court of Quarter Sessions of the proper county as the case may be] may in its discretion revoke or suspend any license issued under this act to any such licensee The right to suspend or revoke licenses as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this section

Section [30] 31 Nuisance (a) Any room house building boat vehicle structure or place where malt or brewed beverages are manufactured sold transported offered for sale bartered or furnished in violation of this act and all such beverages and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General [of the State] or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no beverage shall be manufactured sold offered for sale transported bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that malt or brewed beverages will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section [31] 32 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of the primary election immediately preceding any municipal election to determine the will of the electors with respect to the granting of licenses to retail dispensers under the provisions of this act Provided however where an election was heretofore held at the municipal election in any year another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election Whenever electors equal to at least [ten] twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the county commissioners of the county for a referendum on the question of granting such licenses the said county commissioners shall cause a question to be submitted at the primary immediately preceding the municipal election occurring at least sixty days thereafter on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt and brewed beverages retail dispenser licenses for consumption on premises where sold in of ?	Yes No

In case of a tie vote or if a majority of the persons voting on such question vote "yes" then malt and brewed beverage retail dispenser licenses shall be granted by the [treasurer] board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the [treasurer] board shall thereafter have no power to grant or to renew upon their expiration any retail dispenser's licenses in such municipality or township under the provisions of this act

No such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) and its amendments voted prior to the adoption of this amendment against the granting of retail [beverage] dispenser licenses unless in accordance with the provisions of this act as amended the action of the elctors is hereafter reversed

Section [32A] 33 Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section [32B] 34 [(a) All licenses or permits issued to manufacturers and railroad pullman and steamship companies prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the first day of January one thousand nine hundred and thirty-six

(b) All licenses issued to distributors for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall be in force subject to adjustment as hereinafter provided for such period of a whole license year as the amount of license fee paid to the county treasurer bears to the amount

of the license fee payable for a distributor's license under this act but no such license shall be deemed to expire prior to July first one thousand nine hundred and thirty-five notwithstanding the amount of the license fee paid The board shall have power without hearing to issue to the holders of such distributor's licenses new licenses under the provisions of this act to expire on the date fixed by the board as the expiration date of licenses in the district in which granted for which license a fee shall be paid equal to one-twelfth of the fee fixed by this act for each month such license is to be in force In fixing the expiration dates of existing licenses granted to distributors by county treasurers and the dates when licenses issued by the board shall become effective the board shall not divide any calendar month but shall have full discretion to adjust the time for which credit shall be given for the license fee paid to county treasurers except as above excepted

(c) Upon final enactment of this act the board is authorized to issue importing distributors' licenses to those who qualify without hearings for such period of time as the board determines will expire between such date and the beginning of the license year for the district in which the licensed place is located upon payment of a license fee at the schedule of rates herein set forth said fee to be determined on a monthly basis] All licenses heretofore granted by county treasurers for the license year ending May thirty-first one thousand nine hundred and thirty-seven and in force when this act becomes effective and all licenses and amusement permits granted by the board shall remain in force and effect (unless sooner revoked) until the end of the license year for which issued and no additional license or permit fees shall be required to be paid by such licensees for such license year In the event that any county treasurer shall have received under the provisions of the act hereby re-enacted and amended from any person an application for the issuance or the renewal of a retail dispenser license together with a filing fee and or a license fee for such license which has become effective for the license year beginning June first one thousand nine hundred and thirty-seven Such license or renewal thereof issued by a county treasurer shall confer upon any person the right to sell malt or brewed beverages for the license year for which issued in the same manner and subject to the terms and conditions of this act as if issued under this act by the board The first licenses and amusement permits issued by the board under the provisions of this act shall be issued for license years or fractions thereof according to the license districts in which issued and applications for all such licenses and permits shall be filed at such time as may be specified by the board The board shall have power to grant the first licenses and permits under this act in any district for a period of one year or any period more or less than one year in order to provide a staggered system of license dates in the various districts and in such cases the fees for such licenses and amusement permits shall be one-twelfth of that fixed by this act multiplied by the number of months the first license or permit shall be effective

Section 35 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the board subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 2), page 8, line 10, by inserting a bracket before the letter "(o)" as follows: "["

Amend sec. 1 (sec. 2), page 8, line 15, by inserting a bracket after the word "person" as follows: "]"

Amend sec. 1 (sec. 2), page 8, line 17, by striking out the following: "(p)" and inserting in lieu thereof: "(o)"

Amend sec. 1 (sec. 4), page 9, line 4, by striking out the following: "HC and package retailers"

Amend sec. 1 (sec. 9), page 18, line 20, by striking out the following: "HC package retailers"

Amend sec. 1 (sec. 10), page 19, line 15, by striking out the following: "HC Package Retailers"

Amend sec. 1 (sec. 10), page 19, lines 17 and 18, by striking out the following: "HC package retailers"

Amend sec. 1 (sec. 11), page 20, line 7, by striking out the following: "HC Package Retailers"

Amend sec. 1 (sec. 11), page 20, line 9 ,by striking out the following: "HC package retailers"

Amend sec. 1 (sec. 11), page 20, lines 25 and 26, by striking out the following: "HC package retailers"

Amend sec. 1 (sec. 12), page 23, line 19, by striking out the following: "HC or package retailers"

Amend sec. 1 (sec. 12), page 23, line 22, by striking out the following: "HC or package retailer"

Amend sec. 1 (sec. 12), page 23, line 25, by striking out the following: "HC or package retailer"

Amend sec. 1 (sec. 12), page 24, line 14, by striking out the following: "HC or package retailer"

Amend sec. 1 (sec. 12), page 24, line 28, by striking out the following: "HC package retail"

Amend sec. 1 (sec. 13), page 29, line 13, by striking out the following: "HC package retailer"

Amend sec. 1 (sec. 18), page 34, line 3, by striking out the following: "HC package retailer"

Amend sec. 1 (sec. 19), page 36, line 21, by striking out the following: "HC package retailer"

Amend sec. 1 (sec. 19), page 37, line 26, by inserting a bracket before the letter "(f)" as follows: "["

Amend sec. 1 (sec. 19), page 37, line 29, by inserting a bracket after the word "follows" as follows: "]"

Amend sec. 1 (sec. 19), page 38, line 1, by inserting a bracket before the figure "(1)" as follows: "["

Amend sec. 1 (sec. 19), page 38, line 5, by inserting a bracket after the figure "200" as follows: "]"

Amend sec. 1 (sec. 19), page 38, line 6, by striking out the following: "(g)" and inserting in lieu thereof: "(f)"

Amend sec. 1 (sec. 19), page 38, line 10, by striking out the following: "(h)" and inserting in lieu thereof: "(g)"

Amend sec. 1 (sec. 19), page 38, line 14, by striking out the following: "(i)" and inserting in lieu thereof: "(h)"

Amend sec. 1 (sec. 19), page 38, line 18, by striking out the following: "(j)" and inserting in lieu thereof: "(i)"

Amend sec. 1 (sec. 19), page 38, line 20, by striking out the following: "(k)" and inserting in lieu thereof: "(j)"

Amend sec. 1 (sec. 19), page 38, line 21, by striking out the following: "HC package retailers"

Amend sec. 1 (sec. 19), page 39, line 11, by striking out the following: "(l)" and inserting in lieu thereof: "(k)"

Amend sec. 1 (sec. 22), page 40, lines 19 and 20, by striking out the following: "HC and Package Retailers"

Amend sec. 1 (sec. 22), page 41, line 15, by striking out the following: "HC and Package Retailers"

Amend sec. 1 (sec. 22), page 41, line 15, by inserting a bracket before the letter "(b)" as follows: "["

Amend sec. 1 (sec. 22), page 41, line 23, by inserting a bracket after the word "employes" as follows: "]"

Amend sec. 1 (sec. 23), page 42, line 17, by striking out the following: "HC or any package retailer"

Amend sec. 1 (sec. 23), page 43, line 9, by striking out the following: "HC any package retailer"

Amend sec. 1 (sec. 23), page 48, lines 17 and 18, by

striking out the following: "HC package retailer"

Amend sec. 1 (sec. 23), page 50, line 16, by striking out the following: "HC or package retailer"

Amend sec. 1 (sec. 23), page 52, line 9, by inserting a bracket before the Roman numeral "(XXVIII)" as follows: "["

Amend sec. 1 (sec. 23), page 52, line 12, by inserting a bracket after the word "beverages" as follows: "]"

Amend sec. 1 (sec. 23), page 52, line 13, by striking out the following: "(XXIX)" and inserting in lieu thereof: "XXVIII)"

Amend sec. 1 (sec. 23), page 52, line 25, by striking out the following: "(XXX)" and inserting in lieu thereof: "(XXIX)"

Amend sec. 1 (sec. 23), page 53, line 4 ,by striking out the following: "(XXXI)" and inserting in lieu thereof: "(XXX)"

Amend sec. 1 (sec. 23), page 53, line 7, by striking out the following: "(XXXII)" and inserting in lieu thereof: "(XXXI)"

Amend sec. 1 (sec. 23), page 53, line 13, by striking out the following: "(XXXIII)" and inserting in lieu thereof: "(XXXII)"

Amend sec. 1 (sec. 23), page 53, line 18, by striking out the following: "(XXXIV)" and inserting in lieu thereof: "(XXXIII)."

Amend sec. 1 (sec. 23), page 53, line 22, by striking out the following: "(XXXV)" and inserting in lieu thereof: "(XXXIV)".

Amend sec. 1 (sec. 23), page 53, line 23, by striking out the following: "HC or package retailer".

Amend sec. 1 (sec. 23), page 54, line 1, by striking out the following: "(XXXVI)" and inserting in lieu thereof: "(XXXV)".

Amend sec. 1 (sec. 23), page 54, line 6, by striking out the following: "HC package retailers".

Amend sec. 1 (sec. 23), page 54, line 15, by striking out the following: "(XXXVII)" and inserting in lieu thereof: "(XXXVI)."

Amend sec. 1 (sec. 23), page 54, line 23, by striking out the following: "HC (XXXVIII)" lines 23 to 27 inclusive. "(XXXVII)".

Amend sec. 1 (sec. 28), page 56, line 17, by striking out the following: "HC package retailer".

Amend sec. 1 (sec. 28), page 56, line 19, by striking out the following: "HC package retailer".

Amend sec. 1 (sec. 28), page 56, lines 24 and 25, by striking out the following: "HC package retailer".

Amend sec. 1 (sec. 28), page 57, line 1, by striking out the following: "HC a package retailer".

Amend sec. 1 (sec. 28), page 57, line 4, by striking out the following: "HC a package retailer".

Amend sec. 1 (sec. 28), page 57, line 18, by striking out the following: "HC package retailer".

Amend sec. 1 (sec. 28), page 57, line 23, by striking out the following: "HC package retailer".

Amend sec. 1 (sec. 28), page 57, lines 26 and 27 by striking out the following: "HC package retailer".

Amend sec. 1 (sec. 28), page 58, line 21, by striking out the following: "HC package retailer".

Amend sec. 1 (sec. 28), page 59, line 6, by striking out the following: "HC package retailer".

Amend sec. 1 (sec. 28), page 59, lines 20 and 21, by striking out the following: "HC package retailer".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections were separately read and agreed to as follows:

Section 2 This act and the amendments thereto shall become effective immediately upon final enactment.

Section 3 The act approved the twentieth day of May one thousand nine hundred and thirteen (Pamphlet Laws 229) entitled "An act defining and regulating public amusements and places used therefor requiring and regulating the licensing thereof restricting the scope of certain acts of Assembly relating thereto and providing penalties for violation of this act" is hereby repealed in so far as it purports to impose a tax upon the licensees herein The act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled "A Supplement to the act approved the twenty-seventh day of March one thousand nine hundred and twenty-three (Pamphlet Laws thirty-four) entitled 'An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture hereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic liquor license laws' providing for the registering of Federal permits also regulating under permit through a Pennsylvania Alcohol Permit Board created in the Department of Welfare the manufacture production distillation development use in manufacture denaturization redistillation recovery re-use holding in bond holding in storage by bailees for hire sale at wholesale and transportation for hire of any alcohol or alcoholic liquid by certain persons also providing for fees and the disposition thereof also authorizing the inspection of the records of permittees and purchasers of said alcohol or alcoholic liquid also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" and the amendments thereto are hereby repealed in so far as the same relate to the manufacture and sale of malt and brewed beverages and malt liquors and in so far as the same are inconsistent with the provisions of this act relating to the transportation of malt or brewed beverages

The title was read as follows:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Broad Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licensees application for licenses and providing for the licensing of package retailers and sales by licensees and fixing fees for such licenses and for amusement permits regulating the granting suspension revocation and transfer of licenses and the procedure therefor and conferring jurisdiction on certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the disposition of application license permit fees forfeitures and penalties and providing penalties

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 2, lines 9 and 10 by striking out the following: "and providing for the licensing of package retailers"

Amend title, page 2, lines 11 and 12, by striking out the following: "HC for such licenses and"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1177

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1177 entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

And has appointed Messrs. SONES, FREY and OWLETT, a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

RESOLUTION

JOINT COMMISSION TO INVESTIGATE WAGES OF INDUSTRIES

Mr. LEWIS offered a resolution and asked unanimous consent for its immediate consideration and for the filing of a statement therewith to be printed in the Legislative Journal.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution and the filing of the statement? Are there objections.

Mr. TURNER. Mr. Speaker, I have no objection to the filing of the statement, but I do object to the immediate consideration of the resolution.

MOTION TO SUSPEND RULE

Mr. LEWIS. Mr. Speaker, I move that Rule of the House, No. 84 be suspended for the specific purpose of considering this resolution.

On the question,

Will the House agree to the motion?

Mr. LEWIS. Mr. Speaker, may I ask the gentleman from Delaware if he objects to having the resolution read for the information of the House.

Mr. TURNER. Mr. Speaker, I dislike to take these proceedings, but we have all been subject to the same rule here, that resolutions that have been presented must be filed and referred to committee. We still have another legislative day. I think we have adhered throughout the session to this rule, and I do not think the gentleman from Philadelphia ought to place us in the uncomfortable position of having to object.

The SPEAKER. The Chair still hears objection.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. LEWIS. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. LEWIS. Mr. Speaker, while the rest of the House is not familiar with this resolution, the gentleman from Delaware is, and I ask if it would be in order at this time that my motion to suspend the Rule be renewed.

The SPEAKER. A motion to suspend the rules is always in order.

On the question recurring,

Will the House agree to the motion?

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TURNER. Mr. Speaker, it is my understanding that the gentleman asks that the rule be suspended requiring resolutions to lie over for printing.

The SPEAKER. Rule No. 84 is the rule requiring that all resolutions shall be printed. The gentleman moves to suspend that rule.

Mr. LEWIS. Mr. Speaker, by agreement with the gentleman from Delaware, who has withdrawn his objection to having the resolution read, I will withdraw my motion for the suspension of the rule requiring printing.

The SPEAKER. The gentleman from Delaware withdraws his objection to having the resolution read.

The Clerk read the resolution as follows:

In the House of Representatives, June 3, 1937.

Whereas, It has been reported that a number of industries in Pennsylvania are paying some of their full time employes wages that are so low it is impossible for such employes to maintain a safe standard of living; and

Whereas, It has become necessary, as a result of these full time low wage scales, for the Emergency Relief Board to furnish additional funds for the relief of these employes; and

Whereas, It is reported that the Emergency Relief Board expenditures for supplemental relief approximate a sum of $2,000,000 annually; therefore be it

Resolved (if the Senate concur), That a commission is hereby created which shall be composed of five members; one of whom shall be appointed by the Speaker of the House of Representatives; one by the President Pro Tempore of the Senate and three by the Governor of this Commonwealth; whose duty it shall be to make a careful, thorough and impartial investigation of the reasons why certain industries and certain employers are paying their employes or certain of their employes, a wage which is insufficient to maintain a safe standard of living; and be it further

Resolved, That the said commission shall have power to issue subpoenas under the hand and seal of the chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the commission, and to produce such books, papers, records and documents as the commission may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said commission shall have power to administer oaths and affirmations to witnesses appearing before the commission. Any person who shall wilfully neglect or refuse to testify before said commission or to produce any books,

papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That said commission shall make a report of its findings and recommendations to the Governor as early as possible.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

STATEMENT PRINTED IN JOURNAL

Mr. LEWIS asked and obtained unanimous consent to have the following statement printed in the Legislative Journal:

I rise at this time to speak on a subject that is of the utmost importance to every member of this General Assembly because as this session draws to its close we are passing appropriation measures to continue much needed emergency relief.

The question of relief has met with cross currents of complaint and criticism from time to time. But I have never heard groups which object to relief for one cause or another comment upon the particular phase of the relief question upon which I now speak.

Private industry has been opposing at every turn various progressive measures before this House. Yet not one of these great industrial groups has at any time raised a finger to help correct an intolerable condition that exists in its relation to the relief question.

An analysis of this picture is not one to be proud of. It is no great source of pride that despite enormous appropriations for emergency relief in Pennsylvania there continue to exist third class standards of living in industrial centers, among relief recipients.

Nor is it a source of pride that medical relief allowances have been abolished. And neither can we point with pride to the fact that while it is our duty to afford "adequate protection for the unemployed whether employable or unemployable" it is still necessary to carry on great campaigns through private charity in order to supplement the efforts of the Assembly to care for those who need it and deserve it.

Ladies and Gentlemen of this House, figures demonstrate beyond question that the very elements, which so often stand in our way in efforts to meet properly the great problem of relief, themselves contribute in a great measure to the appalling conditions we seek to eliminate.

Mr. Speaker, I am talking of the continuance, on a large scale, of supplementary relief in Pennsylvania—a disgrace to our Commonwealth. To me it is astonishing that those who have complained violently against what they sneeringly call the "dole" have deliberately used public relief in order to chisel on the wages of their employes.

Let us look at the figures. They prove what I say. Those figures show that in the City of Philadelphia alone, twenty-five per cent of those receiving emergency relief are in what is known as the supplementary relief class.

Each one of these cases is an instance where individuals are receiving that which is designed to supplement what they receive from industry to a level that is sufficient to support their families, though at best, it is inadequate.

However, the worst side of this problem is indicated by the fact that four per cent of the total relief load in Philadelphia comprises persons who have full time jobs—full time jobs in private industry, mind you—these persons are receiving such low wages that relief allowances must be added. And let it be remembered that this additional amount, provided out of public funds, is designed to bring the individual concerned to a point where he can live according to the very modest standards set up by the relief administrators. In many cases that falls below what most of us would regard as a proper minimum subsistence level.

This condition of which I speak is not new. More or less it has existed from the beginning of relief. And I say that private industry has never attempted to raise these inadequate full time wages. Analyze this picture for yourselves and I think most of you will agree that private industry, is shirking its own obligations and forcing the State to pay the difference between inadequate wages and a living wage.

This practice is chiseling, pure and simple. It exacts a subsidy for some industries from the State, at the expense of the general public.

Note this: In Philadelphia, $30,000 is expended each month for this type of relief alone, $1,000 per day.

Philadelphia has approximately one-fifth of the total population of this State. We must assume, therefore, that this type of subsidy relief, for that is what it really is,—this burden on the Commonwealth and its taxpayers, must cost the State close to $2,000,000 a year.

We find heads of families in Philadelphia with six to clothe and house—and only $10 a week from industry to pay the bill.

While this condition exists I say, that industry cannot claim that it is doing its share of meeting our common problems.

In the long run the chief fault lies with these chiseling private employers. They get theirs, and other industrial leaders must answer if they do not put forth an effort to end it. If they continue along these lines their epitaph will be, "We believed in fair play—so long as it was fair to employers only. We believed in equality so long as the wage earner was not considered equal. We gave until it hurt, so long as it didn't hurt us."

I believe that this body should take some action on these questions. I recommend that we act to force industry to assume its own obligations and to recognize the fact that any able bodied worker employed on full time must be paid properly for his labor—not just what he may in desperation be willing to take but what is sufficient to meet human needs.

Every laborer is worthy of his hire. Those who have control of the resources of this earth are bound to exercise it in such a way that the man who works will at least earn a decent livelihood.

Therefore, if this General Assembly is forced to do so it should declare that where a man is employed in private industry at a full time position, private industry must pay a decent and living wage.

We must make known that it is our intention that the taxpayers of Pennsylvania shall not continue to be burdened with part of the payrolls of chiseling employers. Supplementary relief for the full time employe in private industry should never be necessary—is not necessary.

This is a subject of great importance. It requires thorough investigation and remedial action at the earliest possible moment.

I do not believe, however, that this question should

be left to chance. I do not believe that it should be ignored. It is our bounden duty to see that this situation does not continue a moment longer than is absolutely necessary.

BILLS ON THIRD READING

Mr. LONG asked and obtained unanimous consent to call up out of order House Bill No. 2504, Senate Bill No. 341, Printer's No. 850, and page 52, of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2504, (Senate Bill No. 341) as follows:

An Act to re-enact and further amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Broad further regulating those licensed under this act imposing additional filing fees and increasing fees for certain permits and providing for the disposition thereof further regulating the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the jurisdiction of courts and local option procedure prohibiting certain interlocking business and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" as re-enacted and amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1246) are hereby re-enacted and further amended to read as follows

An Act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties

ARTICLE I

Short Title and Preliminary Provisions

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Liquor Control Act"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a club-house or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board shall from time to time prescribe

"Original container" shall mean all bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the names and address of the manufacturer of the malt or brewed beverages contained or to be contained therein permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing the same or to a label securely affixed to a bottle

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the public dining room or rooms in which food is regularly prepared for the public

The word "alcohol" means ethyl alcohol originally produced by the distillation of any fermented liquid whether

rectified or diluted with or without water whatever may be the origin thereof and [includes] shall include synthetic ethyl alcohol but shall [it does] not mean or include ethyl alcohol whether or not diluted that has been denatured or otherwise rendered unfit for beverage purposes

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic [and] including all drinks or drinkable liquids preparations or mixtures and reused recovered or redistilled denatured alcohol [intended] usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume except pure ethyl alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing on-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing [bottling] manufacturing distilling rectifying or compounding of liquor alcohol and malt or brewed beverages in this Commonwealth or elsewhere

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor or alcohol [and malt or brewed beverages] as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof except as to incorporated clubs the term "person" shall mean such individual or individuals who under the by-laws of such club shall have jurisdiction over the possession and sale of liquor therein

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

"Sale" or "Sell" shall include any transfer of liquor alcohol or malt or brewed beverages for a consideration [and any gift in connection with or as a part of a transfer of property other than liquor] [or malt or brewed beverages for a consideration]

Section 3 Interpretation of Act

(a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor [and] alcohol and malt or brewed beverages which take place [wholly within the] in this Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor [and] alcohol and malt or brewed beverages within the Commonwealth through the instrumentality of the board and otherwise provide the means by which such control shall be made effective This act shall not be construed as forbidding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

General Powers and Duties of Pennsylvania Liquor Control Board

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor and alcohol in the manner set forth in this act

(b) To control the manufacture possession sale consumption importation use transportation and delivery of liquor [and] alcohol and malt or brewed beverages in accordance with the provisions of this act and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania Liquor Stores Provided That in fixing sale prices the board shall not give any preference or make any discrimination as to classes brands or otherwise except where special sales are deemed necessary to move unsaleable merchandise The board shall require each Pennsylvania manufacturer and each non-resident manufacturer of [distilled] liquors other than wine selling [distilled] such liquors to the board which are not manufactured in this Commonwealth to make application for and be granted a permit by the board before [distilled] such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer Each such manufacturer shall pay for such permit a fee which in the case of a manufacturer of this Commonwealth shall be equal to that required to be paid if any by a manufacturer or wholesaler of the state territory or country of origin of the [distilled] liquors for selling liquors manufactured in Pennsylvania and in the case of a non-resident manufacturer shall be equal to that required to be paid if any in such state territory or country by Pennsylvania manufacturers doing business in such state territory or country In the event that any such manufacturer shall in the opinion of the board sell or attempt to sell [distilled] liquors to the board through another person for the purpose of evading this provision relating to permits the board shall require such person before purchasing [distilled] liquors from him or it to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer All permit fees so collected shall be paid into the State Stores Fund The board shall not purchase any liquor fermented distilled rectified compounded or bottled in any state territory or country the laws of which result in prohibiting the importation therein of liquors fermented distilled rectified compounded or bottled in Pennsylvania

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities

(d) To grant [and] issue suspend and revoke all [liquor] licenses and [to grant issue suspend or revoke alcohol] permits [as provided in this act] authorized to be issued under this act and the regulations of the board

(e) Through the Department of Property and Supplies as agent to lease and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors examiners clerks and other employes as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act

Such employes of the board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and

authority throughout the Commonwealth to arrest on view except in private homes without warrant any person actually engaged in the unlawful sale importation manufacture or transportation [of] or having [illegal] unlawful possession of liquor alcohol or malt or brewed beverages contrary to the provisions of this act or any other law of this Commonwealth Such officers and investigators shall have power and authority upon reasonable and probable cause to search for and to seize without warrant or process except in private homes any liquor alcohol and malt or brewed beverages [so illegally] unlawfully possessed manufactured sold imported or transported and any stills equipment materials utensils vehicles boats vessels animals aircraft or any of them which are [being] or have been used in the unlawful manufacture sale importation or transportation of the same Such liquor alcohol malt or brewed beverages stills equipment materials utensils vehicles boats vessels animals or aircraft so seized shall be disposed of as hereinafter provided

(g) To determine the nature form and capacity of all packages and original containers to be used for containing liquor alcohol or malt or brewed beverages any other law to the contrary notwithstanding

(h) Without in any way limiting or being limited by the foregoing to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder

Section 202 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The Board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act and shall be furnished to all licenses affected thereby

Section 203 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and without limiting the general power conferred by the preceding section the board may make regulations regarding

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor and alcohol are kept or sold and the books and records to be kept therein

(b) The duties and conduct of the officers and employes of the board

(c) The purchase as provided in this act of liquor and alcohol and its supply to Pennsylvania Liquor Stores

(d) The classes varieties and brands of liquor and alcohol to be kept and sold in Pennsylvania Liquor Stores

(e) The issuing and distribution of price lists for the various classes varieties or brands of liquor and alcohol kept for sale by the board under this act

(f) The sealing and labeling of liquor and alcohol sold under this act and of liquor and alcohol unlawfully acquired by any person prior to January first one thousand nine hundred and thirty-four

(g) Forms to be used for the purposes of this act

(h) The issuance of licenses [to hotels restaurants clubs and railroad pullman or steamship companies] and permits and the conduct management equipment of [licensed] places licensed or included in permits

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue

[(j) The issuance of alcohol permits]

(j) The solicitation by resident or non-resident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and in the case of non-resident vendors the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses

ARTICLE III

Pennsylvania Liquor Stores

Section 301 Board to Establish State Liquor Stores The board shall establish operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable stores to be known as "Pennsylvania Liquor Stores" for the sale of liquor and alcohol in accordance with the provisions of and the regulations made under this act When the board shall have determined upon the location of a liquor store in any municipality it shall give notice of such location by public advertisement in [at least] two newspapers of general circulation and no other advertisement of any kind or description shall be required any law to the contrary notwithstanding If within five days after the appearance of such advertisement fifteen or more taxpayers residing within a quarter of a mile of such location shall file a protest with the Court of Quarter Sessions of the county averring that the location is objectionable because of its proximity to a church a school or to private residences the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence The court shall render its decision immediately upon the conclusion of the testimony and from its decision there shall be no appeal If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest the board shall abandon it and find another location The board may establish operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act

The board may lease the necessary premises for such stores or establishments but all such leases shall be made through the Department of Property and Supplies as agent of the board The board through the Department of Property and Supplies shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments

Section 302 Selection of Personnel A No officer or employe except as otherwise hereinafter provided shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officer or employe engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shal be deemed provisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located except where a person has been employed in a liquor store for a period of two or more years and becomes a bona fide resident of another county in which case he may be employed in a liquor store in the county to which he has removed

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to furnish a photograph of him or herself and that no application blank shall require the color religion or political affiliation of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those

matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed but no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examinations shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been established The examination papers of such candidates shall be marked by a committee designated by the department with the approval of the Governor consisting of school teachers in this Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper an additional rating of five per centum and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined) and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service shall be rated an additional five per centum over and above the five per centum hereinbefore set forth and in either case the total per centum mark or grade thus obtained shall determine the order of standing of such persons on any list of eligibles All examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committee which may be necessary shall be determined by the department and each committee shall consist of three person

Except as hereinafter provided all offices places and employments in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons who shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and in the district in which such appointee is to be employed for a period of not less than six months prior to such appointment and who shall have satisfactorily passed the examination The persons receiving the highest grade shall be first appointed and so on and during their employment such appointees shall be at all times residents of this Commonwealth

If a list of eligibles certified by the Department of Public Instruction is available for any position another examination shall not be given until after the expiration of twelve months from the date of the last examination for that position Such subsequent examination may be held in the discretion of the board at any time after the expiration of such twelve month period and when such subsequent examination has been held and the list therefrom duly certified by the Department of Public Instruction the previous list shall expire and no further appointment shall be made from such previous list Provided That when a position is to be filled by appointment from a list of eligibles and a list of persons eligible for appointment to such position is not available examinations shall be held for that position at the earliest convenient date after the vacancy occurs

B Vacancies in positions in the competitive class whether such positions be newly created or vacated for any reason by any former incumbent shall be filled so far as practicable by promotion from among persons holding positions in a lower grade In all cases a person to be promoted shall have served not less than six months in a position under the board Promotion shall be based on merit and upon the superior qualifications of the person promoted as shown by his previous service

In the event it is not deemed practicable to fill a vacancy by promotion in the manner prescribed in the foregoing paragraph such vacancy shall be filled by appointment from an eligible list of the person next in line for appointment from such list except that no such appointment may be made to any position having a rate of compensation higher than that paid to any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment and in order that this may be carried out the board shall make such changes as it deems advisable in the then status of any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment Provided however That such changes are not required except where they are necessary to insure that the most recent appointment shall be to a position which does not have a higher rate of compensation than that paid to any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment

C The tenure of any person holding a position under the provisions of this act shall be during good behavior but any such person may be removed demoted suspended without pay or with reduced pay transferred reprimanded or restored to his position or another position with such pay as may be equitable for any of the following causes Incompetency inefficiency insubordination dishonesty intemperance immorality profanity discourteous treatment of the public or other employes wilful disobedience violation of the provisions of this act or of the rules and regulations of the board or for any other failure of good behavior or any other act or acts which are incompatible with or inimical to the public service but no person shall be required to contribute to any political fund nor support any political party or organization nor shall any such person be removed or otherwise prejudiced for refusing to do so No such person shall hold any other public office or position under this Commonwealth or any political subdivision thereof nor by his own act or permission become a candidate for nomination or election to any public office during the time of his employment by the board

Whenever it is necessary because of lack of work or lack of funds or whenever it is advisable in the interests of economy to reduce the staff of the board it may lay off employes

In the event that the board decides to abolish one or more positions or to temporarily discontinue the same because of lack of work or lack of funds or in the interests of economy then a number of employes of the board equal to the number of positions to be so abolished or discontinued shall be laid off

When it becomes necessary for any employe to be removed demoted suspended without pay or without reduced pay transferred reprimanded or restored to a former position or another position with such pay as will be equitable for any of the above named causes or when it is necessary because of lack of work or lack of funds or in the interests of economy to lay off an employe or in the event the board decides to abolish or temporarily discontinue one or more positions because of lack of work lack of funds or in the interest of economy the employe or employes selected to be removed in any of the manners so mentioned shall have a right to appeal for a hearing and consideration of his case or complaint

Further when any position is newly created or otherwise to be filled employes who have been previously placed on leave of absence because of the abolishment or temporary discontinuance of a position or other reduction in personnel because of lack of work lack of funds or in the interest of economy such employes shall be recalled to service within their proper classification and in the order of their rank before any appointment

can be made from a list created and certified at a later date than the list from which the furloughed employe was originally appointed

In the foregoing section the terms "promotion" "transfer" and "demotion" shall be interpreted as follows

"Promotion" means a change from one position to another position having a higher rate of compensation or involving a change of duties or responsibilities or either or both

"Transfer" means a change from one position to another position at the same rate of compensation.

"Demotion" means a change from one position to another position having a lower rate of compensation or in which different and less responsible duties are involved or either or both whether made for the purpose of better adjusting personnel to the needs of the board or as a disciplinary measure

D Any person appointed under the provisions of this act may be removed by the personal action of the Governor whenever he deems the same to the best interests of the public service

Section 303 Management of Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores

Section 304 When Sales May Be Made at Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be open for business week days except legal holidays or any day on which a general municipal special or primary election is being held during such hours as the board in its discretion shall determine but shall not be open longer than fourteen hours [or less than seven hours] in any one day nor later than eleven o'clock post meridian The board may with the approval of the Governor temporarily close any store in any municipality

Section 305 Sales by Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall keep in stock for sale such classes varieties and brands of liquor and alcohol as the board shall prescribe If any person shall desire to purchase any class variety or brand of liquor or alcohol which any such store does not have in stock it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board The customers shall be notified immediately upon the arrival of the goods

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival the store may place it in stock for general sale and the customer's deposit shall be forfeited

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels restaurants clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board or chemists The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia All other sales by such stores shall be at retail No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale

Whenever any checks issued in payment of liquor or alcohol purchased from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored the board shall charge a fee of five dollars per hundred dollars or fractional part thereof plus all protest fees to the maker of such check submitted to the board Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person

No liquor or alcohol shall be sold to any purchaser except in a package sealed with the official seal of the board required by this act which package shall not be opened on the premises of a Pennsylvania Liquor Store No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises nor shall any person consume any liquor or alcohol on such premises

The board may sell tax exempt alcohol to the Commonwealth of Pennsylvania and to persons to whom the board shall by regulation to be promulgated by it issue special permits for the purchase of such tax exempt alcohol

Such permits may be issued to the United States or any governmental agency thereof to any university or college of learning any laboratory for use exclusively in scientific research any hospital sanitorium elemosynary institution or dispensary to physicians dentists veterinarians and pharmacists duly licensed and registered under the laws of the Commonwealth of Pennsylvania to manufacturing chemists and pharmacists or other persons for use in the manufacture or compounding of preparations unfit for beverage purposes

Every purchaser of liquor or alcohol from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor and alcohol the price paid therefore and such other information as the board may prescribe Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store

Section 306 Audits by Auditor General It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the board

At least one audit shall be made each year of the affairs of the board and all collections made by the Pennsylvania Liquor Store shall be audited quarterly

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may in the judgment of the Auditor General appear necessary and shall be made whenever the Governor shall call upon the Auditor General to make them

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor

Unless the Department of the Auditor General shall neglect or refuse to make annual quarterly or special audits as hereinabove required it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for an audit of its affairs except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board

ARTICLE IV

Licenses and Permits

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs

(a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority ot issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from the Pennsylvania Yiquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt or brewed beverages to guests patrons or members for consumption on the hotel restaurant or club premises Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more

than seventy-two fluid ounces in a single sale to one person Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license nor shall such a person have any interest directly or indirectly in any such license

Section 402 Application for Hotel Restaurant or Club Liquor Licenses Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe which shall be accompanied by [an application] a filing fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board If the applicant is a natural person his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least three years immediately preceding his application If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania that all officers directors and stockholders are citizens of the United States and that the manager of the hotel restaurant or club is a citizen of the United States The application shall be signed and verified by oath or affirmation by the owner if a natural person or in the case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the application is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

All applications must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of a misdemeanor and upon indictment and conviction shall be subject to the penalties provided by this act

Section 403 Issuance of Hotel Restaurant and Club Liquor Licenses Upon receipt of the application the proper fees and bond and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter permitted and that the applicant is a person of good repute that the premises applied for meet all the requirements of this act and the regulations of the board and the applicant seeks a license for a hotel restaurant or club as defined in this act the board shall in the case of a hotel or restaurant grant and issue to the applicant a liquor license and in the case of a club may in its discretion issue a license Provided however That in the case of any new license or the transfer of any license to a new location the board may in its discretion grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil And provided further That the board shall not issue new licenses in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the application thereof shall have been filed at least thirty days before the effective date of the license

Section 404 License Hearings Appeals from Refusal of Board to Issue Renew or Transfer Licenses The board may of its own motion and shall upon the written request of any applicant for club hotel or restaurant liquor license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for liquor license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application Such hearing shall be before the board a member thereof or an examiner designated by the board At such hearing the board shall present its reasons for its refusal or withholding of license renewal or transfer thereof The applicant may appear in person or by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board Such hearing shall be stenographically recorded The examiner shall thereafter report to the board upon such hearing The board shall thereupon grant or refuse the license renewal or transfer thereof If the board shall refuse such license renewal or transfer following such hearing notice in writing of such refusal shall be mailed to the applicant at the address given in his application In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant Any applicant who has appeared before the board or any agent thereof at any hearing as above provided who is aggrieved by the refusal of the board to issue a hotel or restaurant or club liquor license or to renew or transfer a hotel restaurant or club liquor license may appeal within twenty days from date or refusal to the Court of Quarter Sessions of the county in which the hotel or restaurant or club is located Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held uon the petition by the court upon ten days' notice to the board which shall be represented in the proceeding by the Department of Justice [At such hearing testimony may be presented by the applicant and the board after the consideration of which the] [board shall certify and transmit a copy of the record in the case to the clerk of the court within ten days after such appeal petition was served] The court shall either sustain the refusal of the board or order the issuance of the license to the applicant there shall be no further appeal Any appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise.

Section 405 Display of License Every license issued under this act shall be constantly and conspicuously exposed under transparent substance on the licensed premises.

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board [a surety] an approved bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars ($2.000) Such bond shall have as surety a duly authorized surety company or shall have deposited therewith as collateral security cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds In all cases where

cash or securities in lieu of other surety have been deposited with the board the depositor shall be permitted to continue the same deposit from year to year on each renewal of license but in no event shall he be permitted to withdraw his deposit during the time he holds said license or until six month after expiration of license held by him or while revocation proceedings are pending against such license All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board After notice from the board that such a bond has been forfeited the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such a bond and when securities have been deposited as collateral with such a bond the State Treasurer shall sell at private sale at not less than the prevailing market price any such securities so deposited as collateral with any such forfeited bond The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities except that if the amount so realized after deducting proper costs and expenses is in excess of the penal amount of the bond such excess shall be paid over by him to the obligor on such forfeited bond All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors alcohol and malt or brewed beverages Such bonds shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Section 407 License Fees (a) [Every applicant for a hotel liquor license or restaurant liquor license shall before receiving such license pay to the board the following license fees which] License fees for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decennial cansus of the United States in which the hotel or restaurant is located as follows.

In municipalities having a population of less than fifteen hundred inhabitants one hundred fifty dollars ($150.00).

In those having a population of fifteen hundred and more but less than ten thousand inhabitants two hundred dollars ($200.00)

In those having a population of ten thousand and more but less than fifty thousand inhabitants three hundred dollars ($300.00)

In those having a population of fifty thousand or more but less than one hundred thousand inhabitants four hundred dollars ($400.00)

In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants five hundred dollars ($500.00)

In those having a population of one hundred fifty thousand and more inhabitants six hundred dollars ($600.00)

(b) Every applicant for a club liquor license shall [before receiving such license] pay to the board a license fee of fifty dollars ($50.00) except clubs which cater to groups of non-members either privately or for functions in which case the board may issue a catering license and the license fee shall be the same as for hotels and restaurants located in the same municipality and the board shall by its rules and regulations define what constitutes catering under this clause

(c) All license fees authorized under this section shall be collected by the board for the use of the municipalities or townships in which such fees were collected

Section 408 Licenses Not Assignable Transfers

(a) Licenses issued under this ac tmay no tbe assigned The board is hereby authorized to transfer any license from one person to another or from one place to another within the same municpiality or both as the board may determine but no transfers shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not originally have been issued lawfully Upon any refusal to grant a transfer the person aggrieved shall have the right to appeal to the Court of Quarter Sessions in the same manner as herein provided for appeals from refusals to grant licenses The action of the Court of Quarter Sessions shall be final

(b) Every applicant for a transfer of a license shall file a written application with the board together with a filing fee of twenty dollars at such time as the board shall fix in its regulations and shall also file an approved bond as required on original applications for licenses Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year [except a fee of twenty dollars ($20.00) to be paid to the board for the use of the Commonwealth]

(c) In the event that any person to whom a license shall have been issued under the [terms] provisions of this act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In the case of death of a licensee the board may transfer the license to the surviving spouse or personal representative or to a person designated by such representative In all such cases the board shall have the sole and final discretion as to the propriety of the issuance or transfer of the license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 409 License Year Renewal of Licenses

(a) The board shall be regulation divide the State into convenient license districts and shall hold hearings on [such] applications for licenses and renewals thereof as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation for the purpose of hearing testimony for and against applications for new licenses and renewals thereof The board may provide for the holding of such hearings by examiners learned in the law to be appointed by the Governor who shall not be subject to the civil service provisions of this act Such examiners shall make report to the board in each case with their recommendations The board shall by regulation fix the license year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter board shall have given ten days' previous notice of objections to the renewal of his license based upon violation by the licensee or his servants agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act and the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new [surety] approved bond and shall pay the requisite application fee and license fee specified in this act

(c) In cases where a licensee or his servants agents or employes are arrested charged with violating any of the law of this Commonwealth relating to liquor alcohol or malt or brewed beverages and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such licensee is pending before the board the board shall renew the license notwithstanding

such alleged violations but such renewal license may be revoked by the board in the manner hereinafter provided for revocation of licenses if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited

Section 410 Revocation and Suspension of License [After a license has been issued under the provisions of this act upon the petition of the Attorney General the board the district attorney of any county or upon the petition of fifteen or more taxpayers residents of the ward borough or township where the place of business is located the Court of Quarter Sessions of the proper county upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors malt or brewed beverages or alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this act] Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulations of the board adopted pursuant to such laws or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages by any licensee his officers servants agents or employes the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked Hearings on such citation shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occurred the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the [court] board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within said year. In all such cases the [Court of Quarter Sessions] board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the [court] board shall feel aggrieved by the action of the [Court of Quarter Sessions] board he shall have the right to appeal to the [Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence The action of the Superior Court shall be final In all such appeals the Superior Court may allow a supersedeas if the appellant shall have filed with the clerk of the Court of Quarter Sessions a penal bond in the sum of two thousand dollars ($2.000.00) to be approved by the court and conditioned for the prompt prosecution of the appeal by the appellant the faithful observance of all the laws of this Commonwealth relating to acoholic liquors and malt or brewed beverages and for the payment of all costs that may be assessed against the appellant] Court of Quarter Sessions in the same manner as herein provided for appeals from refusals to grant licenses Such appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of hotel restaurant and club licensees the offer in compromise shall be at the rate of ten dollars for each day of suspension and in the cases of importers and sacramental wine licensees the offer in compromise shall be at the rate of thirty dollar per day No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred days

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels [and clubs] to guests [or] and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employes other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employes shall sell on Sunday to nonmembers any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day and until two o'clock ante meridian of the following week day and shall not sell on Sunday or after two o'clock ante meridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock ante meridian and seven o'clock ante meridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

Section 412 Sale of Malt or Brewed Beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person No licensee under this act shall at the same time be the holder of any other license except a retail dispensers license authorizing the sale of malt or brewed beverages only

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor and malt [liquor] or brewed beverages to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor or malt or brewed beverages to be sold in the dining compartments of steamships or vessels wherever operated in

the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited Such licenses shall be known as public service liquor licenses The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licenses shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of mandamus may be brought against the board in the manner provided by law

Every applicant for a public service liquor license shall before receiving such license pay to the board for each of the maximum number of dining club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars ($20.00) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars ($100.00)

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of applications in such form as the board shall prescribe but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section

Sales of liquor and malt or brewed beverages by public service company licensees shall be made in accordance with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees

Section 414 Sacramental Wine Licenses [The Board may upon application] [grant to responsible persons of good character sacramental wine licenses The fee for such licenses shall be one hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and regulations of the board relating to] [the distribution sale and use of] [liquor]

[Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes and to sell the same only to priests clergymen or rabbis for such purposes under such regulations as the board shall prescribe Priests clergymen and rabbis may lawfully make purchase from such licenses under the regulations of the board but any wine purchased under authority of this section shall not be used for any other than sacramental or religious purposes]

Every applicant for a sacramental wine license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of this Commonwealth and the regulations of the board relating to liquor alcohol and malt or brewed beverages Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board

If the applicant is a natural person his application must show that he is a citizen of the United States and a resident of this Commonwealth If the applicant is an association or partnership each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that all officers directors and stockholders are citizens of the United States

Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes only and bottle and sell the same to priests clergymen and rabbis for use in the cathedral church synagague or temple or for sustaining members of the congregation duly certified by such priest clergymen or rabbis The sale and use of wine for sacramental or religious purposes shall be subject to and in accordance with the regulations of the board

Any wine purchased under the authority of this section shall not be used for any other than sacramental or religious purposes Sacramental wine may not be sold by any person except the holder of a sacramental wine license All original containers from which sacramental wine is dispensed shall bear the seal of the board

Every sacramental wine licensee shall maintain on the licensed premises such records as the board may prescribe No deliveries of sacramental wine shall be made unless and until an order therefor is on file at the principal place of business in Pennsylvania All shipments into Pennsylvania of wine to be used for sacramental or religious purposes shall be consigned to the principal place of business maintained by the licensee

Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to [the distribution sale or use of] liquor and alcohol The procedure in such cases shall be the same as for the revocation and suspension of hotel restaurant and club licenses Upon the revocation of any such license the bond of the licensee may be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Section 415 Importers' License [The board may upon application] [grant to responsible persons of good reputation importer' licenses Such licenses shall permit the holders thereof to bring or import liquor] [from other states foreign countries and insular possessions of the United States and] [obtain] [tax paid liquor from manufacturers located within the Commonwealth to be sold outside of this Commonwealth] [and] [exclusively to Pennsylvania Liquor Stores within this Commonwealth]

[The fee for such licenses shall be one hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and of the regulations of the board relating to] [the distribution sale and use of] [liquor] Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of the Commonwealth and the regulations of the board relating to liquor alcohol and malt or brewed beverages Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board

The holder of an importer's license may have included

in such license one warehouse wherein only his liquor may be kept and stored located in the same municipality or township in which his licensed premises is situate and not elsewhere unless such licensee secures from the board a license for each additional storage warehouse desired The board is authorized and empowered to issue to a holder of an importer's license a license for an additional storage warehouse or warehouses located in this Commonwealth provided such licensed importer files with the board a separate application for each warehouse in such form and containing such information as the board may from time to time require accompanied by a filing fee of ten dollars a license fee of twenty-five dollars and a bond of an approved surety company in the amount of ten thousand dollars Such bond shall contain the same provisions and conditions as are required in the other license bonds under this act

If the applicant is a natural person his application must show that he is a citizen of the United States and a resident of this Commonwealth If the applicant is an association or partnership each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that all officers directors and stockholders are citizens of the United States

Such licenses shall permit the holders thereof to bring or import liquor from other states foreign countries or insular possessions of the United States and purchase liquor from manufacturers located within this Commonwealth to be sold outside of this Commonwealth or exclusively to Pennsylvania Liquor Stores within this Commonwealth

All importations of liquor into Pennsylvania by the licensed importer shall be consigned to the Pennsylvania Liquor Control Board or the principal place of business or authorized place of storage maintained by the licensee

Every importer shall maintain on the licensed premises such records as the board may prescribe [malt or brewed beverages alcohol or other alcoholic beverages] Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to liquor and alcohol The procedure in such cases shall be the same as for the revocation and suspension of hotel restaurant and club licenses Upon the revocation of any such license the bond of the licensee may be forfeited and shall be collected in the same manner as hertofore provided for the collection of forfeited hotel restaurant and club license bonds

[Any such permit may be revoked or suspended by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor malt or brewed beverages alcohol or other alcoholic beverages]

ARTICLE V

Local Option

Section 501 Local Option Areas Authorized In any municipality an election may be held but not oftener than once in four years on the date of the primary election immediately preceding any general or municipal election to determine the will of the electors with respect to the granting of liquor licenses by the board to hotels restaurants and clubs within the limits of such municipality Provided however Where an election was heretofore held at the municipal election in any year another election may be held under the provisions of this act at the primary occurring the fourth year after such election

Section 502 Petition of Electors for Local Option Whenever electors equal to at least [ten] twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such liquor licenses the respective corporate authorities shall cause a question to be submitted at the primary immediately preceding the general or municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of liquor licenses for the sale of liquor in of ?	Yes No	——

In the case of a tie vote or if a majority of the persons voting on such question vote "Yes" then liquor licenses shall be granted by the board to hotels resturants and clubs in such municipality or township for the sale of liquors under the provisions of this act but if a majority of the persons voting on such question vote "No" then the board shall thereafter have no power to grant or to renew upon their expiration any liquor licenses in such municipality or township under the provisions of this act unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place after the expiration of his existing license in any local option area where the electors have voted against such sales but the sale of malt [liquors] or brewed beverages by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law

ARTICLE VI

Illegal Acts Penalties Forfeitures

Section 601 Restrictions on Certain Sales

(a) It shall be unlawful for any manufacturer or licensed importer of liquor in this Commonwealth his agents servants or employes to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores or to the holder of a sacramental wine [permit] license but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth

(b) It shall be unlawful for any person to sell alcohol to any person except in accordance with regulations promulgated by the board

Section 602 [Sales by Persons Other Than Manufacturers] Unlawful Acts

[(a)] (1) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any device to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospitals physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alcohol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverages purposes and making a charge for the liquor so used All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia

[(b)] (2) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license to possess

or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store or in accordance with the board's regulations The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired But nothing herein contained shall prohibit the manufacture or possession of wine by any person in his home for consumption of himself his family and guests and not for sale not exceeding during any one calendar year two hundred gallons any other law to the contrary notwithstanding Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises

[(c)] (3) [Except as provided in this act] It shall be unlawful for any person within this Commonwealth by himself or by an employe or agent, to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any liquor or alcohol from any person or source other than a Pennsylvania Liquor Store except in accordance with the provisions of this act or the regulations of the board

[(d)] (4) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine [permit] license to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board The use of decanters or other similar receptacles by licensees shall be permitted only in the case of wines and then only accordance with the regulations of the board but nothing herein contained shall prohibit the manufacture and possession of wine as provided in clause (b) of this section

[(e)] (5) It shall be unlawful for any licensee or the board or any employe servant or agent of such licensee or of the board to sell furnish or give any liquor or malt or brewed beverages or to permit any liquor or malt or brewed beverages to be sold furnished or given to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

[(f)] (6) It shall be unlawful for any licensee his agent servant or employe to sell or offer to sell or purchase or receive any liquor or malt or brewed beverages except for cash excepting credit extended by a hotel or club to a bona fide guest or member No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or original containers returned by the original purchaser as credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the vendor if such original containers or packages have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor or malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth provided however that as to all transactions affecting malt or brewed beverages to be re-sold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces

[(g)] (7) It shall be unlawful for any licensee or the board or any employe servant or agent of a licensee or of the board to sell offer to sell or furnish any liquor or malt or brewed beverages to any person on a passbook or store order or to receive from any person any good wares merchandise or other articles in exchange for liquor or malt or brewed beverages

[(h)] (8) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth

[(i)] (9) It shall be unlawful for any licensee or his servants agents or employes except a manufacturer on his own premises to [advertise] display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which the licensed premises are situate or any building of which the licensed premises are a part any advertisement whatever relating too [any] liquor or malt or brewed beverages [by trade name trade-mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages] unless the actual value of such advertisement if hereafter erected [or advertising device] shall not be more than twenty-five dollars No sign or advertisement leased furnished or sold by a manufacturer importer importing distributor or distributor shall contain thereon any thing except the trade name trade-mark or place of manufacture of the liquor or malt or brewed beverages manufactured or sold by him

[(j)] (10) It shall be unlawful for any manufacturer or licensee or his servants agents or employes to hereafter give furnish lease or sell or for any other licensee to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising mattering indicating the trade-mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages unless the actual value [for] of such advertising device including all displays in connection therewith shall not exceed ten dollars ($10) It shall be unlawful for any licensee to display or permit to be displayed any window or exterior advertising except in accordance with the regulations of the board

[(k)] (11) It shall be unlawful for any licensee his servants agents or employes to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer

[(l)] (12) It shall be unlawful for any licensee his agents servants or employes to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

[(m)] (13) It shall be unlawful for any licensee or his [or its] servants agents or employes to transport sell deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

[(n)] (14) It shall be unlawful for any licensee except club licensees to permit in any licensed premises or in any place operated in connection therewith dancing theatricals floor shows or moving picture exhibtions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not

The board shall have power to provide for the issue of such special permits and to collect a fee [of twenty-five dollars ($25.00)] for such permits [authorizing theatricals floor shows or moving picture exhibitions] equal to one-fifth of the annual license fee but not less than twenty-five dollars ($25) All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places Any violation of this clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his liquor license

[(o)] (15) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

[(p)] (16) It shall be unlawful for any retail licensee his agents servants or employes to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

[(q)] (17) It shall be unlawful for any [licensee] person to have alcohol in his possession [on the licensed premises] except in accordance with this act and the regulations of the board

[(r)] (18) It shall be unlawful for any hotel restaurant or club licensee or any servant agent or employe of such licensee to be at the same time employed directly or indirectly by any other person engaged in the manufacture sale transportation or storage of liquor malt or brewed beverages or alcohol

[(s)] (19) It shall be unlawful for any licensee to fail to keep on the licensed premises for a period of at least two years complete and truthful records covering the operation of his licensed business particularly showing the date of all purchases of liquor and malt or brewed beverages the actual price paid therefor and the name of the vendor including State store receipts or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

[(t)] (20) It shall be unlawful for any hotel restaurant or club licensee to employ any minor or to permit any minor to render any service whatever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth

[(u)] (21) It shall be unlawful for any hotel restaurant or club licensee his servants agents or employes to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith except minors accompanied by parents guardians or under proper supervision

[(v)] (22) It shall be unlawful for any licensee or his servants agents or employes to cash pay roll checks except in accordance with board regulations

[(w)] (23) It shall be unlawful for any restaurant hotel or club licensee his servants agents or employes to fail to break any package in which liquors were contained within twenty-four hours after the original contents were removed therefrom

[(x)] (24) It shall be unlawful for any licensee his servants agents or employes to give furnish trade barter serve or deliver any liquor or malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling liquor or malt or brewed beverages

[(y)] (25) It shall be unlawful for any licensee or any officer director stockholder servant agent or employe of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to any hotel restaurant or club licensees licensed under this act or to any importing distributors distributors package retailers or retail dispensers licensed under any other act of this Commonwealth relating to liquor or malt or brewed beverages

(26) It shall be unlawful for any restaurant or hotel licensee his servants agents or employes to sell any liquor or malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a hotel licensee or a restaurant licensee when the restaurant is located in a hotel from selling liquor or malt or brewed beverages in any room of such hotel occupied by a bona fide guest

(27) It shall be unlawful for any restaurant hotel or club licensee or the servants agents or employes of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell liquor or malt or brewed beverages except in the interior of the licensed premises where the display cannot be seen from the outside the price at which liquor or malt or brewed beverages will be sold by him

(28) It shall be unlawful for any licensee or his servants agents or employes to refuse the board or any of its authorized employes the right to inspect completely the entire licensed premises at any time during which the premises are open for the transaction of business

(29) It shall be unlawful for any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of liquor or malt or brewed beverages or any other commodity manufactured or sold by the licensee

(30) It shall be unlawful for any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employer or principal to purchase or contract to purchase liquor or malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

Section 603 Unlawful to Fortify Adulterate or Contaminate Liquor It shall be unlawful for any licensee or any employe or agent of a licensee or of the board to fortify adulterate or contaminate any liquor except as permitted by the regulations of the board or to refill wholly or in part with any liquid or substance whatsoever any bottle or other container previously sealed with the official seal of the board

Section 604 Things of Value Not to be Offered It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor or malt or brewed beverages or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage or for any licensee manufacturer or other persons to offer or give to trade or consumer buyers any prize

premium gift or other similar inducement except advertising novelities of nominal value which the board shall define Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 605 Delivery Vehicles to Bear Name and Address of [Manufacturer] Licensee It shall be unlawful for a licensee permitted to deliver [any] liquor to make any deliveries except in his own vehicle bearing his name [and] address and license number on each side in letters not smaller than four inches in height or in the vehicle of another person duly authorized to transport liquor within this Commonwealth

Section 606 Restrictions on Importation of Liuor and Alcohol into the Commonwealth It shall be unlawful for any person other than the board or the holder of a sacramental wine [permit] license or of an importer's license but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased to import any liquor whatsoever into this Commonwealth outside the Commonwealth in their dining club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth

It shall be unlawful for any person to import alcohol into this Commonwealth except in accordance with regulations to be promulgated by the board

Section 607 Restrictions on Member and Employes of the Board

(a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor [or] alcohol or halt or brewed beverages whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) [A manager] No member or employe of the board nor any employe of the Commonwealth shall [not] solicit or receive directly or indirectly any commission remuneration or gift whatsoever from any person having sold selling or offering liquor or alcohol for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor or alcohol to or purchasing at wholesale liquor or alcohol from the board either directly or indirectly to pay or offer to pay any commission profit or remuneration or to make or offer to make any gift to any member or employe of the board or other employe of the Commonwealth or to anyone on behalf of such member or employe

Section 608 Nuisances

(a) Any room house building boat vehicle structure sold offered for sale bartered or furnished in violation of this act and all liquor and property kept or used in maintaining the same is hereby declared to be a common nuisance and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties herein- or place except a private home where liquor is possessed after provided

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General [of the State] or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by testimony to the satisfaction of the court that such nuisance exists a temporary writ or injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no liquor shall be sold offered for sale bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that liquor will not thereafter be manufactured sold offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 609 Interlocking Business Prohibited

(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel restaurant or club liquor license nor be the owner proprietor or lessor of any place covered by any hotel restaurant or club liquor license

(b) No manufacturer importer or sacramental wine licensee and no officer or director of a manufacturer importer or sacramental wine licensee shall own any stock or have any financial interest in any hotel or restaurant licensed under this act

(c) Excepting as herein [before] provided no manufacturer or officer director stockholder agent or employe of a manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same for which a hotel restaurant or club license is granted nor shall a manufacturer importer or sacramental wine licensee or officer director stockholder agent or employe of a manufacturer importer or sacramental wine licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to or guarantee the payment of any bond mortgage note or other obligation of any hotel [or] restaurant or club licensee his servant agent or employe for equipping fitting out or maintaining and conducting either in whole or in part a hotel [or] restaurant or club licensed for the selling of liquor for use and consumption upon the premises

(d) Excepting as herein [before] provided no hotel licensee restaurant licensee or club licensee and no officer director stockholder agent or employe of any such licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a manufacturer in manufacturing liquor or malt or brewed beverages nor shall any hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to any manufacturer for equipping fitting out or maintaining and conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverages

(e) Except as herein provided no hotel restaurant or club licensee and no officer director stockholder agent or employe of any such licensee shall in any wise be interested directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a distributor importing distributor package retailer retail dispenser licensed under the Beverage License Law or by an importer or sacramental wine licensee in the conduct of his business nor shall any hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to any distributor importing distributor package retailer retail dispenser importer or sacramental wine licensee for

equipping fitting out or maintaining conducting either in whole or in part an establishment used in the conduct of his business

purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and as herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to [the effective date of this act] July 18 1935

Section 610 Penalties

(a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) and on failure to pay such fine to imprisonment for not less than one month nor more than three months and for any subsequent offense shall be sentenced to pay a fine of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00) and to undergo imprisonment for a period of not less than three months nor more than one year

(b) The right of the [court] board to suspend and revoke licenses granted under this act shall be in addition to the penalty set forth in this section

Section 611 Forfeiture of Property Illegally Possessed or Used

(a) No property rights shall exist in any liquor alcohol malt or brewed beverage illegally possessed or in any still equipment material utensil vehicle boat vessel animals or aircraft [illegally] used in the illegal manufacture or illegal transportation of liquor alcohol malt or brewed beverages and the same shall be deemed contraband and shall be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the Court of Quarter Sessions it appears that any liquor alcohol or malt or brewed beverage was so illegally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all such condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the [same] liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order Except that any vehicle container boat vessel animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(2) In any case in which (1) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels containers animals and aircraft) publicly destroyed by the sheriff except that the court may order the [same] liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel container animal or aircraft seized under the provisions of this act and condemned the court shall order [a public sale thereof by the sheriff of the county] the same to be delivered to the board for its use or for sale or disposition by the board in its discretion Notice of such sale shall be given in [the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias] such manner as the board may prescribe The proceeds of such sale shall be paid [to the county treasurer for the use of the county In the event any such vehicle boat vessel or aircraft is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle boat vessel or aircraft is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgagee or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle boat vessel or aircraft has not been found within the jurisdiction of the court the sheriff shall give ten (10) days notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon] into the State Stores Fund

(c) In addition to the foregoing provisions the court may in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol or malt or brewed beverages in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle [or to such person and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation] Provided That a license may be issued for such motor vehicle to the board or to any purchaser of the vehicle after the [public] sale thereof as above provided

(d) (1) The proceedings for the forfeiture or condemnation of all property [the destruction of sale of which is provided for in subsections (2) and (3) of clause (b) of this section] shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant A petition shall be filed in the Court of Quarter Sessions verified by oath or affirmation of any officer or citizen containing the following (I) A description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possessed or used or was intended for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth [and condemned and be ordered sold or destroyed (as the case may be) according to law] unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of Within Described Property

You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property"

Said notice shall be signed by petitioner or his attorney or the district attorney or the Attorney General

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was not person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given [by the sheriff] by an advertisement in [a] only one newspaper of general circulation published in the county where such property shall have been seized once a week for [three (3)] two (2) successive weeks No other advertisement of any sort shall be necessary any other law to the contrary nothwithstanding Said notice shall contain a statement of the seizure of said property with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than ten (10) days from the date of the last publication

(4) Upon the filing of any claim for said property setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (I) that he is the owner of said property [or the holder of a chattel mortgage or contract of conditional sale thereon] (II) that he lawfully acquired the same and (III) that it was not unlawfully used or possessed [by him and (IV) in the event that it shall appear that the property was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge] or consent

[(6) Any person claiming to the ownership of] [or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon any liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel] [or aircraft the disposition of which is provided for in this section may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto] [or his lien thereon or reservation of title thereto] [and if upon public hearing thereon due notice of which having been given to the district attorney] In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel container animal or aircraft was lawfuly acquired possessed and used then the court may order the same returned or delivered to the claimant [by him] [or] but if it [appearing] appears that the property was unlawfully used [by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise] it shall be destroyed or [sold] be turned over to the board (as the case may be) as hereinbefore provided

[(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived]

(e) The provisions of this section shall apply to the disposition of any liquor alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act.

ARTICLE VII

Disposition of Moneys

Section 701 License Fees to Be Returned to Municipalities All license fees collected by the board under the provisions of this act except fees for public service liquor licenses sacramental wine and importers licenses shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund" Fees for public service licenses sacramental wine [and] importers licenses permit fees and compromise penalties in connection with the suspension of licenses shall be paid into the State Stores Fund The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the respective municipalities and townships in which the respective licensed places are situated in such amounts as represent the aggregate license fees collected from licensees in such municipalities during the preceding period

Section 702 [Application] Filing Fees Forfeitures Penalties and Receipts from Pennsylvania Liquor Stores to Be Retained by the Commonwealth All [application] filing fees and moneys accuring from sales of liquor and alcohol at Pennsylvania Liquor Stores and all forfeitures and compromise penalties collected received or recovered under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund" All moneys in such fund shall be available for the purposes for which they are appropriated by law.

Section 703 Taxes All taxes collected or received by the board on sales of taxable alcohol under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into the General Fund.

Section 704 The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or over-charge on a liquor license fee In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and townships the board shall have the authority to deduct from the next semi-annual payment to the respective municipalities and townships the amount of any over-payment previously refunded by the board to any person on account of an over-charge or over-payment on a liquor license fee.

ARTICLE VIII

Effective Date and Repeal

Section 801 Effective Date This amendment and re-enactment shall become effective [immediately upon it final enactment] on the first day of July one thousand nine hundred and thirty-seven except the board may adopt and circulate its regulations at any time after the final enactment of this act and the board may receive and collect additional amusement and entertainment permit fees prior to July first one thousand nine hundred and thirty-seven in order that such permits may be kept in effect for the entire license year.

Section 802 Repeal The following acts are hereby repealed The act approved the twenty-seventh day of March one thousand nine hundred twenty-three (Pamphlet Laws thirty-four) entitled "An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic license laws.

The act approved the fourteenth day of April one thousand eight hundred and sixty-three (Pamphlet Laws three hundred eighty-nine) entitled "An act to prohibit the use of deleterious drugs in the manufacture and sale of intoxicating malt or alcoholic liquors".

The act approved the ninth day of July one thousand eight hundred and eighty-one (Pamphlet Laws one hundred sixty-two) entitled "An act to prohibit the granting of a license for the sale of liquors to proprietors lessees keepers or managers of theatres or other places of amusement".

The act approved the twentieth day of May one thousand nine hundred and thirteen (Pamphlet Laws 229) entitled "An act defining and regulating public amusements and places used therefor requiring and regulating the licensing thereof restricting the scope of certain acts of Assembly relating thereto and providing penalties for violation of this act" is hereby repealed in so far as it purports to impose a tax upon the licensees herein.

All other acts and parts of acts including special or local acts inconsistent herewith are hereby repealed.

Section 2 [The board shall have power to extend ex-

isting licenses granted under the act to which this is an amendment for such period of time as to it may appear proper and to provide for the payment of license fees for such period on the schedule of fees provided in this act in order to put into effect the system of staggered license dates provided for in this act and shall have power to determine such extensions in any licensing district at any time when arrangements have been completed and licenses issued in such district.

In the event the board shall establish license districts in any of which the license year for a district shall begin prior to January first one thousand nine hundred and thirty-six all holders of hotel restaurant or club licenses in such districts shall file written applications with the board for licenses for the ensuing license year in accordance with board regulations and those to whom licenses are issued shall be given credit on the license fee for the ensuing license year for the unsued portion of the license fee paid by such licensee for the year one thousand nine hundred thirty-five In the event any license shall be refused a license by the board for the ensuing license year for the district in which his licensed place is located his license shall continue in force for the remainder of the calendar year one thousand nine hundred and thirty-five unless revoked or suspended In the event that any person who at the time of the final enactment of this act is the holder of a hotel restaurant or a club liquor license shall fail to apply for a licenuse at a time to be fixed by the board for the ensuing license year for the district in which such a licensed place may be located the holder of such license shall unless his license shall be revoked or suspended continue to operate until the expiration of the license year for which his license issued but shall not be eligible to apply for a license for such location until after the expiration of one year from the first day of January one thousand nine hundred and thirty-six] All amusement and entertainment permits issued under this act prior to the effective date of these amendments shall be effective for the remainder of the license year for which issued (unless sooner revoked) if the increased permit fees provided for by these amendments shall be paid to the board before July first one thousand nine hundred and thirty-seven If such increased permit fees are not so paid such permits shall expire on June thirtieth one thousand nine hundred and thirty-seven The increased permit fees so payable shall be determined as follows The permit fee fixed by this act for a yearly amusement or entertainment permit shall be divided by twelve and one-twelfth of the total yearly permit fee shall be due and payable for each and every month of the remainder of the license year commencing with the month of July one thousand nine hundred and thirty-seven less a credit against each such monthly fee of two dollars and eight and one-third cents ($2.08 1/3) theretofore paid by the permittee prior to the commencement of the license year.

On the question,

Will the House agree to the bill on third reading?

Mr. LONG. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 86, by striking out all of lines 25 to 28, inclusive.

Amend page 87, by striking out all of lines one and two, inclusive.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. LEWIS asked and obtained unanimous consent to call up out of order House Bill No. 2472, Senate Bill No. 1217, Printer's No. 678, on page 28 of today's calendar, bills on third reading, which had been passed over.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2472, (Senate Bill No. 1217), entitled:

An Act to enable the Courts of Quarter Sessions to restore to the possession and ownership of former owners thereof certain intoxicating liquors seized for violation of law notwithstanding the conviction of the owner of said liquor of an offense in respect thereof.

And said bill having been real at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeable to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—95.

Allmond,	Downey,	Levy,	Preston,
Baine,	Dubbs,	Lewis,	Reese,
Baker, J. J.,	Falkenstein,	Long,	Reising,
Blank,	Finnerty,	Lopresti,	Robinson,
Bois,	Fitch,	Lovett,	Ruffennach,
Bradley	Flanagan,	Marino,	Scanlon,
Brancato,	Flannery,	McArdle,	Schor,
Brigerman,	Ganser,	McCullough,	Schrope,
Broad,	Gerard,	McDermott,	Shea,
Caesar,	Gorski,	McElroy,	Shepard,
Caputo,	Hagerty,	McFall,	Shoemaker,
Chervenak,	Hamilton, F. P.,	McGee,	Simon,
Coakley,	Harmuth,	Melchiorre,	Skale,
Cohen, H. E.,	Hering,	Mihm,	Stank,
Cohen, R. E.,	Hindman,	Moran,	Thompson,
Coleman,	Holland,	Munley,	Tronzo,
Coolahan,	Holmes,	Murrin,	VanSickle,
Corrigan,	Holstrom,	Nagel,	Vogt,
Costanzo,	Hontz,	O'Keefe,	Walsh,
Decker,	Horting,	Ominsky,	Weiss, D. H.,
DeNote,	Jirolanio,	Ostroff,	Weiss, S. A.,
Dickinson,	Keenan,	Pearson,	Welsh,
Donohoe,	Kilroy,	Pershing,	Whitenight,
Dougherty,	Kroll,	Powers,	

NAYS—75.

Alexander,	Hirsch,	Perry,	Tumelty,
Atkins,	Huntley,	Piole,	Turner,
Baker, F. T.,	Imbrie,	Rothenberger,	Valibus,
Bierly,	Kane,	Royer,	VanAllsburg,
Boose,	Kline,	Rush,	Wall,
Boyer	Leisey,	Schrock,	Wampole,
Cadwalader,	Longaker,	Schumacher,	Watkins,
Davies,	Lyons,	Serrill,	Webster,
Eckels,	Matthews, J. F.	Siegel,	Weidemann,
Eipern,	McDevitt,	Sloan,	Welliver,
Fiss,	McKinney,	Snyder,	Wilson,
Flinchbaugh,	Mellott,	Sollenberger,	Winner,
Gillette,	Moomaw,	Spengler,	Wood,
Habbyshaw,	Moul,	Stackpole,	Woodside,
Hall,	Muir,	Stewart,	Wright,
Hamilton, R. S.,	O'Brien,	Stockham,	Yanoshat,
Harkins,	O'Connor,	Strode,	Yeakel,
Hays,	Patterson, C. S.,	Terry,	Yourishin,
Hess,	Peale,	Trout,	Furman,
Hetrick,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

ADJOURNMENT

Mr. HARKINS. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12:00 o'clock noon.

The motion was agreed to, and (at 12:53 a. m.) the House adjourned until Friday, June 4, 1937, at 12:00 o'clock noon.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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SENATE

FRIDAY, June 4, 1937.

The Senate met at 1 o'clock P. M., E. S. T.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L. L. D. offered the following prayer:

Our Father, Thou art holy and Thou art ever true; Yea, Thou art rich in mercy, whatever we may do. We praise Thee.

For light along the journey, for truth that makes us free; for fellowship in service, for the better day to be we thank Thee.

We wander from our pathway of duty, truth and right; we choose the ways of pleasure, we turn from faith to sight. Forgive us.

Unequal to the burden of tasks that spur and goad, we yield to fev'rish outcry—we sink beneath the load. God help us.

The tempter's voice beguiles us—the tempter's voice within—we make the choice least worthy, the universal sin. God save us. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. KAHLE, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

Mr. PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of personal privilege.

Mr. OWLETT. Mr. President, this session of the Legislature is coming to a long-deferred and unlamented end. It would have been better for the people of this Commonwealth if it never had begun.

It would be a Godsend if the partisan and unsound enactments of this Session, which in a major way constitute its record, could be wiped from the statute books. But that cannot be done—at least not at this time—and they stand, therefore, as the record of a Democratic Legislature which has been driven under the whip—lash of a Democratic Administration.

It is my firm and unreserved opinion, stated unqualifiedly here as a conclusion justified by practically every move that has been made throughout this Session, that the major legislation which has been enacted here has been prompted, almost without exception, by one or more of three motives.

What were those motives? And how were they carried out?

First, the punitive powers of the Democratic majorities in both branches of this Legislature, and of the Democratic Administration, have been joined to effectuate some of the most vicious and unjustified legislation ever enacted in this or any other Commonwealth, in order to put upon certain enterprises in this State additional burdens amounting to millions of dollars a year in taxes and increased operating costs, for no better real reason than that these victims of Democratic vengeance committed the heretofore unlisted crime of failing to contribute to the Democratic campaign chest.

Second, under the overwhelming Democratic majorities prevailing in both branches of this Assembly, the legislative power has been degraded and debased, to enact unsound, unhealthy and unwarranted class legislation, in a bold bid to buy the political support of those who may think that they are going to be the beneficiaries of such enactments, but who, in the long run, are far more likely to be harmed than helped by them.

Third, the Democratic majorities in both branches of this Assembly, supervised from the side-lines and acting under the compulsion of a ruthless Democratic Administration, has sought to use the mask of departmental consolidations and reorganizations, in the name of greater economy and efficiency, when the actual and obvious triple purposes has been to cover up and hide the Governor's budget hypocrisies, to create more Democratic jobs and at the safe time make the long honored and highly effective State Police system of Pennsylvania impotent as a law-enforcing agency and potent only as a vote-getting adjunct of the Earle-Guffey-Lawrence Democratic machine.

The ripper legislation of this Session, unparalleled in the history of this Commonwealth, has been decked out in the cloak of selfrighteousness, but the masquerade has fooled nobody. Its sole purpose has been to re-make the City of Philadelphia to the wishes of two contractors—Jack Kelly and Matt McCloskey; and the only objective has been to create more Democratic jobs for more Democratic drones, at the expense of the viciously and almost criminally overloaded taxpayers of this State.

That legislation, together with commission investigations upon which upward of a hundred and fifty thousand dollars has been spent for no useful result, while only a few dollars could be had for constructive inquiries out of which inestimable benefits might have been had, is fur-

ther confirmation of the motives I have ascribed for the indefensible legislation which constitutes the Democratic record of this Session.

Loudly touted efficiency and fervently pledged economy have been kicked out the window. A plunder system for political aggrandizement has been substituted in their stead. And hypocrisy—blatant, calculated and unashamed—has been the Democratic watchword throughout this Session.

This Democratic Administration, and its Democratic majorities in both branches of the Assembly, have missed no opportunity publicly to proclaim their deep sympathy and concern for the poor and the moderately—circumstanced people of this State. It may come as something of a shock to those same people to learn that while this Administration and its Democratic majorities in both branches of the Legislature have been concocting a tax measure designed to put an additional burden of $2,300,000 upon food consumption, this same political party, in the Executive Office and the Legislature, has shown nothing short of coddling consideration for the whiskey interests.

Witness the last minute repeal of one-half (1/2) the distillers' capital stock tax which they have paid for upwards of forty (40) years, while on the same day the Governor signs a Bill to assess every small gas pump operator One ($1.00) Dollar per pump per year.

I am wondering if this repeal was to recoup the distillers for tribute exacted from them by this machine ,or is it merely evidence of an unholy alliance.

Mr. President, I want to make it emphatically clearer, here and now, that I do not believe that any industry or enterprise, whether it be a distillery, a railroad, a meat packer or a public utility, should be subjected to unfair taxation merely because it is what it is. But when the Democratic Party in Pennsylvania elects to hurl at the poor and moderately circumstanced people of this State an additional tax of more than two and a quarter million dollars upon the food they have to buy, while relieving the distillers of a part of the taxes they have borne, I say, Mr. President, it is time the affected families knew those facts, in order that they may determine for themselves the depth of this concern, and the sincerity of this affection, which the Democratic party in Pennsylvania is so constantly claiming to have for them.

It is quite true that the Democratic Party has sought to make political capital out of its purposes in this legislation by providing that the money realized from this tax should be used to increase the pay of fourth class school teachers. I believe these fourth class school teachers deserve more pay than they receive, and I am in favor of them getting it—but increased pay in reality, and not in the form of a political sop.

What are the real facts that from the very beginning were behind this food tax? There never was the slightest doubt about the burden it would place upon the poor and moderately—circumstanced people of the State of Pennsylvania. That phase of the situation always was certain enough.

But when it came to the fourth class school teachers who were to have been the beneficiaries, all certainly immediately became cloud and doubt. For, not only is the constitutionality of such a tax a grave question, but the revenue to be derived from it was made doubtful and uncertain by the very nature of the legislation. The poor were to be soaked; the school teachers were to be sold down th river.

And while we are upon the subject of teachers, it may be just as well to recall another legislative situation in which the Democratic Legislature, acting directly under the orders of the Democratic Governor, gave convincing demonstration of the lengths to which the Democratic Party in Pennsylvania is willing to go, in its efforts to gain a few more votes. When the Teachers' Tenure Bill was before the House, an amendment was offered which would have penalized seditious teaching. That amendment would have been discouraging and hateful to seditionists in our public schools, so the Democratic majority in the House voted it down, just as they voted down another proposed amendment which have excluded alien teachers from the benefits of the bill.

Patriotic Americans who wonder where we are headed—and why—would do well to take note.

I have made the charge that hypocrisy—blatant, calculated and unashamed—has been the Democratic watchword throughout this session of the Legislature. Let me support that accusation with just a few examples.

While scheming to put higher taxes upon the food of the poor, the Democratic majorities in both houses of this Assembly put through a measure to increase salaries for a legislative session by 20%, and raised the remuneration for a special session to an all-time high.

Professing economy, the Democratic Party in control of both branches of this Legislature has put through a record spendthrift appropriation measure, hitched to the highest budget and expenditure of State funds in the history of the Commonwealth.

Hark back to the Governor's budget message and you will find the budget ostensibly $1,500,000 to the good through no item being charged to the General Fund for maintenance of the State Police. And what was the answer to that?

The answer came in the Bill to merge the State Police with the Highway Patrol, the entire maintenance was to have been put upon the motor fund—that is, the motorists of the State, and all at the expense of maintenance and improvement of our rural highways.

Against the opposition of a majority of railroad workers in this State, and for no other real reason than to make a political play to a single railroad union, the Democratic Party in control of this Legislature, upon orders of the Democratic Governor and under the watchful eye of Democratic State Chairman Dave Lawrence setting on the rostrum of this Senate while the vote was taken passed a Full Crew Bill which will add $10,000,000 a year to the cost of operating the railroads in this State—and while adding this wholly unnecessary burden to railroad operation, they have hypocritically shouted for reduced freight rates on coal and other necessary commodities.

The Democratic Party in control of both branches of this Legislature has talked great talk about social security—and has deliberately continued all the obnoxious features of the Personal Property Tax, under which the mortgages and other securities in small estates left to widows and orphans, and the savings of the aged and others who have put their accumulated earnings into such investments, are taxed whether such securities are income—producing or not.

It has made great protestations of maintaining and defending home rule—and persistently has sought to stab home rule in the back.

It has protested its allegiance to Civil Service—and deliberately has removed Civil Service from the Liquor Control Board, in order to make every employee a political minion of the Governor.

The Democratic Party in Pennsylvania, through its highest officer, the Governor, and through its majorities in this Legislature, has protested loudly and hypocritically against lobbyists, when those so-called lobbyists were the officers or other representatives of legitimate business in Pennsylvania, endeavoring to defend itself against unwise, unfair and destructive legislation. But in behalf of that same legislation, Dave Lawrence the Democratic State Chairman, and bureau and department heads, openly have lobbied, bullyragged and ordered their followers, along the rails of both chambers of this Legislature.

And now a word about these commissions, to some of which this Democratic Legislature has been extremely liberal, and to others niggardly penurious.

To the Commission to Investigate the Anthracite Industry, $50,000 was appropriated, and $1,000 a month was paid to each of five members, two of whom were Pennsylvanians, the other three being from outside this State. It cost the taxpayers of Pennsylvania $50,000 to learn from that Commission that the bootleg theft of other people's coal is unlawful, and that the anthracite industry is ailing, but that the Commission couldn't agree as to what should be done in respect of either of those two new and startling findings.

Another $50,000 of the taxpayers' money was appropriated to the Ruth Committee, which was to give us a revelation through an investigation of our courts. Up to date the sum total of report by that Committee has been that it paid Mr. Chet Keyes, of Kansas City, $12,500 for two months services ending June 1st, and it doesn't know how much, if any, of the remaining $37,500 will be left when it has paid Mr. Keyes for whatever subsequent services he may render.

Without an audible murmur from a Democratic source an appropriation of $5,000 that had been made to a Committee to investigate Oil, was raised to ten times that figure.

But, Mr. President, when through some oversight of Democratic management, a joint Resolution by Senator Dent passed this chamber and was concurred in by the House, to investigate and report upon the causes which were driving the industries of Pennsylvania into other States, the Democratic leadership speedily came to the conclusion that the purposes of that Committee weren't the kind it wanted to aid or encourage, even though the Committee consisted of four Democrats and only two members of the minority Party. So, Mr. President, that Committee was persistently denied a single dollar with which to pursue the highly useful purpose for which it had been created, until Public opinion compelled a reluctant and restricted appropriation. But even so something happened. What happened left the Administration flabbergasted and in consternation. The happening was in the form of a voluminous report by the Dent Committee, the same night that the Governor delivered his prepared harangue against all but Administration lobbyists to a joint session of the Legislature, and incidently, for political purposes to the people of Pennsylvania by radio.

But the shocking part of it all was that the Dent Committee's report pushed into the background and completely took the edge off of the Governor's harangue.

Now there are certain facts connected with that situation with which I happen to be familiar, and I see no reason why they should not be recorded here—especially so since Senator Dent subsequently permitted himself to be prevailed upon to deliver a speech in this chamber, designed to put a cloud upon that report and stultify his own Committee.

I think there will be pretty general agreement that the facts I am about to set forth dispel that cloud and wholly clear the Committee of the imputation of misrepresentation or uncandid statement, which Senator Dent's subsequent speech implied; and that at the same time they clearly reveal the panic of the Administration and Democratic leaders, and their determination to keep from the public a realization of the disastrous results that are flowing from the unwise legislation enacted by the Earle Administration.

It will be recalled that the Dent Committee report to which I am referring, was read simultaneously in this chamber by Senator Dent, and in the House by Representative Trout, vice chairman of the Committee on Monday evening, May 24th. It also may be recalled that the speech by Senator Dent the following night set forth that some twenty-four textile concerns listed in the report as having left this State, had not done so because of State taxes—the implication being that the report to that extent, was misleading.

Here, Mr. President, are the important and revealing facts; and I invite the chairman or any other member of that Committee to correct me at the conclusion of these remarks, if I do not state them with complete accuracy.

That report was prepared by Representative Trout. It was a slightly revised version of the report which Mr. Trout had laid before his Committee a week earlier, which the full Committee had read and discussed and then unqualifiedly approved—subject to this revision.

The original draft of the Trout report, in dealing with factors other than taxation which were driving industries out of this State, had some vigorous paragraphs dealing with labor strife, wages, and State legislation, which the Committee agreed constituted such an important factor in the situation as to be worthy of a separate and more detailed discussion.

The Committee fully agreed that under the terms of the resolution which created it, all factors which were driving industries from Pennsylvania came within its province and should be reported upon fully. The Committee therefore asked Mr. Trout to remove and preserve the paragraphs referred to, so that they might be the basis of more extensive treatment, and then rewrite the report to include two new cases which he had developed meanwhile.

This was done, and prior to its introduction on Monday evening, May 24th, the entire Committee went over and approved the rewritten draft. And the character of this approval may be judged from the fact that while Representative Trout prepared this particular report, and as vice chairman of the Committee was to have introduced it in the House, Senator Dent was so impressed with its importance that he voluntarily decided to sponsor it simultaneously in the Senate.

In the light of these facts, it must have been a bitter dose when such Administration pressure was put upon Senator Dent as to impel him to stultify himself and the unanimously understood and approved report of his Committee.

Mr. President, I can understand the position in which Senator Dent was put against his own will, and I can sympathize with him in it. But I have nothing but contempt for this "holier than thou" Administration which will go to such lengths to deceive the people of this Commonwealth, in an effort to prevent them from knowing the truth about the consequences of the policies of the Democratic Party in this State.

That single incident, attended by all its frantic efforts at covering up, is ample evidence that this Administration, and the Democratic majorities in both chambers of this Assembly, are fully aware that their policies are destroying jobs and drying up payrolls in this State.

From an authority whom I have every reason to believe I have learned that within the last two years New Jersey has acquired 1,200 industries of various sizes which removed there from this State. As a result of its attitude toward industry, that State has practically no unemployment problem at this time.

Mr. President, labor in this State may be fooled for a while; but when jobs are gone, that labor is going to know that it was double-crossed when it was handed legislative gold-bricks.

And the crop produced under the Democratic control of this Legislature is without parallel in the long history of this State. Only a Huey Long could compete.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, and Members of the Senate, the interesting discourse just given us by the Senator from Tioga County, represents the attitude taken by a great many of the Republican controlled papers in Pennsylvania that accuse me of standing on the floor of this Senate, the day following the Commissions report, because of the fact that the Commission had been endeavoring to make reports regarding its findings on a non-political basis, but the Republican controlled press in Pennsylvania deliberately took that report, and snatched certain parts of the report without adding the other findings of the Commission in the so-called newspapers editorials that went out over the State, and deliberately made a political finding out of a report of a non-political commission. If we are permitted to continue here and I hope we are, we will bring into the picture every activity that has to do with the department in industry that I am convinced that is leaving Pennsylvania, and I am not prepared to state right here right now that industry is leaving only because of taxation. I know that in the South they offer to industries, textile industries that want cheap labor, and I know that they have offered to take them free of taxes into New Jersey. I know that we are now in the United States market competing state against state with that kind of industry. Each State has its problem of unemployment and they try to get industries to leave another State and come to their State, and make them offers and promises that they will not have labor troubles, that they will give them free taxes for ten to fifteen years, and when I made my second report I did say we should try to clear up what I thought was an unfair advantage taken by certain newspapers in Pennsylvania, who were not interested whether industry was leaving the State, but were only interested in getting some kind of a whip over the Democratic Party. Any man who is interested knows full well that migrations of the textile industry started prior to the Earle Administration entrance into Harrisburg. The migration started from the New England States, and up to the time Pinchot started his campaign against the sweat shops, they had come into Pennsylvania in small groups and settled here. Some of the larger industries when they found that the cheap chiseling employers had gone farther south, they had to go down South in order to stay in business. However, I did say that taxes have very much affected the industry, and this is what I want to find out, and I as, one member of the Commission am not interested in the political findings of that commission. I do not care where the chips fall, and I think the rest of the Commission agrees with me, that I do not want one party or the other to take the findings of that commission and try to make a political factor out of it to put before the people of Pennsylvania. I am not interested in political factors, and, althought I am a Democrat. I think our Democratic record is sufficient that the good honest people of Pennsylvania will continue us in power, and if it does not carry on for the benefit of all the people it deserves to be defeated. Government can only be a good government as long as it serves the wishes of all the people, and if we are not a good government then let the people of Pennsylvania say that we are not. Anything that I voted for at this session of the legislature, although I agree that on the major things that I voted for I was not so particularly sure that I was right; however, those leaders have not failed me yet, and I took their word on some certain questions and I offer no apologies to anyone for any vote that I have passed on in any of the work that I have done, and I want to say here again that if we do allow the commission to continue, and if we go on and do our work in the same manner as we have been doing the people of Pennsylvania will be well served.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 673

He also presented extract from the Journal of the House of Representatives which was twice read as follows considered and agreed to:

In the House of Representatives

Resolved (if the Senate concur) That House Bill No. 673, (Printer's No. 319), entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

be recalled from the Governor for the purpose of amendment.

On the question,

Will the Senate concur in the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. STIEFEL. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Stiefel, will state his question of personal privilege.

Mr. STIEFEL. Mr. President, I am one of the members of this committee known as Junketing Committee, gathering all the information necessary for compiling the report. I deem it my duty to say that any member of this committee, if it is not prevented from pursuing our efforts along the same lines, we are sure that in the near future we will get the necessary data to prepare a proper report. I think it is not fair that Senator Owlett today should make such a deliberate statement simply to suit the purposes of the Republican Party. Now, I want to state another thing: Senator Owlett is one of the illustrious members of the Pennsylvania Bar; and he is probably acquainted with the famous axiom that "he who seeks equity shall come with clean hands into Court."

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON. Mr. President, I cannot help to have a very much mingled feeling of amusement as I listened to the remarks of the Senator from Tioga. I remember there was one old gentleman at the Bar, when I was admitted who gave me this advice in the practice of law. He said, "when you have a good case on the law; he said, "work on the law"; when you have a good case on the facts; work on the facts; when you do not have a good case on either the fact or the law; give the other side hell". I think that sums up the remarks of the Senator from Tioga and discloses, that he has neither a good case on the facts or the law, and he has simply boiled his remarks down to giving the other side hell. If his remarks were true, I think one of the greatest regenerations that has come over the State of Pennsylvania in the past three or four years is the conversion of the people who now profess to be pleading for the poor and needy of this State. Those now pleading for the poor and needy are the same gentlemen who sat here not so many years ago and defeated the "old age pension' amendment, they are the same gentlemen who turned down the child labor' amendment; and who either emasculated or destroyed pretty nearly every piece of progressive legislation that appeared on the floor of this Senate for many years; they are the same people who this time last year we saw pleading in this Hall, but litigating elsewhere in a vain attempt to put 300,000 people in the State of Pennsylvania out of work. It is hard for me to conceive that all the hypocrisy is on this side of the House in the light of those facts. It is hard for me to conceive that all of us in the Democratic Party are villains and all of the Republicans have resolved themselves into a group of archangels.

Mr. President, as the Senator from Philadelphia has said, those who come into equity must come with clean hands, and this same group are those who not so many years ago, this group who now protest against appropriating $50,000 for an investigation; are the same group who not so many years ago appropriated $5,000,000 of the State's money to improve Bill Vare's swamps in South Philadelphia. The State of Pennsylvania paid for that when the benefit that was conferred went 90% to a small group of political leaders whom the people of Pennsylvania had rejected at the polls.

This group speaks about the taxation that is unfair to industry, and yet they are the same people who for fifty years fought to give unfair advantages from the standpoint of taxation to certain industrial groups; they are the same people who protected from taxation certain industrial enterprises in proportion to the amount of contribution that those same industries made to the campaign fund of the Republican party. It amuses me to hear the Senator from Tioga speak about the presence of the Secretary of the Commonwealth in this Chamber, when for two and a half years, or for two years, we have not seen it this year, but for two years we saw Harvey Taylor and Frank Baldwin hanging over the rail of this Senate almost continuously while the Senate was in Session, and when they were not here in the Senate we all know that Harvey Taylor had a private telephone line right into the Hall of this Senate, which he kept busy. I noticed the Senator from Tioga said that he could understand the pressure. Well, if anybody ever exerted pressure and I am satisfied that he knows what he is talking about, it was the pressure that our Republican colleagues have been continually put under by this group which some of them represent.

The tax record of this administration can stand on its own feet, it speaks for itself, and stands on its record. We all know without being reminded, that the budget for this biennium will levy some thirty million dollars worth, of taxes less than the last biennium. We all know that we have reduced taxes by thirty million dollars, and we know that we are giving the people with this reduced budget more for the welfare of the rank and file of the people in this state than they ever had before in the history of this State, and when did any of the administrations favored by the Senator from Tioga, ever give the people of this State a budget for public education such as they will get in the next biennium? I challenge the Senator from Tioga to show in the history of this Commonwealth where the people of this State have got as much from the funds of the State Treasury for public education in all respects as they will get in the next few years. When at any time in preceding administration has the administration started out with a building program of the magnitude that this administration is now embarking on?

Mr. President, I say to you that calling the other side names will never get the Republican party back into power, for many years they have abused the confidence that the people of this Commonwealth had placed in them. They will not get back into power by simply calling us names or by terming us a hypocrites. The Republican party will somehow have to show a record of performance which they did not show at the time they had the mechanics of this state government entrusted to them, and I say, Mr. President, as long as the Democratic party in this state continue to fulfill its pledges to the people of the State of Pennsylvania in the same manner that it has done in the past two and a half years, the Democratic party will continue to dominate the political

favor of the people of this State.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, this being one of the last legislative days—

The PRESIDENT. For what purpose does the Senator rise?

Mr. SHAPIRO. Mr. President, I am rising for the purpose of special privilege, because it is one of the last legislative days. Again in this session I must say we are all just waiting for the printers to print some of the bills, and some of us are waiting for conference reports, some of us however, are willing to allow the Senator from Tioga, who has had the advantage of much time on his hands, and has nothing to do but to watch the cars roll by in this session of the legislature, to prepare his tirades against the Democratic party for the purpose of future reference and distribution. I think it would be well for some of us to make a motion before we adjourn that the Senator's speech should be printed and distributed for the benefit of the Democratic party. I am constrained to reply, because in discussing the committee appointed to rip out the city of Philadelphia the gentleman has brought me into the picture. I cannot, however, refrain from saying that I am never worried about Dave Lawrence sitting on the rafters or sitting in the seat so that you could see him, nor am I worried about Harvey Taylor doing the same thing. I am worried, however, about what they are doing when I do not see them, and how they can manage to do what I do not see them do when they come into the legislative hall. I cannot remember all the things that the gentlemen has spoken of, but I can recollect my experience in this chamber, and I can from that experience draw a few pictures which may give the Senator from Tioga something to think about, as to whether or not his speech would be as effective in regaining public confidence of the voters, as he hopes to do. I have no doubt that eight per-cent of the newspapers will copy verbatim and distribute all around this Commonwealth what the Senator from Tioga said, and I have no doubt that anything that the Senators on the other side say will find no place in those newspapers, and I am quite sure that the Senator with his eighty per-cent distribution and newspaper advertising will meet the same result and the same fate so long as they continue to criticize those who are trying to do something. The time has passed when speeches mean anything when printed in newspapers. The stomach of the individual has promoted more thinking then the nerves leading from the brain. The hungry in Pennsylvania revolted against the things without thinking and have had an opportunity to recover their balance, they voted according to what they thought was right, to place in power people who will do something. There is not any doubt about it that we probably have gone too far in some respects, but we have not gone too far in those respects in protecting special or particular interests. We may have made mistakes and gone overboard in our field to protect our people in Pennsylvania, we may have done that in one or two instances and I am sure that I did not agree with the majority of this Senate on some of the things that I even voted for. I have no hesitancy in saying that, because there is justification for it; but one thing we have done, we have erred, if we have erred. In the interests of all the people, we have not erred deliberately for the benefit of a few people. It is true that in Philadelphia we ripped out, and it is true that the Senate has been busily engaged in ripping out, but suppose you think back for a while and realize that for forty years there has been allowed to accumulate in the city of Philadelphia expenditures for political purposes by political leaders, who had nothing in mind but the desire to to protect themselves, and did not have the ability to forsee that the manner in which they attempted to perpetuate themselves would lead to their political destruction sooner or later. For forty years in piling up a political machine or attempting to do it, they have piled on the city of Philadelphia a deficit of thirty million dollars and accumulated a bonded indebtedness of $575,-000,000.00. In the budget of seventy-six million dollars in the city of Philadelphia, thirty-one million dollars must be set aside for the purpose of paying interest and sinking fund on a bonded indebtedness, and some of these gentlemen on the other side, including the Senator from Tioga, if they would take the budget the bonded indebtedness of the city of Philadelphia, and digest it and analyze it, they would find a picture which multiplies itself all over the Commonwealth of Pennsylvania, because when we are speaking of Philadelphia in that respect, the matter of handling this situation was not new, it was the old way and it certainly is duplicated all over the state. Five hundred and seventy-five million dollars—for what? For the betterment of the people of Philadelphia? Oh no! If somebody has a lot of land along a certain particular street, it was advertised by the Republican organization that we would make the city beautiful in order that somebody would be able to sell some property, we had to take miles of property along a highway of the city of Philadelphia and accumulated a bonded indebtedness of over one hundred million dollars, and how did we take it? We took it by setting up a Board of Viewers and a board of the Revision of Taxes. The Board of Revision of Taxes assessed the property at ten thousand dollars and the Board of Viewers buy it from the persons who were engaged in the betterment of the city offering a million dollars for it and I am not exaggerating the figures. This Senate heard, of an instance as an illustration, where a property was assessed at six thousand dollars for taxation purposes and was purchased by the city of Philadelphia for one hundred and fifteeen thousand dollars; where a property assessed for taxation purposes at eighty thousand dollars was purchased by the city of Philadelphia for eight hundred and eighty thousand dollars.

If we are talking about the kind of legislation that we have with the Democratic, let us look at some of the legislation we had here from the Republicans and then let the people judge. You could not buy this particular piece of property for certain purposes, because the Act of Assembly said that you could only acquire property of adjacent counties for the purpose of parkways and since the property was not so near a parkway, but was near a playground, then the so-called gentlemen, who call themselves leaders, amended the Act in this Senate. This Senate was busily engaged in 1927, in amending the

Act, so that it would include a playground, and therefore the City could acquire, for a parkway, a piece of ground assessed at 86,000, for 990,000. Those things were all done, planned and considered and worked out for the benefit, not of the people, but for the benefit of three or four people who were in control of this Senate. When these bills were passed, they were not hanging over the rail, I was not afraid of them while they were here, but the people began to be afraid of them when they are not here, when they planned and carried out schemes of that kind. That one million dollars formed a part of the five hundred and seventy-five million dollars indebtedness of the city of Philadelphia today. Only a part of the grounds had to be opened on the parkway. When the ground was assessed for taxation purposes for one hundred thousand dollars, the City paid to acquire it, by purchase, five hundred and forty thousand dollars, and that is a part of the five hundred and seventy-five million dollar obligation. Every Act in the City of Philadelphia which was planned for the interest of the citizens, was first and foremost planned from the point of view of what it meant personally to the leaders of a political party in Philadelphia.

I could go on and on and give you the details and show you, but it can be seen, you do not have to take my word for it. A report has been prepared, at the request of the committee appointed to investigate the City of Philadelphia, of the total bonded indebtedness and if you analyzed by adding it up you will find over half of it has been spent in the acquisition of property for public purposes which was unnecessary, and if necessary it could have been bought for ten per-cent of the two hundred and some odd million dollars which was spent for it.

That regime in Philadelphia is a replica of the regime all over the State. Those people who sat in Philadelphia running the affairs of the City sent their representatives here to help carry out their plans in the City and in the State, and woe be it to the Republican here in the Hall who undertook to express his opinion in contradiction of those traditions and orders that they got from the leaders. Woe be it to the man who did not vote right. The Senator from Tioga knows that, he could see the faces disappear from the Halls of the legislature, and if he did not see them he could look up the roster and see the record of the men who voted in accordance with what they thought was right and voted for what they felt was the best interests of Philadelphia, or for the district he represented, and he will find that they were among the missing in the next session of the Legislature.

To make speeches and criticise the acts of the party whose every act is intended for the benefit of all the people, even though they err, in the face of that kind of a record I think is its own answer. You would think that they have learned from the message that they got from the people, that the people will not tolerate that kind of conduct, but no, they will tell you in the City of Philadelphia that offices were ripped out for the purpose of placing more jobs for Democratic workers, but they will not admit that the records show that when there was attempted to be ripped out a department of 367 employees that spent seven hundred and some odd thousand dollars every year for the purpose, not of collecting taxes, but merely for receiving taxes. they will not tell you that when, that was attempted, they immediately rushed to the Courts to prevent the 367 political workers from being thrown out of their jobs. That, of course, does not appear in the picture of the Senator from Tioga, and that will not appear in the newspapers, but you cannot blot it out from the minds of the citizens, you will not be able to prevent these citizens, the people of today who are paying taxes and trying to find a way. They could raise taxes to meet this thirty million dollar deficit, although if they have been politically minded, they would have allowed the Republican organization now in control of it to struggle with the thirty millions. I have prepared legislation to give them an opportunity to pay for it over a period of five years; that has been done, and if we are politically minded we would not have done that.

They talk about Mr. Jack Kelly, the leader of Philadelphia, and call him a contractor, well, I have sat in the caucuses of the Democratic party and the Republican party, and I invite the Senator from Tioga to come into the next one, if there will be one, if there are any more, to show how a real Party is conducted in Pennsylvania. I invite them to sit with thirty-four legislators with a calendar before them, young men who are taking an active part in the interests of their State, who know and read every bill that comes before the legislature and that will come before the Legislature, and they will see something that was never done by the Republican party where ninety per-cent of them never read a bill. These young men read those bills and this so-called contractor sits and listens and makes his suggestions as to how he thinks they should vote, and these men take a vote among themselves and oftentimes disagree with the suggestion of the leader, but you will find them voting in accordance with the majority, that is, for the best interests of the State. I have sat with Republican caucuses too, when I have been told how to vote, on Monday nights, and I too have been amongst a few others who expressed their opinion of how we should vote, and as a result of that, I find myself with the Democratic party on the other side of the Senate chamber. I have been through those things, I have had experience in those things, and the statements of the Senator from Tioga just leave me cold, they leave nothing to me except this, that this session, which is attempted to be turned into a swan song, a song of confession for the Republicans who have left the fold, and of the dire consequences that will come to you if you perpeturate this so-called terrible Democratic party, the cries of what will happen to industry if you continue to allow these people to be taxed, but, as I have said once before on the floor of this Senate, and figures do not lie, and I say that with no disrepect to the Senator from Tioga, who always will figure, and if the Senator from Tioga will take the trouble to look at figures in the Revenue Department, he will find that in spite of taxes that we have imposed on industry in Pennsylvania, the Revenue Department has collected a sizable fund on the general corporative income tax from the corporation in Pennsylvania. The ten per-cent income tax, which is now reduced to six per-cent, will show proportionately that the money to be realized next year, in spite of the taxation in the tax directly on the profits, will indicate whether or not, as a result of the taxes we are imposing, industry has been hurt. That is the way to find out the facts and

that is the way to know whether the business has been hurt by taxation. Certainly I did not agree with the Full Crew Bill, I did not agree with the chain store tax, but I disagreed with the statements that the chain store tax will cost the individual person one cent if the tax is placed where it belongs, on the profits. If those people will reduce their profits to a lesser amount, then it will not fall on the producer, but of course, if they attempt by closing down stores now, which they would have closed down anyhow, to make a political issue out of that, then we would simply have to get the facts and figures to let them know. I saw in the paper that they made an announcement that they were closing stores and advertising in one section the opening of one large store. Where they want to close stores, some have not paid for years because of the competition known as the Giant Market. I voted for the tax because it was a promise made to the people of Pennsylvania, and I like to keep my promises. I made the statement that if the people want the tax, let them have it. If later they do not want the tax we can repeal it. The same is true of the Full Crew Bill. I think the Full Crew Bill could have been handled by the Public Service Commission, but that question can be so handled that no great harm will come to those people who may have to pay a certain portion of their profits in additional expenses, but great harm can come, and great harm has come, to the people of Pennsylvania by the chicanery of the Republican party in allowing people to suffer because they had special interests to be served. We sat here in 1935 and we spent six months wrangling over whether or not we could give sixty million or one hundred and twenty million dollars to relief, and we compromised with the Republican party because we could not get anywhere, and they did not confess that they were responsible for the extra session and all the cost that ran with it, in order to raise the extra sixty million dollars; but they will point to the fact that by decreasing their salaries five hundred dollars, they would say "what a great boy am I" and they at the same time fought to keep the five-mill tax off the municipality, and the gentleman who was responsible for the delay in passing that Act did not hand over the roll. He did not have to, he had plenty of representatives and telephones in order to deliver the message, and I know how that fight went on. We point with pride, say the Republican party, to the fact that New Jersey has no unemployment problem. There again, the gentleman does not deal with facts. I suggested to him that he go down to see how much the Federal Government is still contributing to the State of New Jersey by way of unemployment relief through Welfare and WPA organizations. I suggest also that he read the newspapers and he will see that the Governor of New Jersey was one of the many Governors who telephoned and telegraphed to Washington that they should not cut down this appropriation to a billion five hundred million. That does not seem as if they had no trouble There. We found that in New Jersey the children were dying of starvation.

The worst enemies of the Republican Party were the leaders themselves. They forgot that times changed, they forgot that people do a little thinking when they are hungry. Generally speaking, when something happens to a man he tries to help himself and when things happen to people, when they are hungry, when people came to my door as they did to somebody else's door, for something to eat, when these people were left stranded, they turned from the people who should have taken care of them and, hoped that by going to the other side they would be taken care of, and if they will not be taken care of, we will deserve the same fate, the only difference being that our fate will come sooner because the people will not tolerate the conditions so long.

The Republican Party has to be recognized for what it has been. It was a Grand Old Party, it was a real party, and I, for one, resent that the Party of which I was a member for 24 years, should have been so mishandled and so dealt with and which should have dealt with the rights and privileges of the people in such a mean contemptible way, that that organization, which I helped in my own humble way to build up in my neighborhood and throughout the State, should be held in such disgrace and contempt, not because of the people who built it, but because the leadership that wanted to control not only the party, but the State, for a half a dozen people. I say now, to labor, as I have said before, we have carried out our promises to you, we have passed laws and we are continuing, even to this day, to pass laws which will give you the right to maintain and obtain those things to which you are entitled, laws that will support all of the people, laws that will make them recognize, if they could not see it with their own eyes, that you must have support, and I maintain, because you are their producer, and now I will say to you, remember that the laws are to be respected by you as well as the manufacturer, and by all industry. As I said before, and repeat now, do not let industry worry about what we have done to them, we have not done anything to them, we have done something for them. We have done something new for them, we have shown them that the way to have a big market and the way to increase production, is to give the man who is the producer, for whom you are producing, the opportunity to buy their products, to give them a living wage, an opportunity in this land, an opportunity to lift his head up and enjoy the clear air and the sun. We have done these things, forced men to realize that, and let me say to my colleagues here in the Senate, that there is no one who could realize this picture and appreciate it as well as those of us who come here, we know what our country has done, and appreciate the privileges of this country. We fight for those things because we realize that this is the only country in the world where you can hope for something for the children that you leave behind, and it is because of that I am fighting and making the sacrifice, if it be a sacrifice, and for the country that has given me the opportunity to leave behind me a heritage for my children so that they can live, and all this talk about Republican Party and Democratic Party means nothing. We are all brothers in the end, and you cannot have a family fight with one side of that family honest and the other side of the family dishonest.

We want the laws respected and we want people to know they are not for their advantage to the disadvantage of others, and if the people do not understand that they must be made to understand.

I say to the gentleman, from Tioga, do not worry so

much about the Democratic Party, the people will pay them their dues and will furnish them their punishment. Worry about the Republican Party and get them to see the light of day, let them join in a real picture, the effort to build up a land not for the benefit of a few, but for the benefit of all. The minority party must recognize at all times that the majority is for the benefit of all. To stand up here and say that Dave Lawrence walked through the Senate Chamber, and saw that Legislation passed—yes, I was present when the Governor has said that this legislation must be passed, and I have also been there when Republicans have said to "Republicans" this legislation must be passed," but the reason that the Governor said that "it must be passed" is because we promised the people that we would give them this legislation, and the reason that Mr. Grundy and Republicans in the Republican Party, and the other leaders said "it must be passed" is because they gave the Party a contribution, and if we do not give them the laws they want, they will no longer contribute. In those two statements you have the difference between the Republican and the Democratic Party, and in those two statements you have the proof of what counts for success and what counts for failure, and in those two discriptions and those two parties, you have what counts for the future.

QUESTION OF PERSONAL PRIVILEGE

Mr. McGINNIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. McGinnis will state his question of personal privilege.

Mr. McGINNIS. Mr. President I want to state that in the Commission that is investigating the trend of industry in and out of Pennsylvania, although they have just started, and not gotten very far, and do not contend that they have come to any real conclusion, that the Secretary of the Commonwealth's Office shows that twice as many corporations came into Pennsylvania in the last two years as went out, and that in Pittsburgh, Allegheny County, one concern is today enlarging its mills to the extent of $60,000,000, and other mills are enlarging their mills to the extent of over $40,000,000, so that in the County of Allegheny, when we hear so much about the industry leaving Pennsylvania because of taxation, the giant Steel Corporations in the City of Pittsburgh, and of Allegheny County, are building plants enlarging plants to the tune of $100,000,000. So I am not worrying when we have such a healthy town as that. I am not worrying about industry leaving Pennsylvania. I want to say this, that whatever we have done here in this Administration, we have done because we have promised it in our platform, and if we were wrong, we were wrong in our platform. I was a member two years ago when the Governor came over to this Chamber and took the Republican platform and read it to the Republican side and also quoted from the Democratic platform. He said "now you are right here, and here on your platform this is what you promised the people before the election, now you are elected and sitting right here and here is your platform.

Now that is all we have done. There are times our Governor and our State chairman seem to be persistent. I can go back a few years and recall that no Governor or no President of the United States ever got anywhere with his Party or with Legislation unless he took hold of it. Woodrow Wilson did it, Franklin D. Roosevelt is doing it and George Earle is doing the same thing in this State and if these men seem at times persistent or busy, they at least could say, "here is what you promised the people of Pennsylvania before the election, when they had a chance to vote for you and when they had their chance in Government. They only had one day to work and that was on election day, to tell you what they want. You are here and we insist that you keep your party platform, and I say to you that every piece of labelled legislation that has gone through these Houses has been a pledge to the people back home before election, and if we have erred, we have erred because the people have told us to do something that could not be done and I do not think the people will complain if we make mistakes here and there, because we can at least go back and say that is what you sent us down there to do, and I am glad to state that I can go back to my people and tell them that I voted down here exactly as I promised them at election.

QUESTION OF PERSONAL PRIVILEGE

Mr. RUTH. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Berks, Mr. Ruth, will state his question of personal privilege.

Mr. RUTH. Mr. President, I want to say for the Ruth Commission that the Commission is not in a position to speak at this time, but I will promise to this Senate that when the Ruth Commission speaks, it will speak in a language and with a voice that the people of Pennsylvania will hear and understand. I am quite certain that the objection about the salary that Chet Keyes is receiving is not so much urged because of the amount of his salary that is proposed, that is just a small part of what other lawyers have received to represent their interests, the utility interests in Pennsylvania, but I think perhaps the urge above that is the fear that Chet Keyes will duplicate his work of a few years ago in Pennsylvania, when he turned the light on the McClure ring in Delaware County, and from the facts that I know, I think that work will not only be duplicated but triplicated.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of personal provilege.

Mr. OWLETT. Mr. President, I cannot let go unchallenged certain things that my colleague and friend, Senator Shapiro has said. I noticed his statement that he was formerly a member of the Republican Party—I do not propose, Mr. President, at this time to argue or discuss this statement of one of his colleagues, that the Republican Party did not lose much when they lost Senator Shapiro. Mr. President, I do, however, get a great deal of amusement from Senator Shapiro's tirades about the terrible Philadelphia machine, when I realize that for so long a time he was an important part in that machine. He likewise rants about the happenings in Philadelphia in the past, when he was in personal control, with his other

colleagues as a Republican, and as he was making his address on the floor this afternoon, in loud and vigorous terms, I was reminded of a story I heard when I was at college. It was told that the pastor who spoke there one Sunday mislaid his speech, and one of the boys found the manuscript of the speech and he went to him and said, "pretty hot here, yell like hell." I thought of that when he made his speech.

QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Somerset, Mr. Ealy, will state his question of personal privilege.

Mr. EALY. Mr. President, in line with the statements that the Democratic Party has redeemed its party pledges, I should like to read a pertinent statement, an inquiry of a Democratic newspaper of this State. It reads: "The Democrats have now been in power during two sessions of the legislature, members of the Party have been waiting patiently for some evidence of a willingness to redeem party pledges that the costs of the State Government would be cut. So far there has been a lamentable lack of absence Is it possible we were mistaken when we said that Pinchot had so many people on the payroll that in some Departments, the hired hands actually falling over each other, or is it a case of using platform pledges as a menas of getting in and boosting the payroll as a means of staying in?

Mr. President, my observation of the laws which we have passed at this session of the Legislature is that enough jobs have been created to put over half the people of this State on the public payroll, and the only thing that will limit the number of jobs which are actually passed out is the fact that not enough money cannot be taken from the taxpayers to pay for them.

QUESTION OF PERSONAL PRIVILEGE

Mr. SALUS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Salus, will state his question of personal privilege.

Mr. SALUS. Mr. President, I do not want to get into this controversy, nor do I want to cross swords with the Senator from Philadelphia, Mr. Shapiro. He made a long statement here concerning Philadelphia that cannot be substantiated by a single, truthful presentation of facts that will prove what he has said, but I am not getting on the floor for that purpose at this time. I learned in my youth that when a man dies the good is often interred with his bones, and the evil lives after him. I believe those are the words. I am getting on the floor now to resent the untruthful statement made by the Senator from Centre, Mr. Thompson, who in his zeal at times to make a speech and looking for a foundation on which to talk, at times is a little careless. I do not want to say that he is wilfully untruthful, but he made a statement here that the State of Pennsylvania subsided $5.000.000 to beautify the farm of the late Senator Vare. Senator Vare is dead, and gone to the great beyond and common decency of one man to another fellow-man is to let the dead rest wherever they may be, and further, decency demands that at least before you make a statement against that man's character and reputation, that you be careful that you are telling the truth. Senator William S. Vare never owned a farm in South Philadelphia, nor did any brother of Senator William S. Vare ever own a farm in Philadelphia, nor was there never drawn from the treasury of Philadelphia a single dollar that ever went into the pockets of the Vares for a piece of land condemnation.

Those are the facts, and those facts are known by every resident of Philadelphia. It was unfair, unjust, and unkind to make a statement that a man who was so respected in the neighborhood he lived had looted the treasury of Pennsylvania or Philadelphia for the sum of $5,000,000 or any other sum. No dollar that ever went into the Vare pockets ever came from a land deal of any kind in Philadelphia. They never owned land, nor did they purchase any land. All they owned in South Philadelphia were the homes in which they lived, and I hope that maybe the Senator from Philadelphia will take an opportunity before this session closes to look up and see if these facts are not true, and if he finds they are true then the only thing that a decent man could do is to apologize to the memory of the man against whom he made the untrue statements.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette Mr. Cavalcante will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, Under this order of the day, which I say,—under this special privilege, I felt I did not care to enter this 'dog fight,' and especially when amusing statements are made and I too feel like the majority of this Senate, that when we fold up and adjourn Sine die, we will go home with some very vivid impressions that have happened during this session. Among these are some impressions of amusing statements made by members of the Senate. I was somewhat impressed to hear the statement made by my learned colleague the Senator from Philadelphia, Mr. Shapiro, that figures do not lie. I do not know what terms he bases that promise on, but I would ask him to study the statistics of the masters of accountancy, Dr. de Schweintz, the Goodrich Committee and other pink tea debutantes, the social workers, then after he has investigated them to take a stock account of his statement as to whether 'figures do not lie.' But it does seem to me, here in this little affray that we are having, that we ought not to lose sight of the fact that we may be each set like a thief who, being apprehended by his victim in hot pursuit, appeals to the onlooker and crys "thief, robber, help!"

I am also amused by the statement that on the floor of this Senate, or in the House of Representatives, speeches mean nothing. How true that is, sadly true in some cases, that speeches have meant nothing, even though they have been pregnant with honesty and esteem. When the coercive influence of the patronage dispensing departments of the state has found its way and in true highway fashion bludgeoned the members of this assembly into yielding their votes, even to the point of stultification. It is true that it has been many, many decades when an assembly in this Commonwealth has granted so much to labor and has been so conscious of the social welfare of the people of our Commonwealth, it is true that we have forced the employer to understand that labor should be a partner in industry and should

receive that fair treatment which decency and honesty requires of the American citizen, and we have done many good deeds; but it is also apparent, as we are about to wind up this Session under the complete control and domination of the Democratic Party, that there are classes of people in this Commonwealth who are in dire need of assistance and whom we have absolutely neglected and forgotten in all of the legislation that we have passed, and those people are the people who have for centuries in this Commonwealth borne the burden of Government, the burden of taxation in the local communities, the man who owns real estate, who owns a little home, or who owns farm lands.

I call upon the members of this Senate to look back over what we have already done in this Senate and have done with some degree of honesty, that has brought more relief to the hundreds of fathers and mothers throughout the Commonwealth who have been saddled with the most inequities for years and years, but this is what I have heard in the closed walls of the Committee rooms; "We will admit that the real estate owner has been made to suffer in this burden of taxation, and we must help him slightly, a little at a time, we can not go too fast. We admit that an injustice has been done to the fathers and mothers who have been living in their own homes, we admit that the tax has been dishonest and inevitable." but yet we have done nothing to render them any assistance. I frankly state that in all the things that we have done in this assembly, there are few that can stand up as the glaring sun at noonday, and when all of these things are said, we have been just a little too gullible in centralizing power in the departments under the executive branch of our Government, and I say that we shall live the day when that conduct on our part, when the centralizing of these departments in the executive branch will haunt us just as the iniquities of the Republican party haunted them for many years.

In our mad scramble to please everybody, we have passed legislation that has completely destroyed the backbone of home rule in the county and the local communities of this Commonwealth, and under the coercive powers of these departments under the Executive Branch of our Government we have also destroyed the ancient cherished and accepted right of control by jury, by a jury of the vicinage in which the crime has been committed, and I tell you colleagues of the Senate, that in years to come, will haunt the Democratic Party as the inequities of the Republican Party haunted them for many years and made it possible for us to get into power in this Commonwealth. Under the same coercive power the constitutional office of District Attorney in this Commonwealth has been abrogated to the extent that it now exists only under the whim and caprice of the Department of Justice, and I tell you colleagues, that also in years to come haunt us as the inequities of the Republican Party have haunted them.

Now it is all right, it is well to have enthusiasm to show a spirit of loyalty, to party but, gentlemen, regardless of the fact that it has been stated here today that calling names will not get the Republican Party back in power, I say to you that it was by calling the Republicans by their true names in these last past few sessions that the Democratic Party laid its foundations for its triumph at the ballot box. We called them by their true names, we exposed them to the public in their true light, and the people of this Commonwealth took us in all our sincerity and put us into power. There is no use of us being hypocritical in any way, or in any manner. If we are honest to ourselves and sincere, is there one of us here who hesitates or is reluctant to admit that in all of the sessions that we have attended, there has been no session where the coercive powers of the Executive Branch have borne so heavily upon the members of this Assembly, and I say these words in all sincerity, because there is still fresh in my mind that able and capable discourse rendered here on the floor of this Senate by our distinguished Senator from Washington County, who sought in his appeal here to point out the dangers that must inevitably follow a Democratic Government whenever one branch of that government becomes so powerful and so coercive that the parliamentary branch becomes submissive and loses its initiative and integrity. I leave at the close of this session fearing more as an adherent to the Democratic Party our capitulation to coercion of the executive Branch than any other act that I might have committed here on the floor of this Senate. No vote for or against a bill causes me more concern than that coercive power and when you consult your own consciences, when you stand upon your own honor and your own dignity, gentlemen, can you deny that that pressure, that influence, at times has been very heavy. Now, like the Senator from Washington, I make these statements because truly and deeply at heart I believe in democratic government, I believe in the policies of the democratic party, but truly I am not ready to subscribe to that same course or policy that brought about those lamentable conditions that faced our people under the Republican rule. How many of us went to the people in our election and asked them to put us in office and oust these rubber stamps that we have now at Harrisburg, who listen only to the hue and cry of Grundy, Mellon and the rest of them, and, gentlemen, if we too make rubber stamps of ourselves we surely will not have improved anything for the welfare of the people of this Commonwealth, and I say like the gentlemen from Washington said, that we must preserve the initiative that this parlimentary body, we must be men of courage sufficient to resist influences that do not make for the expression of that kind of honesty and decency that we within our own consciences feel that we ought to show here on the floor of the Senate. I am pleading in these departing hours that we may amend our administration, may amend its way, and if all of us are fortunate enough to come back to this body at the next general session, that we will be permitted more freedom of action, that this coercive power that has borne so heavily upon us will be lifted and permit us to exercise our judgment as the people who sent us here expect us to exercise.

Mr. HUFFMAN. Mr. President, I call for the regular order of the day and I think the Calendar should be taken up.

NOMINATIONS BY THE GOVERNOR

The Chair cleared his table and laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

J. H. Boquet, 1212 Forbes St., Pittsburgh.
C. O. Guthman, East Pittsburgh.

DELAWARE COUNTY

Mrs. Eleanor Winkler, Lansdowne.

MONROE COUNTY

Wilbert J. Nace, Stroudsburg.

MONTGOMERY COUNTY

Mrs. Virginia R. Carver, Norristown.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL NO. 436

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 436, entitled:

An Act to further amend section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 479) entitled, as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants, persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants" by providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 438

He also returned to the Senate, Senate Bill No. 438, entitled:

An Act to amend section fifty-three of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 568) entitled "An act relating to the commencement of actions," as amended fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 439

He also returned to the Senate, Senate Bill No. 439, entitled:

An Act to amend section four of the act approved the seventeenth day of March one thousand eight hundred and sixty-nine (P. L. 8) entitled "An act relative to fraudulent debtors" fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service residence or appearance.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 641

He also returned to the Senate, Senate Bill No. 641, entitled:

An Act declaring certain rights, grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void; vesting power in the Department of Forests and Waters The Water and Power Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants and privileges; and providing the procedure in such cases.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 668

He also returned to the Senate, Senate Bill No. 668, entitled:

An Act to amend route 15176 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligations of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of maintenance to carry out the provisions of said act" as amended by changing certain routes.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 676

He also returned to the Senate, Senate Bill No. 676, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain land located in the City of Allentown Lehigh County Pennsylvania.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 683

He also returned to the Senate, Senate Bill No. 683, entitled:

An Act to further amend sections six ten and twenty-nine of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction fo the State Highway Department, and fixing salaries of commissioners and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement maintenance and repair of said State Highway solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part

of any State Highway, and procedure therein, providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work to be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of townships, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same, providing for the minimum width of State Highway and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by amending Route fifty-two by adding thereto borough bridges over mill races at the responsibility of the Department of Highways by providing that no assessment shall be made against the Commonwealth to assist in the reconstruction of any structure eliminating grade crossings; and by further authorizing the Attorney General, under certain conditions, to enter into agreements with townships for the payment, in installments, of certain claims of the Department of Highways against such townships for construction, reconstruction or maintenance of State highways.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 684

He also returned to the Senate, Senate Bill No. 684, entitled:

A Joint Resolution proposing an amendment to Article Nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 778

He also returned to the Senate, Senate Bill No. 778, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties, and repealing existing laws," by amending subsection (e) of section 206 by reducing the maximum single risk permitted and increasing the cash premium to be held in cash or securities.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 809

He also returned to the Senate, Senate Bill No. 809, entitled:

An Act to amend section three of Article Twelve of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments and officers; regulating commitments and providing for the audit of firemen's pension funds.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 817

He also returned to the Senate, Senate Bill No. 817, entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as asset for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the Court of Common Pleas of balances due by fiduciaries the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefore; appeals in certain cases; and also, generally dealing with the jurisdiction powers, and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents."

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 820

He also returned to the Senate, Senate Bill No. 820, entitled:

An Act to further amend section one of the act, approved the seventh day of April, one thousand nine hundred thirty-three (P. L. 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of ways of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," by changing certain provisions as to transfer of structures and facilities of public service companies, providing for ascertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 853

He also returned to the Senate, Senate Bill No. 853, entitled:

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 881

He also returned to the Senate, Senate Bill No. 881, entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 904

He also returned to the Senate, Senate Bill No. 904, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 907

He also returned to the Senate, Senate Bill No. 907, entitled:

An Act to repeal certain parts of acts relating to struck juries.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 915.

He also returned to the Senate, Senate Bill No. 915. entitled:

An Act to amend the act approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations and regulating the payment thereof"; as amended, providing for aid to counties holding agricultural exhibitions.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 942

He also returned to the Senate, Senate Bill No. 942, entitled:

An Act to amend subsection three of section one of the act, approved the ninth day of July, one thousand nine hundred and one (Pamphlet Laws six hundred fourteen), entitled "An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs," as amended, by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, and the footways and curbs adjacent thereto, in counties other than that wherein the real estate, footways and curbs are located and the writ issues.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 943

He also returned to the Senate, Sentae Bill No. 943, entitled:

An Act authorizing and empowering any city, county, school district or other municipality, which shall have acquired a limited title to real estate for municipal purposes, to secure a title fee simple to any such real estate; and providing and regulating the procedure in such cases.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 951

He also returned to the Senate, Senate Bill No. 951, entitled:

An Act providing for the service of process in civil actions on nonresident owners, tenants or users of real estate located within the Commonwealth of Pennsylvania, and the footways and curbs adjacent thereto, or any such resident of this Commonwealth who shall subsequently become a nonresident; and making the ownership, possession, occupancy, control maintenance and use of such real estate, footways and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said nonresident, upon whom civil service may be served; and providing for further notice to the defendants in any such action.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 952

He also returned to the Senate, Senate Bill No. 952, entitled·

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) as amended entitled "An act providing when, how, upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor, the methods for preserving such liens and enforcing payment of such claims, the effect of judicial sales of the properties liened, the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvement made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by and increasing the term for which sequestrators may lease sequestrated property.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 953

He also returned to the Senate, Senate Bill No. 953, entitled:

An Act providing for the commencement of civil ac-

tions for damages arising from any accident or injury occurring upon real estate, the footways, sidewalks and curbs adjacent hereto, and providing for the service of process in such cases.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 957

He also returned to the Senate, Senate Bill No. 957, entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County; providing for trial without jury and for the filing of agreements therefor; providing for the payment of jury fees.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 958

He also returned to the Senate, Senate Bill No. 958, entitled:

An Act to amend sections one, two, four, five and seven of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws one thousand seventeen), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the law in reference thereto," by further regulating the attendance of such witnesses; and limiting the powers with respect thereto to judges learned in the law.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 959

He also returned to the Senate, Senate Bill No. 959, entitled:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states; and imposing certain duties on magistrates, aldermen and justices of the peace, and the Secretary of the Commonwealth.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 960

He also returned to the Senate, Senate Bill No. 960, entitled:

An Act providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in relation to persons on probation or parole; and imposing certain powers and duties on the Governor and the Board of Pardons.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 986

He also returned to the Senate, Senate Bill No. 986, entitled:

An Act to amend section one hundred fifty-five of the act, approved the thirty-first day of March, one thousand eight hundred and sixty P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth;" extending the provisions to memorials, tablets and works of art erected within buildings or on grounds.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1004

He also returned to the Senate, Senate Bill No. 1004, entitled:

An Act declaring bonds issued by The General State Authority legal investments for the investment of certain funds and moneys.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1042

He also returned to the Senate, Senate Bill No. 1042, entitled:

An Act to amend section one thousand five hundred four of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by making further provisions relating to advances out of appropriations.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1050

He also returned to the Senate, Senate Bill No. 1050, entitled:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred sixty-one) entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor" by substituting Owen J. Zimmerman or his successor in title for Samuel Zimmerman.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1051

He also returned to the Senate, Senate Bill No. 1051, entitled:

An Act declaring forfeitures of Commonwealth grants of public works, canals, rights and privileges, where the conditions, covenants or terms of such grants have been, or shall hereafter be, breached by disuse or otherwise by the owners or holders thereof; authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act; and ratifying any and all such pending proceedings.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1055

He also returned to the Senate, Senate Bill No. 1055, entitled:

An Act authorizing the compounding, compromising and settlement by the Department of Public Instruction, with the approval of the Department of the Auditor General and the Department of Justice, of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions, trades and occupations in the Department of Public Instruction.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1087

He also returned to the Senate, Senate Bill No. 1087, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the laws relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, by changing the method of issuance of licenses, and making further provisions for records and returns thereof.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1130

He also returned to the Senate, Senate Bill No. 1130, entitled:

An Act to further amend the act, approved the fifteenth day of May, one thousand nine hundred and fifteen (P. L. 534), entitled "An act relating to motion-picture films, reels, or stereopticon views or slides; providing a system of examination, approval, and regulation thereof, and of the banners, posters, and other like advertising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of the act," by prohibiting the possession of motion picture films, reels or views not approved, requiring permits in certain cases; and increasing penalties.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1134

He also returned to the Senate, Senate Bill No. 1134, entitled:

An Act to repeal the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws 102) entitled "An act transferring money from the State School Fund to the General Fund and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer."

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1152

He also returned to the Senate, Senate Bill No. 1152, entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty) entitled "An act relating to the organization jurisdiction and procedure of the Orphans' Courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the Orphans' Court to conduct jury trials to determine issues awarded by it and regulating the procedure and appeals in such cases.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1159

He also returned to the Senate, Senate Bill No. 1159, entitled:

An Act to amend subsection (e) of section 206 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus. and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by providing minimum capital and financial requirements to do business for title insurance companies.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 1161

He also returned to the Senate, Senate Bill No. 1161, entitled:

An Act to amend section 101 of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by including title insurance companies within the definition of the word 'company" as used in the act.

with the information that the House has passed the same without amendment.

SENATE BILL No. 1171 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1171, entitled:

A Joint Resolution proposing an amendment to Article Nine, section fifteen of the Constitution of the Commonwealth of Pennsylvania.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1220 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1220 entitled:

An Act to validate conveyances purporting to be the act and deed of a corporation heretofore erroneously executed and acknowledged, or executed, and acknowledged by persons purporting to be agents of or trustees for a corporation which has since been dissolved.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1223 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1223, entitled:

An Act to amend section one of the act approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879), entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock goods, wares or merchandise of any kind, fixtures, machinery, equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer; and fixing penalties," providing for the payment of unemployment compensation contributions.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1224 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1224, entitled:

An Act to amend Article Nine of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that a domestic business corporation formed by merger of one or more domestic business corporations and one or more foreign business corporations shall be entitled to a credit on the bonus due the Commonwealth equal to the amount of the bonus paid under existing laws by the corporations so merging.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1226 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1226, entitled:

An Act authorizing the Joint Commission having jurisdiction over bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New York to sell and dispose of certain real and personal property to lease real estate and to license Public Utility Companies to occupy with their facilities part of such bridges as are within the jurisdiction of the Commission and providing for the disposal of the proceeds thereof.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1229 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1229, entitled:

An Act to repeal section thirty of the act approved the first day of May one thousand eight hundred sixty-one (Pamphlet Laws four hundred fifty) entitled "An act relating to Allegheny County."

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1231 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1231, entitled:

An Act empowering the Department of Property and Supplies with the consent and approval of the Department of Military Affairs and the Governor to lease or rent a part or parts of the Pennsylvania Military Reservation at Indiantown Gap, to the City of Harrisburg, for the purpose of impounding water for a water supply; and appropriating the moneys received therefrom to the Department of Military Affairs.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1234 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1234, entitled:

An Act prohibiting during a declared emergency, foreclosure, entry of judgment and issuance of execution on agreements, bonds and mortgages affecting real property, because of failure to fully discharge municipal liens against such property, where such liens, pursuant to ordinance obligation, are being paid in installments.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1235 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1235, entitled:

An Act providing for the creation division and consolidation of wards in cities of the first class and defining procedure therefor.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1252 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1252, entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1258 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1258, entitled:

An Act to further amend sections five and eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law, and providing for the purchase of samples of drugs for determining their quality, strength, and purity," by providing for annual renewals of the registration of pharmacists and assistant pharmacists.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1260 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1260, entitled:

An Act to amend section one thousand four hundred and thirty-six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, further regulating the compensation to be paid attendance peace officers and home and school visitors in school districts of the first class.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1262 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1262, entitled:

An Act providing for the sale of Fort Necessity Park, in Wharton Township, to the government of the United States, for National Military Park purposes, and giving consent to the purchase of said park, other lands of historical importance, and, with certain reservations, ceding jurisdiction over such lands.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1265 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1265, entitled:

An Act to amend clause (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decendents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilege of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decendents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the Court of Common Pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates or decedents," as amended; permitting the assignment, transfer, payment and delivery to a foreign appointed executor, administrator, trustee, guardian, committee or other fiduciary, of any moneys and moneys and property within this Commonwealth by any debtor, bailee, custodian, agent, attorney, pledges, trustees, fiduciary or other individual, association, partnership or corporation a resident thereof, owing the same to or holding the same in the name or for the account of, a decedent, minor, legal incompetent, or cestui que trust, a non-resident of Pennsylvania.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1302 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1302, entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case, including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge, officer or magistrate, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1313 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1313, entitled:

An Act to add section five hundred and fifty-three to the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing additional penalties.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1315 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1315, entitled:

An Act requiring collectors of city, county, borough, town, township, school, and poor district taxes to file certain reports with the Quarter Sessions Court and the Department of Internal Affairs; directing such Department to prepare and furnish forms for such reports; making such reports available for public inspection; requiring all payments to such collectors for compensation and expenses to be by warrant or order; prohibiting such collectors from deducting their compensation and expenses from public funds in their possession; and making violation of the act a misdemeanor.

with the information that the House has passed the same without amendments.

SENATE BILL No. 1317 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1317, entitled:

An Act to amend section two of the act approved the seventh day of July, one thousand nine hundred and thirty-six (P. L. 37), entitled "An act to provide for the public sale by cities of the first class of tax anticipation certificates representing registered delinquent taxes, and authorizing the appropriation for current or other purposes funds realized or estimated to be collectible from the sale thereof," by limiting appropriations to amounts realized by the sale of such certificates.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1355 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1355, entitled:

An Act to amend section twenty-seven of the act, approved the twentieth day of July, one thousand nine hundred seventeen (P. L. 1143), entitled "An act relating to free, public, non-sectarian libraries and branch libraries within this Commonwealth; providing for their establishment, maintenance and regulation, and for the maintenance and regulation of such free, public, non-sectarian libraries as may have been already established by the several counties, cities, boroughs, towns, and townships; and providing that all library property, and all gifts, devises, grants, or endowments for library purposes, shall be exempt from taxation; and providing that the several counties, cities, boroughs, towns, and townships may levy taxes, condemn private property, and borrow money for library purposes; and imposing penalties for injuring library property and for violations of library regulations; and repealing existing laws in relation to the above subjects," by exempting from collateral inheritance tax all gifts, devises, grants or endowments made to national libraries.

with the information that the House has passed the same without amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1404 RETURNED WITHOUT AMENDMENTS

He also returned to the Senate, Senate Bill No. 1404, entitled:

An Act to further amend sub-paragraph three of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three) entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof, or all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth, or any agency, thereof, every State depository and every debtor or creditor of the Commonwealth" by making further provision relative to interest upon State deposits.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 1430 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1430, entitled:

An Act making an appropriation to the Department of Welfare for Mothers' Assistance.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1431 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1431, entitled:

An Act making an appropriation to the Department of Welfare for old age assistance.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1072 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1072, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL NO. 911 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 911, entitled:

An Act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits debts and interest on debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue providing for refunds of such moneys and property and prescribing penalties.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1237 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1237, entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College, subject to certain reservations, the Mont Alto State Forest School; and to accept a conveyance from said college of a tree nursery tract.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1269 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1269, entitled:

An Act to further amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled 'An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto a new sub-division (h) consisting of sections 685 to 696 inclusive defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1311 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1311, entitled:

An Act providing for the erection, construction and equipment of buildings for a new State sanatorium or new buildings at existing sanatoria; designating the manner of acquiring or setting aside of land for the erection and construction of such buildings by The General State Authority; authorizing the Commonwealth to lease such new sanatorium or building or buildings and the grounds connected therewith from The General State Authority upon their completion, and the Department of Health to manage and operate the same; and conferring powers and imposing duties upon certain State departments.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1314 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1314, entitled:

An Act to amend sections two hundred fifteen, and two hundred seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws"; by providing for supervision over fire rating bureaus; and prescribing penalties.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 153 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 153, entitled:

An Act to amend the act approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise, securities, or services, and providing penalties for the violation thereof," by including display or placard advertising, and changing the penalties prescribed, and the manner of proving violations.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 308 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 308, entitled:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania Motor Police and Patrolmen and Guards in State Parks.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

HOUSE BILL No. 1433 RECALLED FROM THE GOVERNOR FOR FURTHER CONSIDERATION

The Clerk of the House of Representatives being introduced, presented for concurrence House Bill 1433, entitled:

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended, permitting State institutions and sanatoria to supply water to individuals.

Said bill having been recalled from the Governor for further consideration, and the votes had on third reading and final passage were reconsidered in the House and the bill amended.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1157

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives, informing the Senate that the House of Representatives has adopted the report of the Committee of Conference on House Bill No. 1157, entitled:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats electrically propelled and regulating license fees for such motor boats on boundary waters increasing license fees providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers.

THE PRESIDENT. The report will lie on the table.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor, THOMAS KENNEDY) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 436, entitled:

An Act to further amend section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 479) entitled, as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants, persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants," by providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants.

Senate Bill No. 438, entitled:

An Act to amend section fifty-three of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 568) entitled, "An act relating to the commencement of actions," as amended, fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings.

Senate Bill No. 439, entitled:

An Act to amend section four of the act, approved the seventeenth day of March, one thousand eight hundred and sixty-nine, (P. L. 8), entitled "An act relative to fraudulent debtors," fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service, residence or appearance.

Senate Bill No. 641, entitled:

An Act declaring certain rights, grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void; vesting power in the Department of Forests and Waters, the Water and Power Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants and privileges; and providing the procedure in such cases.

Senate Bill No. 668, entitled:

An Act to amend route 15176 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligations of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of maintenance to carry out the provisions of said act," as amended, by changing certain routes.

Senate Bill No. 676, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey certain land located in the City of Allentown, Lehigh County, Pennsylvania.

Senate Bill No. 683, entitled:

An Act to further amend sections six, ten, and twenty-nine of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commission, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several

townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein, providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work to be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of townshhips, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same, providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by amending Route fifty-two by adding thereto borough bridges over mill races as the responsibility of the Department of Highways by providing that no assessment shall be made against the Commonwealth to assist in the reconstruction of any structure eliminating grade crossings; and by further authorizing the Attorney General, under certain conditions, to enter into agreements with townships for the payment, in installments, of certain claims of the Department of Highways against such townships for construction, reconstruction or maintenance of State highways.

Senate Bill No. 684, entitled:

A Joint Resolution proposing an amendment to Article Nine section eight, of the Constitution of the Commonwealth of Pennsylvania.

Senate Bill No. 778, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties, and repealing existing laws," by amending subsection (e) of section 206 by reducing the maximum single risk permitted and increasing the cash premium to be held in cash or securities.

Senate Bill No. 809, entitled:

An Act to amend section three of article twelve of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth, by further defining the powers and duties of the city controller imposing limitation on the powers of and duties on departments and officers; regulating commitments and providing for the audit of firemen's pension funds.

Senate Bill No. 817, entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as asset for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and execution therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the Court of Common Pleas of balances due by fiduciaries, the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefore; appeals in certain cases; and, also, generally dealing with the jurisdiction powers, and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents."

Senate Bill No. 820, entitled:

An Act to further amend section one of the act, approved the seventh day of April, one thousand nine hundred thirty-three (P. L. 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," by changing certain provisions as to transfer of structures and facilities of public service companies, providing for ascertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

Senate Bill No. 853, entitled:

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime.

Senate Bill No. 881, entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

Senate Bill No. 904, entitled:

An Act declaring valid provision in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

Senate Bill No. 907, entitled:

An Act to repeal certain parts of acts relating to struck juries.

Senate Bill No. 915, entitled:

An Act to amend the act approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations and regulating the payment thereof;" as amended, providing for aid to counties holding agricultural exhibitions.

Senate Bill No. 942, entitled:

An Act to amend subsection three of section one of the act, approved the ninth day of July, one thousand nine hundred and one (Pamphlet Laws six hundred fourteen), entitled "An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs," as amended, by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, and the footways and curbs adjacent thereto, in counties other than that wherein the real estate, footways and curbs are located and the writ issues.

Senate Bill No. 943, entitled:

An Act authorizing and empowering any city, county, school district or other municipality, which shall have acquired a limited title to real estate for municipal purposes, to secure a title in fee simple to any such real estate; and providing and regulating the procedure in such cases.

Senate Bill 951, entitled:

An Act providing for the service of process in civil actions on nonresident owners, tenants or users of real estate located within the Commonwealth of Pennsylvania and the footways and curbs adjacent thereto, or any such resident of this Commonwealth who shall subsequently become a non-resident; and making the ownership, possession, occupancy, control maintenance and use of such real estate, footways and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said non-resident, upon whom civil service may be served; and providing for further notice to the defendants in any such action.

Senate Bill No. 952, entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphelt Laws 207) as amended entitled "An act providing when, how, upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor, the methods for preserving such liens and enforcing payment of such claims, the effect of judcial sales of the properties liened, the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by and increasing the term for which sequestrators may lease sequestrated property.

Senate Bill No. 953, entitled:

An Act providing for the commencement of civil actions for damages arising from any accident or injury occurring upon real estate, the footways, sidewalks and curbs adjacent thereto and providing for the service of process in such cases.

Senate Bill No. 957, entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County; providing for trial without jury and for the filing of agreements therefor; providing for the payment of jury fees.

Senate Bill No. 958, entitled:

An Act to amend sections one, two, four, five and seven of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (P. L. 1017), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the law in reference thereto," by further regulating the attendance of such witnesses; and limiting the powers with respect thereto to judges learned in the law.

Senate Bill No. 959, entitled:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states; and imposing certain duties on magistrates, aldermen and justices of the peace, and the Secretary of the Commonwealth.

Senate Bill No. 960, entitled:

An Act providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in relation to persons on probation or parole; and imposing certain powers and duties on the Governor and the Board of Pardons.

Senate Bill No. 986, entitled:

An Act to amend section one hundred fifty-five of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth;" extending the provisions to memorials, tablets and works of art erected within buildings or on grounds.

Senate Bill No. 1004, entitled:

An Act declaring bonds issued by The General State Authority legal investments for the investment of certain funds and moneys.

Senate Bill No. 1042, entitled:

An Act to amend section one thousand five hundred four of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by mak-

ing further provision relating to advances out of appropriations.

Senate Bill No. 1050, entitled:

An Act to amend the act approved the twenty-ninth day of May, one thousand nine hunderd thirty-five (P. L. 261) entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor, to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives, and to acquire in exchange a certain tract therefor," by substituting Owen J. Zimmerman, or his successor in title, for Samuel Zimmerman.

Senate Bill No. 1051, entitled:

An Act declaring forfeitures of Commonwealth grants of public works canals rights and privileges where the conditions covenants or terms of such grants have been or shall hereafter be breached by disuse or otherwise by the owners or holders thereof authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act and ratifying any and all such pending proceedings.

Senate Bill No. 1055, entitled:

An Act authorizing the compounding, compromising and settlement by the Department of Public Instruction, with the approval of the Department of the Auditor General and the Department of Justice, of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions, trades, and occupations in the Department of Public Instruction.

Senate Bill No. 1087, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An Act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, by changing the method of issuance of licenses, and making further provisions for records and returns thereof.

Senate Bill No. 1130, entitled:

An Act to further amend the act, approved the fifteenth day of May, one thousand nine hundred and fifteen (P. L. 534), entitled "An act relating to motion-picture films, reels, or stereopticon views or slides: providing a system of examination, approval, and regulation thereof, and of the banners, posters, and other like advertising matter used in conection therewith; creating the Board of Censors; and providing penalties for the violation of the act," by prohibiting the posesession of motion picture films, reels or views not approved, requiring permits in certain cases; and increasing penalties.

Senate Bill No. 1134, entitled:

An Act to repeal the act approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred two) entitled "An act transferring money from the State School Fund to the General Fund and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer."

Senate Bill No. 1152, entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty-three) entitled "An act relating to the organization jurisdiction and procedure of the Orphans' Courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the Orphans' Court to conduct jury trials to determine issues awarded by it and regulating the procedure and appeals in such cases

Senate Bill No. 1159, entitled:

An Act to amend subsection (e) of section 206 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by providing minimum capital and financial requirements to do business for title insurance companies.

Senate Bill No. 1161, entitled:

An Act to amend section 101 of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by including title insuraance companies within the definition of the word "company" as used in the act.

Senate Bill No. 1171, entitled:

A Joint Resolution proposing an amendment to Article Nine, section fifteen of the Constitution of the Commonwealth of Pennsylvania.

CERTAIN MUNICIPAL OBLIGATIONS NOT TO BE CONSIDERED AS A DEBT, INCREASE OF MUNICIPAL INDEBTEDNESS.

Senate Bill No. 1220, entitled:

An Act to validate conveyances purporting to be the act and deed of a corporation heretofore erroneously executed and acknowledged or executed, and acknowledged by persons purporting to be agents of or trustees for a corporation which has since been dissolved.

Senate Bill No. 1223, entitled:

An Act to amend section one of the act approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879), entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock goods, wares or merchandise of any kind, fixtures, machinery, equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer; and fixing penalties," providing for the payment of unemployment compensation contributions.

Senate Bill No. 1224, entitled:

An Act to amend Article Nine of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions

on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth, conferring powers and imposing duties on the Courts of Common Pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that a domestic business corporation formed by merger of one or more domestic business corporations and one or more foreign business corporations shall be entitled to a credit on the bonus due the Commonwealth equal to the amount of the bonus paid under existing laws by the corporations so merging.

Senate Bill No. 1226, entitled:

An Act authorizing the Joint Commission having jurisdiction over bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New York to sell and dispose of certain real and personal property to lease real estate and to license Public Utility Companies to occupy with their facilities part of such bridges as are within the jurisdiction of the Commission and providing for the disposal of the proceeds thereof.

Senate Bill No. 1229, entitled:

An Act to repeal section thirty of the act approved the first day of May one thousand eight hundred sixty-one (Pamphlet Laws four hundred fifty) entitled "An act relating to Allegheny County."

Senate Bill No. 1231, entitled:

An Act empowering the Department of Property and Supplies with the consent and approval of the Department of Military Affairs and the Governor, to lease or rent a part or parts of the Pennsylvania Military Reservation at Indiantown Gap, to the City of Harrisburg, for the purpose of impounding water for a water supply; and appropriating the moneys received therefrom to the Department of Military Affairs.

Senate Bill No. 1234, entitled:

An Act prohibiting during a declared emergency, foreclosure, entry of judgment and issuance of execution on agreements, bonds and mortgages affecting real property, because of failure to fully discharge municipal liens against such property, where such liens, pursuant to ordinance obligation, are being paid in installments.

Senate Bill No. 1235, entitled:

An Act providing for the creation division and consolidation of wards in cities of the first class and defining procedure therefor.

Senate Bill No. 1252, entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of thte fee and any lessee or lessees under such owner shall claim damages.

Senate Bill No. 1258, entitled:

An Act to further amend sections five and eight of the act, approved th seventeenth day of May, one thousand nine hundred and seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law, and providing for the purchase of samples of drugs for determining their quality, strength, and purity," by providing for annual renewals of the registration of pharmacists and assistant pharmacists.

Senate Bill No. 1260, entitled:

An Act to amend section one thousand four hundred and thirty-six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, further regulating the compensation to be paid attendance peace officers and home and school visitors in school districts of the first class.

Senate Bill No. 1262, entitled:

An Act providing for the sale of Fort Necessity Park, in Wharton Township, to the government of the United States, for National Military Park purposes, and giving consent to the purchase of said park, other lands of historical importance, and with certain reservations, ceding jurisdiction over such lands.

Senate Bill No. 1265, entitled:

An Act to amend clause (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilege of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents: the audit and review of accounts of fiduciaries, refunding bonds; transcripts to the Court of Common Pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates or decedents," as amended; permitting the assignment, transfer, payment and delivery to a foreign appointed executor, administrator, trustee, guardian, committee or other fiduciary, of any moneys and moneys and property within this Commonwealth by any debtor, bailee, custodian, agent, attorney, pledges, trustees, fiduciary or other individual, association, partnership or corporation a resident thereof, owing the same to or holding the same in the name or for the account of, a decedent, minor,

legal incompetent, or cestui que trust, a nonresident of Pennsylvania.

Senate Bill No. 1302, entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case, including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge, officer or magistrate, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

Senate Bill No. 1313, entitled:

An Act to add section five hundred and fifty-three to the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies Lloyds association, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing additional penalties.

Senate Bill No. 1315, entitled:

An Act requiring collectors of city, county, borough, town, township, school, and poor district taxes to file certain reports with the Quarter Session Court and the Department of Internal Affairs; directing such Department to prepare and furnish forms for such reports; making such reports available for public inspection; requiring all payments to such collectors for compensation and expenses to be by warrant or order; prohibiting such collectors from deducting their compensation and expenses from public funds in their possession; and making violation of the act a misdemeanor.

Senate Bill No. 1317, entitled:

An Act to amend section two of the act approved the seventh day of July, one thousand nine hundred and thirty-six (P. L. 37), entitled "An act to provide for the public sale by cities of the first class of tax anticipation certificates representing registered delinquent taxes, and authorizing the appropriation for current or other purposes funds realized or estimated to be collectible from the sale thereof," by limiting appropriations to amounts realized by the sale of such certificates.

Senate Bill No. 1355, entitled:

An Act to amend section twenty-seven of the act, approved the twentieth day of July, one thousand nine hundred seventeen (P. L. 1143), entitled "An act relating to free, public, nonsectarian libraries and branch libraries within this Commonwealth; providing for their establishment, maintenance and regulation, and for the maintenance and regulation of such free, public, nonsectarian libraries as may have been already established by the several counties, cities, boroughs, towns, and townships; and providing that all library property, and all gifts, devises, grants, or endowments for library purposes, shall be exempt from taxation; and providing that the several counties, cities, boroughs, towns, and townships may levy taxes, condemn private property, and borrow money for library purposes; and imposing penalties for injuring library property and for violations of library regulations; and repealing existing laws in relation to the above subjects," by exempting from collateral inheritance tax all gifts, devises, grants or endowments made to national libraries.

Senate Bill No. 1404, entitled:

An Act to further amend subparagraph three of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government; providing for the settlement assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other moneys or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof, or all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collet taxes, or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Comonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth" by making further provision relative to interest upon State deposits.

Senate Bill No. 189, entitled:

An Act to amend section two hundred and two of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth by providing additional penalties for killing fish by pollution or explosions.

Senate Bill No. 314, entitled:

An Act to amend the act, approved the twenty-fourth day of March one thousand eight hundred and sixty-five (P. L. 49), entitled "An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine" so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof and the rights of dissenting stockholders.

Senate Bill No. 339, entitled:

An Act to amend the act, approved the thirteenth day of May, one thousand eight hundred and eighty-nine (P. L. 205), entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged," by making the same applicable to the surviving company in case of a merger and by modifying the limitations, restrictions and conditions affecting the issue of stock and bonds.

Senate Bill No. 758, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as

herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by further requiring operators and owners of automobiles under certain circumstances to furnish proof of financial resonsibility and further regulating insurance policies which may be acepted as proof of financial responsibility imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth impcsing further duties upon owners and operators of vehicles providing exceptions imposing duties upon insurers and upon brokers agents or representatives of insurers providing for the payment of judgments in installments prescribing additional penalties and adding new sections.

Senate Bill No. 1020, entitled:

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions in which it shall be administered and prescribing penalties for violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the employment by school auditors and for the compensation of an attorney.

Senate Bill No. 1105, entitled:

An Act concerning proxies; authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof.

Senate Bill No. 1153, entitled:

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of the cities of the second class" establishing a Department of Lands and Buildings in said cities providing for its officers and employes defining the powers duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

Senate Bill No. 1154, entitled:

An Act to amend Article Four of the act approved the seventh day of March one thousand nine hundred one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill.

Senate Bill No. 1210, entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons, firms or corporations to erect office buildings, and to lease such office buildings for the use of the Commonwealth, the same to become the property of the Commonwealth upon termination of said lease.

Senate Bill No. 1266, entitled:

An Act to amend section six of the act approved the income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto.

Senate Bill No. 1358, entitled:

An Act to amend section six of the act approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five, of article fourteen, of the constitution, relative to the salaries of county officers and the payment of fees received by them into the state or county treasury, in counties containing over one hundred and fifty thousand inhabitants;" by providing that in counties of the first class, salaries of respective county offices shall not exceed the amount fixed by the tax levying body of such county for such offices.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 563

Mr. HEYBURN. Mr. President, I desire to make a report of a Committee of Conference on House Bill No. 563, Printer's No. 1233, entitled:

An Act to amend the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 912), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties;" requiring licenses for all bakeries; further regulating bakeries and the importation of bakery products ;providing for injunction in certain cases; and changing the penalties prescribed.

The PRESIDENT. The report will lie on the table.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations:

MEMBERS OF THE PENNSYLVANIA TURNPIKE COMMISSION

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg. June 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Turnpike Commission:

Walter A. Jones, of Pittsburgh, Allegheny County, for the term of ten years, and until his successor is appointed and qualified.

Samuel W. Marshall, of Norristown, Montgomery County, for the term of eight years, and until his successor is appointed and qualified.

Charles T. Carpenter, of Glenmoore, Chester County, for the term of six years, and until his successor is appointed and qualified.

Frank Bebout, of Monongahela, Washington County, for the term of four years, and until his successor is appointed and qualified.

GEORGE H. EARLE.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 708, as follows:

An Act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person shall manufacture process store or have in his possession any explosives in this Commonwealth until all requirements of this act have been complied with Provided That nothing contained in this act shall be construed to apply to the actual us of explosives in legitimate and lawful coal mining operations agricultural work or to the military and naval forces of the United States or to the transportation of explosives upon vessels or railroad cars when in conformity with the rules of the Interstate Commerce Commission

Section 2 The term "explosives" whenever used in this act shall mean and include any chemical compound or other substance intended for the purpose of producing an explosion or that contains oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by fire by friction by concussion by percussion or by detonator may produce an explosion capable of causing injury to persons or damage to property

For the purpose of this act manufactured articles shall not be held to be explosives when individual units contain ingredients in such limited quantities and of such nature as not ordinarily to be classified as an explosive such as fixed ammunition for small arms fire-crackers safety fuse matches and other articles which may be defined from time to time by regulations of the department

The term "magazine" as used herein means any building or other structure used exclusively for the storage of explosives

The word "person" as used in this act shall be construed to include individuals copartnerships associations and corporations as well as the Commonwealth and all palitical subdivisions thereof

Section 3 All persons engaged in the manufacture of explosives or any process involving explosives or where explosives are used as a component part in the manufacture of any article or device on the date when this act takes effect shall within sixty days thereafter and all persons engaging in the manufacture of explosives or any process involving explosives or where explosives are used as a component part in the manufacture of any article or device after this act takes effect shall before so engaging make a report in writing subscribed to by such person or his agent to the Department of Labor and Industry the report stating

(1) The location of place of manufacture or processing

(2) The kind of explosives manufactured processed or used

Section 4 All persons storing explosives or having explosives in their possession on the date when this act takes effect shall within sixty days thereafter and all persons contemplating the storing of explosives or having same in their possession after this act takes effect shall before obtaining or storing such explosives make a report in writing subscribed to by such person or his agent to the Department of Labor and Industry the report stating

(1) The capacity type of construction and location of the magazine if then existing or in case of a new magazine or a removal of any existing magazine the capacity type of construction and proposed location of such magazine

(2) The kind of explosives that are stored or in possession or intended to be stored or obtained and the maximum quantity involved

(3) The distance that such magazine is located or intended to be located from the nearest buildings magazines railroads and highways

Section 5 The department shall determine the amount of explosives that may be stored or placed in magazines and shall issue a license to the person applying therefor as hereinafter provided such license to stipulate the maximum amount of explosives permitted

Whenever any person fails for thirty days to pay the annual license fee hereinafter provided after the same becomes due or otherwise violates any of the provisions of this act the Secretary of Labor and Industry may cancel such license Whenever a license is cancelled for any cause the Secretary of Labor and Industry or his duly authorized representative shall notify in writing the person to whom such license is issued of the fact of such cancellation and shall in said notice direct the removal of all explosives stored in said magazine within a reasonable time limit but not to exceed ten days from the giving of said notice Failure to so remove the explosives stored in said magazine within the time specified in said notice shall constitute a violation of this act

Section 7 All explosive plants and all buildings and magazines wherein explosives are manufactured or stored shall be located operated maintained equipped and conducted so as to provide for the adequate protection for all persons employed in or about such explosive plants or magazines The location of explosives plants with respect to other buildings railroads and highways and the location of buildings wherein explosives are manufactured or stored with respect to other magazines or buildings when explosives are manufactured shall be in accordance with the regulations adopted by the Department of Labor and Industry

Section 8 There shall be kept in the main office on the premises of every explosives plant a plan of said plant showing the location of all buildings and the distance they are located from other buildings where person are employed and from magazines and these plans shall at all times be open to inspection by duly authorized inspectors of the Department of Labor and Industry The superintendent of each plant shall upon demand of said inspector furnish the following information

(a) The maximum amount and kind of explosives material which is or will be present in each building at any one time

(b) The nature and kind of work carried on in each buildings whether or not said buildings are surrounded by natural or artificial barricades and if so the details of construction of such barricades

Section 9 After January first one thousand nine hundred and thirty-eight every person storing or in possession of explosives shall be required to have a license for each magazine used for the storing or placing of explosives which license shall be issued on a form prepared and furnished by the Department of Labor and Industry The application for license shall be accompanied by the proper license fee which shall be prescribed by the department according to the quantity of explosives which are to be stored or placed in the magazine and shall not be less than two dollars and fifty cents ($2.50) nor more than twenty-five dollars ($25) Such license shall be kept posted conspicuously in or about the magazine for which issued Licenses shall expire annually on the thirty-first day of December and shall be renewed annually upon payment of the fee as specified in this section

Section 10 Every person company or corporation manufacturing storing selling transferring dealing in or in any manner disposing of any explosives shall keep in a book for that purpose an accurate record of all transactions with the date thereof relating to the receiving and disposing of the same which record shall show the amount of each such explosive received by whom transported or conveyed and each and every sale or other disposition made of such explosives with the amount thereof and the name of the person to whom delivery of the same was made who, shall be required to receipt therefor Such record shall at all times be open to the inspection of any duly authorized representative of the Commonwealth

Section 11 For the purpose of carrying out the provisions of this act and applying these provisions to specific cases the Department of Labor and Industry shall have the power and its duties shall be to make alter amend or repeal general rules and regulations to provide pro-

tection in the manufacture processing transportation storage use or handling of explosives

Section 12 Any person or persons who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for or who shall hinder or interfere with a duly authorized officer of the Commonwealth in the performance of his duties as herein provided shall upon conviction in a summary proceeding be punished by a fine of not less than ten dollars ($10) or more than one hundred dollars ($100) and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than thirty days Any person or persons who shall on second offense violate any of the provisions of this act or the rules and regulations of the department as herein provided for shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000) or to suffer imprisonment for not more than one year or both at the discretion of the court Prosecution for violation of this act may be instituted by the Secretary of Labor and Industry or his duly authorized representative

Section 13 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 14 All fees collected under the provisions of this act shall be paid into the State Treasury through the Department of Revenue

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Haluska,	Lanius,	Ruth,
Cavalcante,	Henney,	Mallery,	Scarlett,
Dando,	Heyburn,	McCreesh,	Shapiro,
Deitrick,	Huffman,	McGinnis,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gilson,	Kunkel,	Rodgers,	

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1398 (House Bill No. 1086), entitled:

An Act to fix the compensation of the assistant custodians of the Senate Chamber and the hall of the House of Representatives.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Huffman,	McGinnis,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gilson,	Lanius,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1457 (House Bill No. 1238), entitled:

An Act to validate certain debts and obligations of school districts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kunkel,	Reed,
Bean,	Gelder,	Lanius,	Rodgers,
Buckman,	Gilson,	Mallery,	Ruth,
Cavalcante,	Haluska,	McCreesh,	Scarlett,
Chapman,	Henney,	McGinnis,	Shapiro,
Dando,	Heyburn,	Mundy,	Sipe,
Deitrick,	Homsher,	Owlett,	Sones,
DiSilvestro,	Huffman,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe	Kilgallen,	Rankin,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with inforamtion that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1458, (House Bill No. 1785), as follows:

An Act to further amend section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and durgs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs or determining their quality strength and purity" by providing for special registration of veterans and certain other persons in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" as last amended by section two of the act approved the sixteenth day of May one thousand nine hundred and twenty-one (P. L. 613) is hereby further amended to read as follows

Section 16 (a) That the Pennsylvania Board of Pharmacy may in its discretion register as a pharmacist without examination any person who is duly so registered by examination in some other State Provided That the said person shall produce satisfactory evidence of having had the required secondary and professional education and is possessed of good character and morals demanded of applicants for registration as pharmasists under the provisions of the pharmacy act of Pennsylvania excepting that persons of good moral character who have become registered as pharmacists by examination in other States prior to May seventeenth one thousand nine hundred and seventeen shall be required to meet only the requirements which existed in Pennsylvania at the time when they became registered in such other State And provided also That the State in which such person is registered shall grant registration as a pharmacist without examination to pharmacists duly registered by examination in the State of Pennsylvania Applicants for such registration in Pennsylvania shall pay a fee of fifteen ($15) dollars for the application and expense of making an investigation of their character general reputation and pharmaceutical standing in the State where they have resided by the Pennsylvania Board of Pharmacy A fee of twenty-five ($25) dollars shall be paid for the registration and certificate thereof

(b) The Pennsylvania Board of Pharmacy in order to be informed and to determine the status of boards of pharmacy of other States desiring to effect agreements for reciprocal registration of pharmacists and in order also to be advised regarding the progress of pharmacy throughout the country shall annually select one of its members to meet with like representatives from other State boards of pharmacy At such meetings when arranged there shall be discussed the degree of fitness for registration which is required by the several State boards of pharmacy The Pennsylvania Board of Pharmacy through its representatives may with like representatives from other State boards of pharmacy join in creating and maintaining an association of representatives of the several State boards of pharmacy to be engaged in the general advancement of pharmacy and the keeping of records pertaining to reciprocal registration of pharmacists and in its discretion may give to such association information which it possesses relating to such aims and objects The Pennsylvania Board of Pharmacy at an expense not to exceed twenty-five ($25) dollars per annum may subscribe for and secure the service of an association engaged in the compilation of pharmaceutrical information knowledge and progress specially adopted to secure efficiency in the work of the board

(c) Every person registered in Pennsylvania as an assistant pharmacist who has served in the armed forces of the United State and who can present an honorable discharge from such service and who has had fifteen years experience as an assistant pharmacist and every person registered in Pennsylvania as an assistant pharmacist or registered as a pharmacist in any other state who has been in the retail drug business for at least twenty-five years the last fifteen years of which were in this Commonwealth may apply during a period of ninety days from the approval of this act on a form provided by the State Board of Pharmacy for registration as a pharmacist Upon approval of said application after an oral examination and payment of a fee of fifty ($50) dollars the State Board of Pharmacy shall grant and the Department of Public Instruction shall issue a certificate of registration as a pharmacist to such person without requiring him to meet other provisions of law which may therwise prevail for registration

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gilson,	Lanius,	Rice,
Bean,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Mundy,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1459, (House Bill No. 2452) on third reading, entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by making a further provision for the payment of the tax

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL NO. 1430 RETURNED WITH AMENDMENTS

Mr. HUFFMAN. Mr. President, I call up for consideration at this time Senate Bill No. 1430, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1430, entitled:

An Act making an appropriation to the Department of Welfare for Mothers' Assistance.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Scarlett,
Chapman,	Heyburn,	McGinnis,	Shapiro,
Dando,	Homsher,	Mundy,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
DiSilvestro,	Huffman,	Pierson,	Stiefel,
Ealy,	Jacobs,	Pytko,	Thompson,
Eroe,	Jaspan,	Rankin,	Wolfenden,
Frey,	Kilgallen,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1431 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up for consideration at this time Senate Bill No. 1431, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1431, entitled:

An Act making an appropriation to the Department of Welfare for old age assistance.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Scarlett,
Chapman,	Heyburn,	McGinnis,	Shapiro,
Dando,	Homsher,	Mundy,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
DiSilvestro,	Huffman,	Pierson,	Stiefel,
Ealy,	Jacobs,	Pytko,	Thompson,
Eroe,	Jaspan,	Rankin,	Wolfenden,
Frey,	Kilgallen,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 1430, entitled:

An Act making an appropriation to the Department of Welfare for Mothers' Assistance.

Senate Bill No. 1431, entitled:

An Act making an appropriation to the Department of Welfare for old age assistance.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

BILLS ON FINAL PASSAGE

Mr. HUFFMAN. Mr. President, I call up at this time Senate Bill No. 1012, House Bill No. 843, on final passage, entitled:

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of July one thousand nine hundred and thirty-seven it shall be unlawful for any person partnership association or corporation in the cities of this Commonwealth and in boroughs having a population of more than two thousand five hundred inhabitants to advertise or hold out by any means that any sale of goods wares and merchandise is an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing out sale or a sale of goods damaged by fire smoke or water unless a license is first obtained to conduct such sale from the treasurer of the city or borough in which it is to be held

Section 2 Upon application for such license the applicant shall make a full disclosure under oath of the following information The true name of the owner of the goods to be offered for sale the name of the operator of the sale of a person other than the true owner a full and complete inventory of the quantity kind and character of the goods to be offered for sale which shall be prepared in the following manner First a listing of all goods which have been in stock for a period of fifteen days or longer prior to the application for the license second a listing of all goods received in stock within the fifteen days immediately preceding the application for the license third a listing of all goods which have been ordered and will be placed in stock during the pendency of the sale the method by which the applicant for the license or the true owner of the goods if a different person acquired title to the same and the reason for the urgent and expeditious disposal thereof The said treasurer may require any further information necessary to inform him as to whether such license should be granted and if any defect appears in the title to the goods or any false representation is made in such application the said treasurer may refuse the license

Section 3 It shall be the duty of each such licensee to post a copy of the said application in the sales room or place where the goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing the same

Section 4 Any person conducting or being responsible

for any sale as set forth in section one hereof without first having obtained the license or any person making or being responsible for any misrepresentation in connection with the goods so offered for sale or sold shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) or to imprisonment for a term of not exceeding thirty days The right to appeal from such conviction shall exist as in other cases of summary convictions

Section 5 Any license so granted as aforesaid shall be good for no more than a period of ninety days and shall not be renewable nor shall any other such license be granted to the same person within the same city or borough for a period of one year succeeding the expiration of a previous license The treasurer shall receive from the applicant for such license upon the granting thereof a license fee which shall be twenty-five dollars ($25)

Section 6 This act shall not apply to sales conducted by sheriffs constables or other public or court officials or to any other person or persons acting under the direction or authority of any court State or Federal selling goods wares and merchandise in the course of his official duties nor to sales by licensed auctioneers extending over a period not in excess of three days nor to sales conducted by insurance companies or by salvage companies acting for insurance companies

Section 7 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

and the amdenments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Lanius,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Henney,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Huffman,	Owlett,	Sones,
Dent,	Jacobs,	Pierson,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,		

NAYS—3

DiSilvestro,	Heyburn,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. CAVALCANTE. Mr. President, when this bill came over from the House it was intended to correct an evil that prevailed in this Commonwealth during labor disturbances, and that evil was the soliciting and recruiting of strike-breakers from outside of this Commonwealth and also within this Commonwealth, to take the place of employees that were on strike. When the bill came up in this Senate it was defeated, then on a vote to reconsider, the bill was again placed on the calendar, with some amendments, and the amendments placed to it are indeed ridiculous, to say the least. May I explain just why they are ridiculous by reading the bill itself, for it is very short? When the bill came to the Senate it read that "it shall be unlawful for any person, himself, or any corporation to recruit any person or persons for employment etc., when the purpose of such recruiting, securing or offering to secure employment is to have such persons take the place of employees in the industry where an industrial dispute is then 'pending.'

Now, the evil, as I have said, that this bill was intended to correct was the evil of the employer who was confronted with an industrial strike going and recruiting strike-breakers from outside of the State, or far away from the place of disturbance, and bringing them to take the place of those who were on a strike. Now the amendment put to this bill makes the bill read in this manner: "It shall be unlawful for any person, firm or corporation not directly involved in the labor strike or walk-out, to recruit etc." Whom then does this bill fool, whom then does this bill cover, now, after you have put in an amendment that the bill says that the bill shall not cover these employers who are directly affected by a strike or walk-out? Why, the amendment is absolutely ridiculous. I have heard where on this floor an amendment has emasculated a bill; not only does this amendment emasculate the bill, but it has decapitated it. It is nothing, it is merely an empty show, it means nothing, it prohibits nothing. It prohibits a person, firm, or a corporation that is not directly involved from doing these acts. Well, if any employer, a firm or a corporation is not directly involved in the strike, they are not interested in employing strike-breakers. I was amazed when I found the bill on my desk, to be considered in this form. I was not here, when the vote to reconsider was taken, and I do not know who offered these amendments. It would be indeed enlighting if the gentleman who offered these amnedments could tell us to whom the bill applies. Now, if it does not apply to those persons, firms and corporations directly involved in the labor strike, to whom does it apply?

Mr. DENT. Mr. President, I think I can answer the Senator from Fayette, Mr. Cavalcante.

Mr. CAVALCANTE. Mr. President, I object to putting the amendments in.

Mr. DENT. Mr. President, there will be a lot of time when I am through. When these amendments were inserted the other night, I asked the question on the floor and I said, "will this bill prohibit an employer who is directly connected with the strike from going out employing someone to break this strike, whether that somebody is a member of an agency existing at that time or not, and I was told in their interpretation of the amendments that this would prohibit that. However, I agree with the Senator from Fayette to the extent that "if a person is not directly connected with the strike, firm or corporation" However, as the bill now stands, I personally feel that the employer is directly connected.

Mr. CAVALCANTE. Mr. President, I also agree with the Senator from Westmoreland, Mr. Dent that is my knowledge, and anybody who knows a little bit of law, knows that what person, firm or corporation can do itself can also be done through an agency. If this bill is intended to do away with strike-breaking, it does not do it at all, because a person, firm or corporation directly involved in an industrial dispute may employ a strike-breaker's agency.

Mr. SHAPIRO. Mr. President, I should like to say to the Senator from Fayette, that I prepared the amendments, in consultation with some of the representatives of labor, who are very much interested in this bill. I voted against the bill in the first instance because, it

would prevent the employer from going out and employing and hiring. I think the employer should have the right and the legislature should not curtail that right to prevent the unlawful taking of his property, and it would not stand the test of constitutionality. This is trying to stop them from engaging professional strike-breaking organizations, to furnish strike-breakers. In other words, labor does not want the employer to go out and hire a corporation whose business is to furnish strike-breakers during labor troubles, to furnish those people and bring them in here from all over the country or state; so we fixed the bill so that the employer himself may go out and recruit as many people as he wants to take the place of strikers, but cannot go out and have another corporation which is not involved in the strike, and engage them for the purpose of bringing in help for the purpose of strike-breaking. Now these amendments were drawn after the consultation with the representative of labor, with a group who are interested in this matter, and they are thoroughly satisfied with the bill in its present form.

Mr. CAVALCANTE. Mr. President, as a matter of law, will the Senator from Philadelphia not agree that what a certain firm or corporation directly involved in a labor strike can do, he can also do through an agent.

Mr. SHAPIRO. Mr. President, no, he cannot do it through an agent. If an agent is a certain firm or individual, not directly involved in the strike, it cannot under this action, engage in procuring employees for them.

Mr. CAVALCANTE. Mr. President, let us assume that the Jones and Laughlin Steel Company, near Pittsburgh, would have a strike, is there anything in this bill that would prevent Jones and Laughlin Company from going to New York and employing an agency to furnish them with 400 strike-breakers?

Mr. SHAPIRO. Mr. President, yes.

Mr. CAVALCANTE. Mr. President, what is in there, to show how this Act applies to a man in New York?

Mr. SHAPIRO. Mr. President, it makes it unlawful for any person, firm or corporation to recruit any person, or persons, or employment to secure any persns etc.; in other words, the strike-breaking organization would be the organization who procures them and therefore, they would come under the provisions of this Act.

Mr. CAVALCANTE. Mr. President, but this bill does not cover the Jones and Laughlin Corporation, because they are directly involved in the strikers' dispute, and how are you going to get more protection in New York City under an Act that was passed in Pennsylvania, if it does not come within our jurisdiction?

Mr. SHAPIRO. Mr. President, if the Senator from Fayette, reads the bill, it provides, "it shall be unlawful for any person, firm or corporation not directly involved in a labor dispute or a lock-out to recruit any person or persons for employment, or to secure or offer to secure any persons or firm, when the purpose of such recruiting, or offering to secure is to have such persons take the place;" and so on. This makes it unlawful for anybody, but, I say, the direct employer of the corporation involved to recruit labor.

Mr. CAVALCANTE. Mr. President, a careful study of this bill shows that the striking out of one word with three letters will make this bill a sensible bill and put some potency in the bill. I, therefore, move that the vote by which this bill passed third reading be reconsidered, for the purpose of striking out the word "not" on page 1, line 5, before the word "directly".

Mr. RANKIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, is this motion debatable?

The PRESIDENT. The Chair informs the Senator from Westmoreland, Mr. Dent, that the motion is debatable in a limited degree.

Mr. DENT. Mr. President, and members of the Senate, I do not like to be taking the opposite viewpoint in this debate, but I must do so because we should vote on this bill. I think that if the Senator from Fayette will continue to read the bill to the end of it and find the thorough qualifications that must be observed by the persons who employ help, he will find that a legitimate employer he may, through circumstances, find himself without the employees who originally went on strike, and may, after six or eight months, resume operations and be unable to find his men because they have gone to some other industry. When I ask you to withdraw your motion, you will be serving the best interests of labor and industry both in Pennsylvania, because in doing it, it is keeping out illegal strike-breakers, and allow the employer to employ individuals on a strike who do not want to come back. Some will want to come back, and I am going to ask the Senator from Fayette to withdraw his motion. If the motion is not withdrawn, I will have to oppose it.

Mr. CAVALCANTE. Mr. President, the Senator from Westmoreland may oppose the motion, but I will not withdraw my motion because I sincerely believe that I am helping the cause of labor, and am striking out the evil that the bill was originally intended to eliminate, and as the bill now stands, it does not strike out that evil, but propagates it, and permits it.

On the question,

Will the Senate agree to the motion?

A division being called for, 11 Senators voted in the affirmative; and 32 in the negative. Whereupon the question was decided in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1127, (House Bill No. 1246), as follows:

An Act to prohibit any person firm or corporation not directly involved in a labor strike or lockout recruiting or securing or offering to secure employment for persons to take the places of employes where a labor strike or a lockout exists and providing for legally established employment service

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person firm or corporation not directly involved in a labor strike or lockout to recruit any person or persons for employment or to secure or offer to secure for any person or persons any employment when the purpose of such recruiting securing or offering to secure employment is to have such persons take the place in employment of employes in an industry where a labor strike or a lockout exists provided that this Act shall not apply to any employment agent licensed as such under the Department of Labor and Industry or to the Pennsylvania or the United State Employment Service

Any person violating the provisions of this act shall be

guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or to suffer imprisonment for a term not exceeding one year or both at the discretion of the court

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Gelder,	Kunkel,	Ruth,
Bean,	Gilson,	Lanius,	Salus,
Cavalcante,	Haluska,	Mallery,	Scarlett,
Dando,	Henney,	McCreesh,	Shapiro,
Deitrick,	Howell,	McGinnis,	Sipe,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Eroe,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Rodgers,	

NAYS—4

Chapman,	Heyburn	Homsher,	Pierson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SENATE BILL No. 1072 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up for consideration at this time Senate Bill No. 1072, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1072, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Barthold,	Henney,	Lanius,	Rodgers,
Cavalcante,	Huffman,	Law,	Ruth,
Dando,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sones,
Eroe,	Kahle,	Mundy,	Stiefel,
Frey,	Kilgallen,	Pytko,	Thompson,
Gilson,	Kunkel,	Rankin,	Wolfenden,
Haluska,			

NAYS—12

Bean,	Ealy,	Howell,	Pierson,
Chapman,	Gelder,	Mallery,	Salus,
Deitrick,	Homsher,	Owlett,	Scarlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1251 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up for consideration at this time Senate Bill No. 1251, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1251, entitled:

An Act to amend section one of the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Act No. 108), entitled, "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class," by making further provisions relative to the appointment of members of the said board.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Barthold,	Haluska,	Kilgallen,	Pytko,
Bean,	Henney,	Kunkel,	Rankin,
Dando,	Heyburn,	Lanius,	Rodgers,
Deitrick,	Huffman,	Law,	Ruth,
DiSilvestro,	Jacobs,	McCreesh,	Shapiro,
Eroe,	Jaspan,	McGinnis,	Sones,
Frey,	Kahle,	Mundy,	Stiefel,
Gilson,			

NAYS—8

Chapman,	Mallery,	Pierson,	Scarlett,
Ealy,	Owlett,	Salus,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. HUFFMAN. Mr. President, I call up at this time Senate Bill No. 1459, (House Bill No. 2452) on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1459 (House Bill No. 2452), entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth

which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by making a further provision for the payment of the tax

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as last amended by act number fifty-seven approved the eighth day of April one thousand nine hundred thirty-seven is hereby further amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States Government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax an additional emergency State tax of one cent a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period beginning on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred and thirty-nine

Distributors shall be liable to the Commonwealth for the collection and payment of the tax imposed by this act The tax imposed by this act [though payable] shall be collected by the distributor at the time the liquid fuels are used or sold and delivered by the distributor and shall be borne by the consumer [and when paid by the distributor shall be deemed to have been so paid for the account of the consumer]

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political sub-division thereof

The department shall allow such handling and storage losses of liquid fuels as are substantiated to its satisfaction

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Barthold,	Haluska,	Lanius,	Rodgers,
Dent,	Henney,	Law,	Ruth,
DiSilvestro,	Huffman,	Mallery,	Shapiro,
Ealy,	Jacobs,	McCreesh,	Sipe,
Eroe,	Jaspan,	McGinnis,	Sones,
Frey,	Kahle,	Pytko,	Stiefel,
Gelder,	Kilgallen,	Rankin,	Wolfenden,
Gilson,	Kunkel,	Reed,	

NAYS—9

Bean,	Heyburn,	Owlett,	Salus,
Chapman,	Homsher,	Pierson,	Scarlett,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1460 (House Bill No. 2037), entitled:

An Act to re-enact and amend a part of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act of the government of cities of the second class" providing for the removal and dismissal of policemen in cities of the second class.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barthold,	Henney,	Kunkel,	Rankin,
Dando,	Heyburn,	Lanius,	Rodgers,
DiSilvestro,	Huffman,	Law,	Ruth,
Eroe,	Jacobs,	Mallery,	Shapiro,
Frey,	Jaspan,	McCreesh,	Sipe,
Gilson,	Kahle,	McGinnis,	Sones,
Haluska,	Kilgallen,	Pytko,	Stiefel,

NAYS—12

Bean,	Ealy,	Owlett,	Salus,
Chapman,	Homsher,	Pierson,	Scarlett,
Deitrick,	Howell,	Reed,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proveeded to the third reading and consideration of Senate Bill No. 1461 (House Bill No. 2002), entitled:

An Act to amend section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand eighty-three) entitled "An act requiring all persons contracting with the Commonwealth or any department or officer thereof

ir any municipal corporation division or sub-division of the Commonwealth to accept the provisions of the State Workmen's Compensation Act and to insure the said contractor liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract" by making a contract executed in violation of the provisions of this act voidable.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Ruth,
Chapman,	Heyburn,	Mallery,	Salus,
Dando,	Homsher,	McCreesh,	Scarlett,
Deitrick,	Howell,	McGinnis,	Shapiro,
Dent,	Huffman,	Mundy,	Sipe,
DiSilvestro,	Jacobs,	Owlett,	Sones,
Ealy,	Jaspan,	Pierson,	Stiefel,
Eroe,	Kahle,	Pytko,	Thompson,
Frey,	Kilgallen,	Rankin,	Wolfenden,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1462 (House Bill No. 2003), entitled:

An Act to amend section eight hundred and five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by making townships liable for payment of compensation to persons injured while employed under a contract executed in violation of provisions of this act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. EALY. Mr. President, I suggest that somebody that really understands this bill explain it to the Senate.

The PRESIDENT. The Chair understands that it is to prevent employees of townships, and one thing or another from being deprived of compensation, that is all I know about it.

Mr. SHAPIRO. Mr. President, as I understand this bill, and my reason for voting "no", is that it creates a liability upon the township for the performance of a public function which does not exist in any city or any township at the present time. The Supreme Court has decided that any township or city in the performance of a public function is not liable for injuries. Niw, why it should be liable for workmen's compensation is more than I can understand.

Mr. KILGALLEN. Mr. President, I vote "aye" on this bill, because under the law a township when it enters into a contract, will stipulate in that contract that the contractor is taking out workmen's compensation insurance. This bill provides that if the municipality fails to do that, or the contractor fails to do that, then the township shall be liable for compensation, and I think it should be properly liable for that compensation if it neglects to make the proper kind of a contract.

Mr. SHAPIRO. Mr. President, I want to dispute that. When the township gives out a contract, the contractor is liable to the injured person; if the township solicitor does neglect to take care of the interests of the city and make those provisions in the contract for such a contingency then the cause is the neglect of the township's solicitor, the township knows nothing about it, the township would then be penalized to an unlimited extent. It seems to me that the way to handle this is to make the city solicitor liable.

Mr. GELDER. Mr. President, I might add to what the gentleman from Philadelphia has said, the fact that the situation is very much complicated by a bill to be passed at this session bringing the roads, partly at least, under the authority of the Commonwealth, and it will be pretty hard for supervisors to know just what their duties are and what their responsibilities are.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—15

Cavalcante,	Jaspan,	McGinnis,	Ruth,
Eroe,	Kilgallen,	Pytko,	Sipe,
Haluska,	Kunkel,	Rankin,	Stiefel,
Henney,	McCreesh,	Rodgers,	

NAYS—25

Barthold,	Gelder,	Kahle,	Reed,
Bean,	Gilson,	Lanius,	Salus,
Chapman,	Heyburn,	Law,	Scarlett,
Deitrick,	Homsher,	Mallery,	Shapiro,
DiSilvestro,	Howell,	Owlett,	Sones,
Ealy,	Huffman,	Pierson,	Wolfenden,
Frey,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

SENATE BILL NO. 911 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up at this time Senate Bill No. 911, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 911, entitled:

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely, unclaimed dividends and profits, debts and interest on debts, proceeds of policies of insurance, stock, and customers deposits held by certain limited partnerships and unincorporated association, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, association and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and

for proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Barthold,	Haluska,	Kilgallen,	Rankin,
Cavalcante,	Henney,	Lanius,	Reed,
Dando,	Heyburn,	Law,	Ruth,
Dent,	Huffman,	Mallery,	Shapiro,
DiSilvestro,	Jacobs,	McCreesh,	Sipe,
Eroe,	Jaspan,	McGinnis,	Sones,
Frey,	Kahle,	Pytko,	Stiefel,
Gilson,			

NAYS—10

Chapman,	Howell,	Pierson,	Scarlett,
Ealy,	Kunkel,	Salus,	Wolfenden,
Gelder,	Owlett,		

A majority of all the Senators having voted "aye" the question was determined in the affiramtive.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1237 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up at this time Senate Bill No. 1237, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1237, entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College, subject to certain reservations, the Mont Alto State Forest School; and to accept a conveyance from said college of a tree nursery tract.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Rupp,
Chapman,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Salus,
Deitrick,	Howell,	McGinnis,	Scarlett,
DiSilvestro,	Huffman,	Mundy,	Shapiro,
Ealy,	Jacobs,	Owlett,	Sipe,
Eroe,	Jaspan,	Pierson,	Sones,
Frey,	Kahle,	Pytko,	Stiefel,
Gelder,	Kilgallen,	Rankin,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1269 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up at this time Senate Bill No. 1269, returned from the House of Representatives with amendments.

Agreeably to order.

The Senate resumed the consideration of Senate Bill No. 1269, entitled:

An Act to further amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto a new sub-division (h) consisting of Sections 685 and 696 inclusive defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gilson,	Kunkel,	Rodgers,
Bean,	Haluska,	Lanius,	Ruth,
Cavalcante,	Henney,	Law,	Salus,
Chapman,	Heyburn,	Mallery,	Scarlett,
Dando,	Homsher,	McCreesh,	Shapiro,
Deitrich,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Huffman,	Owlett,	Sones,
Ealy,	Jacobs,	Pierson,	Stiefel,
Eroe,	Jaspan,	Pytko,	Wolfenden,
Frey,	Kahle,	Rankin,	Woodward,
Gelder,	Kilgallen,	Reed	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1311 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up for consideration at this time Senate Bill No. 1311, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1311, entitled:

An Act providing for the erection, construction and equipment of buildings for a new State sanatorium or new buildings at existing sanatoria: designating the manner of acquiring or setting aside of land for the erection and construction of such buildings by The General State Authority; authorizing the Commonwealth to lease such new sanatorium or building or buildings and the grounds connected therewith from The General State Authority upon their completion and the Department of Health to manage and operate the same; and conferring powers and imposing duties upon certain State departments.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gilson,	Kunkel,	Reed,
Bean,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Ruth,
Chapman,	Heyburn,	Mallery,	Salus,
Dando,	Homsher,	McCreesh,	Scarlett,
Deitrick,	Howell,	McGinnis,	Shapiro,
DiSilvestro,	Huffman,	Mundy,	Sipe,
Ealy,	Jacobs,	Owlett,	Sones,
Eroe,	Jaspan,	Pierson,	Stiefel,
Frey,	Kahle,	Pytko,	Wolfenden,
Gelder,	Kilgallen,	Rankin,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL NO. 1433 RECALLED FROM THE GOVERNOR

Mr. HUFFMAN. Mr. President, I call up at this time, House Bill No. 1433. Recalled from the Governor, entitled:

An Act to amend sention five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as mended, permitting State institutions and sanatoria to supply water to individuals.

Said bill having been recalled from the Governor for the purpose of amendment the votes had on final passage and third reading were considered in the House and the bill amended.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Gilson,	Kunkel,	Reed,
Cavalcante,	Haluska,	Lanius,	Rodgers,
Chapman,	Henney,	Law,	Ruth,
Dando,	Heyburn,	Mallery,	Salus,
Deitrick,	Homsher,	McCreesh,	Scarlett,
Dent,	Howell,	McGinnis,	Shapiro,
DiSilvestro,	Huffman,	Owlett,	Sipe,
Ealy,	Jacobs,	Pierson,	Sones,
Eroe,	Jaspan,	Pytko,	Stiefel,
Frey,	Kahle,	Rankin,	Wolfenden,
Gelder,	Kilgallen,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 308 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up for consideration at this time Senate Bill No. 308, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 308, entitled:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania Motor Police and Patrolmen and Guards in State Parks.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kilgallen,	Rankin,
Bean,	Gilson,	Kunkel,	Reed,
Cavalcante,	Haluska,	Lanius,	Rodgers,
Chapman,	Henney,	Law,	Ruth,
Dando,	Heyburn,	Mallery,	Salus,
Deitrick,	Homsher,	McCreesh,	Scarlett,
Dent,	Howell,	McGinnis,	Shapiro,
DiSilvestro,	Huffman,	Mundy,	Sipe,
Ealy,	Jacobs,	Owlett,	Sones,
Eroe,	Jaspan,	Pierson,	Stiefel,
Frey,	Kahle,	Pytko,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 153 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up for consideration at this time Senate Bill No. 153, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 153, entitled:

An Act to amend the act approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise, securities, or services, and providing penalties for the violation thereof," by including display or placard advertising, and changing the penalties prescribed, and the manner of proving violations.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Kilgallen,	Reed,
Bean,	Gilson,	Kunkel,	Rodgers,
Cavalcante,	Haluska,	Lanius,	Ruth,
Chapman,	Henney,	Law,	Salus,
Dando,	Heyburn,	Mallery,	Scarlett,
Deitrick,	Homsher,	McCreesh,	Shapiro,
Dent,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Huffman,	Owlett,	Sones,
Ealy,	Jacobs,	Pierson,	Stiefel,
Eroe,	Jaspan,	Pytko,	Wolfenden,
Frey,	Kahle,	Rankin,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1119 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up for consideration at this time Senate Bill No. 1119, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1119, entitled:

An Act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Kilgallen,	Reed
Bean,	Gilson,	Kunkel,	Rodgers,
Cavalcante,	Haluska,	Lanius,	Ruth,
Chapman,	Henney,	Law	Salus,
Dando,	Heyburn,	Mallery,	Scarlett,
Deitrick,	Homsher,	McCreesh,	Shapiro,
Dent,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Huffman,	Owlett,	Sones,
Ealy,	Jacobs,	Pierson,	Stiefel,
Eroe,	Jaspan,	Pytko,	Wolfenden,
Frey,	Kahle,	Rankin,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1314 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up for consideration at this time Senate Bill No. 1314, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1314, entitled:

An Act to amend sections two hundred fifteen, and two hundred seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws;" by providing for supervision over fire rating bureaus; and prescribing penalties.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Kilgallen,	Reed,
Bean,	Gilson,	Kunkel,	Rodgers,
Cavalcante,	Haluska,	Lanius,	Ruth,
Chapman,	Henney,	Law,	Salus,
Dando,	Heyburn,	Mallery,	Scarlett,
Deitrick,	Homsher,	McCreesh,	Shapiro,
Dent,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Huffman,	Owlett,	Sones,
Ealy,	Jacobs,	Pierson,	Stiefel,
Eroe,	Jaspan,	Pytko,	Wolfenden,
Frey,	Kahle,	Rankin,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representativs accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1157

Mr. HUFFMAN. Mr. President, I move that the Senate do now proceed to the consideration of the report of the Committee of Conference on House Bill No. 1157.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

Report of the Committee of Conference on House Bill No. 1157.

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1157, entitled: "An Act To amend section one, section three as amended, and sections four, five and nine as added, of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws 202), entitled 'An act providing for the licensing and regulation of motor boats

operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws and prescribing penalties, extending said act to motor boats electrically propelled, and regulating license fees for such motor boats; providing for new license plates each license year, and fixing license years, and regulating the installation and use of mufflers," respectfully submit the following bill as our report:

SAMUEL L GILSON
FRANK W RUTH
Committee on the Part of the Senate

MAHLON F LARUE
LEO A ACHTERMAN
ARTHUR J WALL
Committee on the part of the House of Representatives

An Act to amend section one and section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats electrically propelled and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eight day of May one thousand nine hundred thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted etc That the following words and terms when used in this act shall have the meanings ascribed to them in this section

"Board" The Board of Fish Commissioner of the Commonwealth or its duly authorized representative

"Inland Waters" Any public stream river lake artificial or natural body of water [or non-tidal waters of any river] within the Commonwealth

"Motor Boat" Any boat electrically propelled or any boat propelled by any type of internal combustion motor of one or more cylinders [including any type of water craft propelled by] including any type of water craft propelled by an out-board motor

"Person" An individual copartnership association or corporation

The masculine shall include the feminine or neuter and the singular shall include the plural

Section 2 That section three of said act as amended by section one of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) is hereby further amended to read as follows

Section 3 Any person owning a motor boat and desiring to operate or navigate the boat or cause it to be operated or navigated on any inland water shall make a written application to the Department of Revenue for a license for such boat Such application shall be made on a form prescribed prepared and furnished by the Department of Revenue and together with such other information as the Department of Revenue may require shall state

(a) The name and address of the applicant and if the applicant is a partnership the names and addresses of all the partners and if the applicant is a corporation the names and addresses of the officers

(b) The size seating or other capacity gross weight and type of the boat

(c) The type number of cylinders the horse power and maximum speed of the motor and the type of muffler under-water exhaust used in connection with such motor

(d) The engine number of the motor which propels the boat

Upon receipt of an application and upon the payment of a license fee of one dollar for each cylinder of the motor built in or attached to the boat or a fee of two dollars in the case of electrically propelled boat the Department of Revenue shall issue to the applicant owner a license for his boat together with duplicate metallic license plates which plates shall contain a serial number [at least five inches in height] corresponding with the number on the license issued to the owner and shall be displayed conspicuously at all times one on each side of the bow of the boat [The owner may paint or stencil a facsimile of the license plates one on each side of the bow of the motor boat provided such license plates are stored in such motor boat] Such license plates [facsimile of such license plates] shall be used only on the boat the engine of which bears the number set forth in the application

Section 3 That sections four five and nine of said act as added by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) are hereby amended to read as follows

Section 4 Dealers' license plates bearing the additional mark "X" may be used on any motor boat in the possession of such manufacturer jobber or dealer when the boat is being used for demonstration purposes Application for dealers' licenses shall be made upon a form provided by the Department of Revenue and shall set forth the full name and business address of the applicant and such other information as the Department of Revenue shall require and shall be signed by such manufacturer jobber or dealer Upon receipt of the application and upon the payment of a license fee of five dollars for the initial set and five dollars for each additional set the Department of Revenue shall issue to the applicant manufacturer jobber or dealer a dealer's license together with duplicate metallic license plates which plates shall contain the letter "X" and a serial number corresponding with the number on the license issued to the dealer and shall be displyayed conspicuously one on each side of the bow of the boat being used by the dealer

Section 5 Dealers' and owners' license plates shall be valid [from year to year provided the license is renewed as hereinafter required If the license is not renewed it shall be the duty of the motor boat owner to forward the license plates in his possession to the Department of Revenue and remove the facsimile of such license plates immediately upon the expiration of his license In the event the license plates have been lost or destroyed a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates Dealers' and owners' licenses shall be valid until the thirty-first day of December next following the date of their issuance and may be renewed from year to year upon application and payment of a fee as in the case of procurement of an original license] only for the license year April first of one year to March thirty-first of the succeeding year Upon the renewal of a license for any subsequent year new license plates shall be issued by the department

Section 9 No boat propelled by any type of internal combustion motor of one or more cylinders including out-board motors shall be operated on any of the inland waters unless the same is equipped with [an underwater exhaust or with a muffler having at least two baffle plates such muffler and baffle plates shall be in good working order and of a type approved by the board No

cut-outs or other devices shall be used to make such muffler ineffective] a muffling device supplied by the manufacturer of the motor for that particular model without modification to prevent excessive or unusual noise which shall at all times be maintained in good working order No person shall operate a motor boat with the cut-out open or muffler removed Provided That nothing contained in this section shall be construed to require motors to be so muffled when boats are engaged in legtimate racing contests or in preparation for the same

Section 4 This act shall become effective immediately upon its final enactment.

On the question

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30.

Barthold,	Henney,	Law,	Salus,
Cavalcante,	Heyburn,	Mallery,	Scarlett,
Dando,	Homsher,	McCreesh,	Shapiro,
Ealy,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kahle,	Pytko.	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson.	Kunkel,	Ruth,	Wolfenden,
Haluska,	Lanius,		

NAYS—4.

Chapman,	Gelder.	Howell,	Huffman.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1801

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives.

Resolved (if the Senate concur), That House Bill No. 1801 (Senate Bill No. 1441), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundre dand thirty-one (Pamphlet Laws five hundred ninety-four), entitled "Rural State Highway Law" as amended, by changing certain routes and adding certain new routes.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 918

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to.

In the House of Representatives.

Resolved (if the Senate concur), That House Bill No. 918 (Printer's No. 1111), entitled:

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred two to, the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," providing for and regulating the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways, and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

NOMINATIONS BY THE GOVERNOR

The Chair cleared his table and laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Executive Nominations.

MEMBERS OF THE BOARD OF TRUSTEES OF THE DANVILLE STATE HOSPITAL AND OF THE PENNSYLVANIA SOLDIERS' ORPHAN SCHOOL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June, 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Carl Fleckenstein, of Bloomsburg, Columbia County, for appointment as a member of the Board of Trustees of Danville State Hospital, for the term of four years, and until his successor is appointed and qualified, vice Simon K. Hoffman, of Danville resigned.

E. J. Stackpole, of Harrisburg, Dauphin County, for reappointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School, for the term of four years, and until his successor is appointed and qualified.

E. C. Shannon, of Columbia, Lancaster County, for reappointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School for the term of four years and until his successor is appointed and qualified.

Charles L. Johnson, of Waynesboro, Franklin County, for appointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School, for the term of four years and until his successor is appointed and qualified, vice J. Guy Griffith, of New Kensington, whose term expired.

John M. Gelwix, of Chambersburg, Franklin County, for appointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School, for the term of four years, and until his successor is appointed and qualified, vice, Ray E. Taylor, of Harrisburg, whose term expired.

John P. Butt, of Gettysburg, Adams County, for appointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School, for the term of four years, and until his successor is appointed and qualified, vice, Arthur G. Houser, of Philadelphia, whose term expired.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June, 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Harry E. Fishel, of South Middleton Township, Cumberland County, for appointment as Justice of the Peace in the Township of South Middleton, Cumberland County, to fill a vacancy, until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARY PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June, 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Ruth S. Benedict, of Harrisburg, Dauphin County, for appointment as a Notary Public in the City of Harrisburg, Dauphin County, for the term of four years.

GEORGE H. EARLE

HOUSE MESSAGES

SENATE BILL NO. 654 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced returned to the Senate Bill No. 654, entitled:

An Act fixing the salary of the stenographer to the President of the Senate, the clerk to the President Pro Tempore of the Senate and the Parliamentarian of the House of Representatives and authorizing the Speaker of the House of Representatives to appoint a secretary and fixing his salary.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 348

He also presented communication from the House of Representatives, informing the Senate that the House has adopted the report of the Committee of Conference on House Bill No. 348, entitled:

An Act making an appropriation to the Glen Mills Schools situate in Delaware County, Pennsylvania.

COMMUNICATION FROM THE GOVERNOR

The Secretary of the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 199, Printer's No. 762, entitled, "An act to amend section one section three as amended sections seven and thirteen and section seventeen as amended and to repeal section six of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions further regulating the hours of labor eliminating existing provisions permitting over time work in certain cases imposing duties on employers and conferring powers and imposing duties on the Department of Labor and Industry and providing penalties.

GEORGE H. EARLE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1858 (PRINTER'S NO 916)

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives.

Resolved (if the Senate concur), That House Bill No. 1858, entitled:

An Act to amend section two thousand five hundred fifty-three, as amended, of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," permitting city treasurers to give fidelity bonds as tax collectors of school districts of the secon dclass, and regulating the premiums thereof.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE ADOPTS REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL NO. 947

He also presented communication from the House of Representatives, informing the Senate that the House has adopted the report of the Committee of Conference on House Bill No. 947, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven(P. L. 465), entitled "Fire Safety Building Regulation Law," as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1835

He also presented communication from the House of Representatives, informing the Senate that the House has adopted the report of the Committee of Conference on House Bill No. 1835, entitled:

An Act to authorize the acquisition, improvement, construction, operation and maintenance of electric light and gas systems by cities of the third class and boroughs; authorizing the issuance of revenue bonds of such cities and boroughs, payable solely from earnings, to pay the cost of such systems; providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance, operation and repair of such systems; providing for condemnation, authorizing the issuance of revenue refunding bonds; and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act.

RECESS

Mr. HUFFMAN. Mr. President, I move that the Senate do now take a recess until 10:00 p. m.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

QUESTION OF PERSONAL PRIVILEGE

Mr. GILSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Erie, Mr. Gilson, will state his question of personal privilege.

Mr. GILSON. Mr. President, I have been in the Senate of Pennsylvania for only six months. I believe that my colleagues and myself will bear witness to the fact that I have refrained from expressing an opinion very consistently during that period. It has been very interesting to me to have sat in this Senate and observe the psychology of the members of this Senate, which has expressed an evolution of philosophy in the movement of time. I was committed in my campaign as a Senator of Pennsylvania to the theory of Party government. I have believed in it since the days of my undergraduate study at Princeton, where I absorbed the theories of Party government under the tutelage of Woodrow Wilson. I believe that any Democracy must move forward under a system of Party government, or move backward under a system of anarchy, and as I have watched the events of the last few years I begin to be convinced that Pennsylvania had produced one who has justified all that I had come to believe as to the soundness of Party government. I believed then, and I believe now, that Governor Earle, the Governor of the State of Pennsylvania, is typical of the best that there is in the principle of Party government, and I have been willing during my service in the Senate of Pennsylvania to subordinate a number of my own convictions in order that principles might rise or fall upon the soundness of the principles for which it stood. Sometime ago, a resolution was presented to this Senate by Senator Eroe, to which I shall now call the attention of my colleagues. This resolution is number 43, and was presented in the Senate on April 19, 1937, and referred to the Committee on Highways, where it has remained ever since. The gist of that resolution was a commendation of Governor Earle for his expressed determination to make an impartial and certain investigation of the conduct of the Highway Department, especially with respect to the purchases and uses of materials entering into highway construction. The time has come to throw off the mask which prompts the presentation of that resolution.

Mr. President, I do not believe that the Democratic party in the State of Pennsylvania, or any member thereof, can afford to hide behind any mask. If there is something that we do not like, if there is something which might involve us in any way, it is right to bring that matter out in the open and look it in the eye. I had hoped on April 19, 1937, when that resolution was presented by Senator Eroe in the Senate, that the occasion would not arrive when the leader of a minority party might be able to rise in the House of Representatives and demand where the report was, which this resolution commended the Governor of Pennsylvania for demanding.

Mr. President, I am a Senator, and humble as I may be and as quiet as I may have been, and as subservient to the demands of the party as I may have appeared to be, I am still, if you please, the Senator from Erie County. Erie County is one of the counties of a district involving several other counties, Crawford and some more counties in western Pennsylvania. I do not propose to go back to Erie County tomorrow, nor the day after tomorrow, and have my constituents point their finger at me, or point their finger at the man who I believe is one of the finest leaders of the Democratic Party or any other party, that it has ever had in the State of Pennsylvania. I cannot sit here tonight with the words of the leader of the opposition in the House of Representatives still ringing in my ears and still trying to point, the finger of scorn at this Administration and my collegaues, and my section of the State, and remain silent. I believe in party loyalty, I believe that the first requisite of party loyalty is to be free and to be frank with those with whom we have entrusted the leadership of the party and the government in our State. These matters came early to my attention, and as promptly as they came to me, I brought them to the attention of those within whose sphere it was to act.

Mr. President, I want to say that I do not propose to let this Senate, or to let the public, or my county, or any part of the State of Pennsylvania, assume that I, with the knowledge of those facts, have sat passively by here waiting for the day when something might happen. I believe that the resolution which I have mentioned was justified. I have taken it upon myself to ascertain whether or not the Governor of the Commonwealth of Pennsylvania has pursued with the diligence which he ought, the investigation which was forced upon him. Now, it may be that the speech which Governor Earle has made publicly today, that he expects and is assured of having a complete, full and exhaustive report by the heads of the departments of State police of Pennsylvania by tomorrow noon, is a true statement. I was assured of that same fact by Major Adams this afternoon. I realize that there is a certain innuendo and suspicion about having the time of this report being made public coincide with the adjournment of the Legislature of Pennsylvania. I believe, however, that my service of five and one-half or six months with the Senators of Pennsylvania, if it has done nothing else, at least, has given them confidence in me and collateral with it, that as a Senator who is most vitally affected by this investigation, I wish to assure them that this delay on the part of Major Adams, has been inevitable that the high lights of that investigation have been for a day or so in the possession of the Governor, and that a full report will be made public, and that action will be taken.

Now, there is one other thing that is on my mind, and I am not going to let this legislature adjourn without saying to them in the spirit, I think in the same spirit that, if I had to condone anything in this Senate, it is in that spirit of perfect candor and frankness. The leader of the Democratic party, I would say, in Erie County, in northwestern Pennsylvania, is Mr. Arthur Colegrove, superintendent of the Department of Property and Supplies, and I wish to say here now, that there is no man in the service of the Commonwealth of Pennsylvania who enjoys the confidence of the people of Pennsylvania, or who enjoys the confidence of the people with whom he has served, in such high degree, or perhaps in as high a degree as Mr. Colegrove.

I will say to you, my colleagues in the Senate, that the man who is directly responsible for bringing forth this investigation, the one man whose honesty, whose integrity and whose high principles and character were so challenged by the things that I found out, and that he could not pass them by, was the Superintendent of Property and Supplies, Arthur Colegrove. Now, I am awaiting with

something that is a great deal more than mere interest as to what is going to happen as the result of this investigation, and I want to say to you, my colleagues, if there is the least doubt from a full and free and frank report of the conditions which I know to exist in this district, if there is a failure to act in the way that the Administration ought to act to punish those who are involved in this matter, and if there is any attempt at retaliation, either politically or otherwise, upon the Superintendent of Property and Supplies, Mr. Colegrove I want to say to you that the Senator from Erie County in Pennsylvania will spend his natural life in active opposition in Erie County and in the State of Pennsylvania to retaliate upon those who attempt to retaliate upon him whom I consider the most honest man in the State of Pennsylvania, and the most courageous that this State has ever known.

Now this is gentlemen, justified and is said, not with any outburst for home consumption, but I say to you that I have never been more earnest in my life. I have spent in this Senate six months of time in the effort to give to the people of Pennsylvania the kind of government that I understand the leadership of this party stands for and let me say to you, my friends, that party organization, that term, what those words in that service will mean if we do not serve, it will mean absolutely nothing to me unless, when this matter is over, it is over fully, freely and fairly and without the least bit of vengeance or vindictiveness upon the character of a man who had the courage to point his finger promptly and effectively at an evil which he thought to exist. I only trust that it will not be necessary for me to take such an action, but if that time should come, I certainly hope that the kindly friendships and understanding which it has been my privilege to enjoy with all the members of this Senate, that anything that I may do in a matter of this kind is prompted by motives which all of my colleagues could commend from the start to he finish.

Now I ask you, my friends, only one thing, I ask you to lay aside your efforts, those of you who may be inclined to seek out of this situation any small element of party advantage. It will only come back upon you if you do. I ask those of you who have become acquainted with me to understand that what I am saying here tonight goes deeper than any mere party advantage or disadvantage. Looming ahead of the Commonwealth of Pennsylvania lies a movement for expansion and construction, and it must be built, not merely in materials and money, it must be built with integrity and intelligence. We are standing today on the threshold of a program which will use millions of dollars of the peoples' money, and I say to you that we cannot with self respect approach that program unless we have the respect of the people and confidence in ourselves in the program which is costly, and so I ask you to bear with me, to bear with Major Adams and to bear with Governor Earle until this verdict is made public and in return for that, my friends, I pledge you with all my sincerity and with all my energy that if that is not what it should be you will find me more vigorous in its condemnation than I have been here tonight in the solicitation of your support. I thank you.

HOUSE CONCURS IN SENATE BILL NO. 1403

He also returned to the Senate, Senate Bill No. 1403, entitled:

An Act to amend the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers and of all persons, whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties', approved the twenty-seventh day of April ,nineteen hundred and five and providing penalties for violations of this act" by adding thereto section 18.1; providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War, and making an appropriation

with the information that the House has passed the same without amendments.

He also returned to the Senate, Senate Bill No. 1416, entitled:

An Act to authorize counties to file suggestions for revival of certain tax license to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens

with the information that the House has passed the same without amendments

HOUSE CONCURS IN SENATE BILL No. 846

He also returned to the Senate, Senate Bill No. 846

An Act making an appropriation to the Department of Military Affairs to pay for the traveling expenses of the respective Commanders of the Pennsylvania Department of Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, or their respresentatives, in accompanying the members of the United States Battle Monuments Commission to Europe to dedicate certain monuments.

with the information that the House has passed the same without amendment

HOUSE CONCURS IN SENATE BILL No. 1263

He also returned to the Senate, Senate Bill No. 1263, entitled:

An Act to amend Route Two Hundred and Ninety-eight of section one of an act, approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws nine hundred forty-eight), entitled "An act establishing certain public roads as State highways, and providing for certain construction and maintenance at the expense of the Commonwealth."

HOUSE MESSAGES

SENATE BILL NO. 214 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 214, entitled:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases; and defining the powers of the court in such cases.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 606 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 606, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for certain employes of school districts.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested

SENATE BILL NO. 629 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 629, entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain state departments commissions and officers authorizing certain local public officers and state departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain aots and parts of acts relating to corporations" further regulating and extending and restricting in certain cases the rights responsibilities authority and powers of non-profit corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof further providing for and regulating the dissolution of such corporations and providing penalties further providing for and regulating the revocation of certificates of authority of foreign non-profit corporations with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested

SENATE BILL NO. 630 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 630, entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by further defining the scope of the act eliminating certain approvals of articles of incorporation and certificates of authority and further regulating the incorporation of business corporations regulating and extending the rights responsibilities authority powers and immunities of such corporations and of the shareholders thereof and the rights powers qualifications and compensation of the officers thereof further providing for and regulating the dissolution of such further providing for and regulating the issuance and revocation of certificates of authority of foreign business corporations and providing penalties

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 776, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 776, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium, wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in, and the transfer of inmates from, State penal and correctional institutions; empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions; eliminating the office of business manager in State institutions under the Department of Welfare; authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals; authorizing the Department of Property and Supplies to establish

standards for the operation of certain State equipment, and to make periodical surveys of the buildings, equipment, land, and improvements of State institutions; further modifying and regulating the procedure to be followed for construction projects; making further provision for bid performance bonds of bidders for State contracts; extending the scope of the work of the State Park Commission; further regulating purchases made directly by departments, boards and commissions; requiring counties to pay compensation and expenses of special attorneys in criminal cases; authorizing the Governor to grant commissions to State pilots; providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth; providing for the promulgation of rules and regulations by, and enlarging the powers of, the Department of Forests and Waters and the Water and Power Resources Board; further regulating the maximum price that may be paid for land acquired for State forestry purposes; prescribing the membership and powers and duties of the State Park Commission; creating and prescribing the powers and duties of Regional State Park Boards; eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes; eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor, the Pennsylvania Game Commission; eliminating the Public Service Commission of the Commonwealth of Pennsylvania, and extending the provisions of the Code to its successor, the Pennsylvania Public Utility Commission; transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue, and the State Board of Undertakers from the Department of Public Instruction to the Department of Health; eliminating the State Aeronautics Commission, the Pennsylvania Alcohol Permit Board, and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives, and the Anatomical Board; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

with the information that the House has passed the same with amendments, in which he concurrence of the Senate is requested.

SENATE BILL NO. 830, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 830, entitled:

An Act authorizing political subdivisions to provide for the issue and sale dureng any fiscal year of revenue bills which shall be negotiable and useable for the payment of taxes due for said year.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL NO. 955, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 955, entitled:

An Act authorizing and empowering cities of the first class with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to erect and construct waterworks as herein defined within and without their corporate limits, to acquire property within their corporate limits by purchase, lease, gift and the power of eminent domain, for such purposes; to generate power and erect power plants stations and to use sell and purchase water, water power and electric energy within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages; and repealing inconsistent laws.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 1069 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1069, entitled:

An Act relating to and regulating the mining of anthracite coal; providing for the health, safety and welfare of persons employed in and about the anthracite coal mines, and for the protection and preservation of property connected therewith; amending, consolidating, revising and charging the law relating thereto; and imposing penalties.

wtih the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1089, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1089, entitled:

An Act regulating and improving the civil service of such cities establishing and regulating the powers and duties of Civil Service Commissions providing for the appointment of Civil Service Commissioners providing for the appointment and regulating the duties and powers of Civil Service Directors defining certain crimes imposing penalties and repealing existing laws relating thereto

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1139, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1139, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of equal annual installments and to authorize the making of contracts, the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act; requiring annual provisions for payment of mandamus executions and suspending inconsistent legislation.

with the information that the House has passed the asme with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1270, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1270, entitled:

An Act to amend sections one and three of the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 32) entitled "An act requiring recorders of deeds to prepare and keep in their respective offices general direct and ad sectum indexes of deeds and mortgages recorded therein; prescribing the duty of said recorders; and declaring that the entries in said general indexes shall be notice to all persons," by further regulating the preparation and keeping of indexes

of deeds and mortgages by recorders of deeds; and prescribing the effect thereof.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 1208, RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1208, entitled:

An Act to amend sections twelve and fourteen as amended of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and returned to school service and to persons who have separated from school service because of physical or mental disability

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

RESOLUTION RELATIVE TO THE MOVEMENT OF THE HONORABLE JOHN B. KELLY AS SECRETARY OF REVENUE

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 3, 1937.

Whereas, The Honorable John B. Kelly has announced his intention of retiring from the office of Secretary of Revenue at the close of the present session of the General Assembly; and

Whereas, He has served the Commonwealth in the capacity of Secretary of Revenue with much honor; and

Whereas, He will be remembered for his strenuous efforts to make the highways of this Commonwealth safe, not only for motorists, but also for pedestrians; and

Whereas, He will also be remembered for the fair and impartial manner in which he administered the tax laws; and

Whereas, He was loved by his friends and respected by his enemies; therefore be it

Resolved, (if the House of Representatives Concur), That the General Assembly, hereby expresses its sincere regret that the Hon. John B. Kelly finds it necessary to retire from the office of Secretary of Revenue and to resume his private business affairs; and be it further

Resolved, That it is the wish of the members of the General Assembly, that he shall have success, good health and much happiness in any new venture.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1978, entitled:

A supplement to the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases.

Senate Bill No. 846, entitled:

An Act making an appropriation to the Department of Military Affairs to pay the traveling expenses of the respective Commanders of the Pennsylvania Departments of the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, or their representatives, in accompanying the members of the United States Battle Monuments Commission to Europe to dedicate certain monuments.

Senate Bill No. 1263, entitled:

An Act to amend Route Two Hundred and Ninety-eight of section one of an act, approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws nine hundred forty-eight), entitled "An act establishing certain public roads as State highways, and providing for certain construction and maintenance at the expense of the Commonwealth."

Senate Bill No. 1403, entitled:

An Act to amend the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 980) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining compete registration of births, deaths, marriages, and diseases throughout the State,as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by adding thereto section 18.1; providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War, and making an appropriation.

Senate Bill No. 1416, entitled:

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens.

Senate Bill No. 153, entitled:

An Act to amend the act approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise, securities, or services, and providing penalties for the violation thereof," by including display or placard advertising and changing the penalties prescribed, and the manner of providing violations.

Senate Bill No. 308, entitled:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania Motor Police and Patrolmen and Guards in State Parks.

Senate Bill No. 1072, entitled:

An Act to fix the number of Senators in the General

Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators

Senate Bill No. 1119, entitled:

An Act providing for the qualifications examinations appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties

Senate Bill No. 1157, entitled:

An Act authorizing and empowering cities of the second class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain and to use sell and purchase water within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws.

Senate Bill No. 1251, entitled:

An Act to amend section one of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Act Number one hundred eight) entitled "An act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class" by making further provisions relative to the appointment of members of the said board.

Senate Bill No. 1237, entitled:

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College, subject to certain reservations, the Mont Alto State Forest School and to accept a conveyance from said college of a tree nursery tract.

Senate Bill No. 1269, entitled:

An Act to further amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervison and protection of home and foreign insurance companies, Lloyds associations reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto a new subdivision (h) consisting of Sections 685 to 696 inclusive defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

Senate Bill No. 911, entitled:

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely, unclaimed dividends and profits debts and interest on debt, proceeds of policies of insurance, stock, and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and for the proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

Senate Bill No. 1311, entitled:

An Act providing for the erection, constructionand equipment of buildings for a new State sanatorium or new buildings at existing sanatoria; designating the manner of acquiring or setting aside of land for the erection and construction of such buildings by The General State Authority; authorizing the Commonwealth to lease such new sanatorium or building or buildings and the grounds connected therewith from The General State Authority upon their completion and the Department of Health to manage and operate the same; and conferring powers and imposing duties upon certain State departments.

Senate Bill No. 1314, entitled:

An Act to amend sections two hundred fifteen, and two hundred seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges; providing penalties, and repealing existing laws," by providing for supervision over fire rating bureaus; and prescribing penalties.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

Mr. STIEFEL. Mr. President, I just want to make a few remarks. It is getting near the end of the Session, and I feel that I would be neglecting my duty if I did not express to you my feelings of gratitude to our esteemed colleague, the Senator from Armstrong, Mr. Sipe, whom, I think you will agree with me, is one of the best, if not the best, historian to describe the trials and tribulations of the early settlers of our State.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, before I leave these Legislative Halls for the ancestral plantation, with its hallowed association and its blessed memories of 141 years, before I leave for the pleasant valleys, where he sweet waters flow from the blue springs, I want to thank my friend Senator Stiefel for his kind remarks, and also to thank my colleagues in this Senate, regardless of party affiliations, for the interest they have shown and expressed in the matter that I told you before, which is very close to my heart, the recommendation of the sublime moral principle that actuated the first settlers in the Commonwealth of Pennsylvania. I am glad that in the Senate of Pennsylvania, I found pople who were responsive to my pleas, that we should have in the schools of Pennsylvania textbooks on elementary history of Pennsylvania and the

United States that do not ignore the first settlement, in our State, while at the same time giving a great deal of space to the first settlements in Virginia, in Massachusetts, in New York and others of the thirteen original States(and, emulating my good friend from Erie in his fondness, I am constrained to say to you that has been a great sorrow to me that in my crusade for recognition of the first settlement of our State in the text books of our schools, I found the least encouragement where I should have found the most; I found further, the most opposition in the places, the higher places where I should have received the most help, and that lack of interest and that opposition, I am trying to state to you, has been largely in the higher places of the public school systems of Pennsylvania. Frankness prompts me to say that it is in the glorious history of Pennsylvania, that the text book put out by some New England book concerns ignored the glorious history, part of which is given to you and to me, and to me it is very suggestive that while these text books ignore these glorious things in our State, for time in our State, for time immemorial the boys and girls and school teachers of the Keystone State have read the white-washed varnished and expungated story of the Puritians in New England. Let me say to you, that the real story, the true story of the First Settlement in Massachusetts is the story that is to revolting to be delivered to any young mind, without first having been white-washed expuated. But thanks be to God, the history of he First Settlement in Pennsylvania does not need any white-washing, it does not need any varnishing, and it does not need any expungating in order to make it fit to present to young minds for their consideration, I hardly know when to stop when I get into the first settlements in the early history of the greatest State of the Union, but let me say that the Swedes there on the Delaware, on account of their immortal principles deserve monuments of marble and bronze, they deserve medals of silver and gold, and their best love is of the American soil and the true principles to all mankind, which came about as the fruits of their great beliefs of religious liberty, which they learned and taught, and I hope it is within the Providence of God, that I live to come back to the next session of the Senate of Pennsylvania and that there will have come about largely through your help and through your interests, a realization of the far reaching influences of this neglected colony, and that it will be set forth for all time in the elementary histories in the schools of the Keystone State. As one Senator suggested to me this evening, those settlements were not many in point of number; no, but they mere mighty important in point of progress. These settlements contained some of the best blood in the Colonial States. I will tell you about it when I come down in this Senate some time again and offer other personal privilege speeches. Out of this colony came a man. There is an erroneous impression about the Declaration of Independence, that it came into being, that it burst forth spontaneously on the world, but as a matter of fact it came about like most great other things in the world, it came about through a struggle. It was in the rosy month of June, it was in the month of roses, in 1776, that a great Virginia orator introduced into the Continental Congress, in session in Philadelphia, the resolution that "That these colonies are, and of a right ought to be free and independent states, and forever absolve themselves from all allegience to the British Government". The Declaration of Independence had opposition. Well, the Continental Congress began to vote on this, that is, a delegation from each State voted as to how they stood, six voted against the resolution, and six voted for it, thus making a tie, Then it came Pennsylvania's time to vote as the last of the thirteen and when the Pennsylvania delegation voted, it was a tie, until the Chairman of the Pennsylvania delegation cast his vote for the resolution, thus breaking the deadlock in the Continental Congress, and making possible by one man's vote the adoption of that glorious Declaration of Independence. Now, who was this Chairman? This Chairman was a Swede, John Martin, he was a civil engineer, he was a surveyor, he was a self-educated man, a man with a fine mind who became a brilliant orator, and he was in the Revolutionary War, he was in the Continental Congress of Pennsylvania and on account of his ability, he was elected Chairman of the Pennsylvania Delegation in the Continental Congress.

John Martin was one of the first signers of the Declaration of Independence, and he died within a year after the signing of that document.

Mr. President, in closing let me say that I have stood with uncovered head at the grave of John Martin in an old Swedish burying ground in which he was laid away, and I want to say now, that it is simply too bad that so many of the educated people of the Keystone state are so familiar with the character and services of that noble personage, John Martin, a signer of the Declaration of Independence, one of the earliest settlers of this state, in New Sweden, it is simply too bad that thee is not one word said about this man in any of the school books in the Public Schools in Pennsylvania, and it is unfair that his name should not be written in the foremost histories of the United States of America.

SENATE BILL NO. 222 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, Mr. President, I call up at this time Senate Bill No. 222, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 22, entitled:

An Act to amend sections five hundred and fifty-nine and five hundred and sixty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the collection of taxes for which collectors have been exonerated and other delinquent taxes; and authorizing the appointment of collectors of delinquent taxes therefor.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barthold,	Heyburn,	Lanius,	Ruth,
Cavalcante,	Homsher,	Law,	Salus,
Dando,	Howell,	Mallery,	Scarlett,
Eroe,	Huffman,	McCreesh,	Shapiro,
Frey,	Jaspan,	McGinnis,	Sipe,
Gilson,	Kahle	Owlett,	Sones,
Haluska,	Kilgallen,	Pytko,	Stiefel,
Henney,	Kunkel,	Rankin,	Wolfenden,

NAYS—3

Bean,	Chapman,	Gelder,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 654 RETURNED WITH AMENDMENTS

Mr. HUFFMAN. Mr. President, I call up at this time Senate Bill No. 654, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 654, entitled:

An Act fixing the salary of the stenographers to the President of the Senate, the Clerk to the President Pro Tempore of the Senate and the Parliamentarian of the House of Representatives and authorizing the Speaker of the House of Representatives to appoint a secretary and fixing his salary.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Henney,	Kunkel,	Rankin,
Cavalcante,	Heyburn,	Lanius,	Ruth,
Dando,	Homsher,	Law,	Salus,
Ealy,	Howell,	Mallery,	Scarlett,
Eroe,	Huffman,	McCreesh,	Shapiro,
Frey,	Jacobs,	McGinnis,	Sipe,
Gelder,	Jaspan,	Owlett,	Sones,
Gilson,	Kahle,	Pierson,	Stiefel,
Haluska,	Kilgallen,	Pytko,	Wolfenden,

NAYS—1

Bean,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 348

Mr. HUFFMAN. Mr. President, I call up for consideration at this time, Report of Committee of Conference on House Bill No. 348.

Mr. LAW. Mr. President, I second the motion.

The report was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 348, entitled: "An act making an appropriation to the Glen Mills Schools situate in Delaware County, Pennsylvania," respectfully submit the following bill as our report:

JOHN S. RICE,
JOHN J. McCREESH,
THEO. LANE BEAN,
(Committee on the Part of the Senate)

HERBERT B. COHEN,
JOHN J. BAKER,
ELLWOOD J. TURNER.
(Committee on the part of the House of Representatives)

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred and eighty-five thousand dollars ($285,000) or so much thereof as may be necessary be and the same is hereby specially appropriated to The Glen Mills Schools situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred and thirty-seven for the purpose of maintenance.

On the question,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Barthold,	Gilson,	Kilgallen,	Pytko,
Cavalcante,	Haluska,	Kunkel,	Rankin,
Chapman,	Henney,	Lanius,	Salus,
Dando,	Heyburn,	Law,	Scarlett,
Deitrick,	Homsher,	Mallery,	Shapiro,
Dent,	Howell,	McCreesh,	Sipe,
Ealy,	Huffman,	McGinnis,	Sones,
Eroe,	Jaspan,	Owlett,	Stiefel,
Frey,	Kahle,	Pierson,	Wolfenden,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT ON CONFERENCE COMMITTEE ON HOUSE BILL NO. 947

Mr. HUFFMAN. Mr. President, I call up for consideration at this time, Report of Committee on Conference on House Bill No. 947.

Mr. LAW. Mr. President, I second the motion.

The report was read as follows:

To the Members of the Senate and House of Representatives:

We the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 947 entitled An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and main-

tenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas respectfully submit the following bill as our report

FRANK W. RUTH,
JOHN H. DENT.
HENRY J. PIERSON,
Committee on the Part of the Senate.
DENNIS L. WESTRICK,
J. BRADY MURRIN,
Wm. E. HABBYSHAW.
Committee on the Part of the House of Representatives.

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire department in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended by the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1523) is hereby amended to read as follows

Section 3 Special Requirements There shall be installed such emergency lighting systems sprinkler systems [and] fir ealarm systems and gas shut-off valves in such of the buildings enumerated in this act as the Department of Labor and Industry may specify and which in its judgment are necessary to give proper protection from fire and panic to those employed assembled lodged or housed therein No such systems or devices shall be installed unless they are of a type approved by the Department of Labor and Industry

Al buildings enumerated in this act as the Department of Labor and Industry may specify which may be supplied from some outside source with gas shall be equipped by the builder or owner of such building with a gas shut-off valve attached to the gas supply pipe or pipes on the inside of the building at a point where said pipes enter the building and before they reach the gas meter which valve shall be connected with a conspicuous and conveniently accessible control box at a place on the exterior of the building so arranged as to allow the gas supply to be shut off by any member of any fire department immediately wherever the necessity arises The fire department of any municipality shall have the exclusive use of gas shut-off valves and their operation in the event of fire or other emergency Such shut-off valves and said control box for the shut-off valve shall be so marked as to indicate their respective purpose The gas shut-off valve shall be so constructed as to automatically shut off the gas when subjected to sufficient heat

All existing buildings and every building hereafter erected subject to the provisions of this act shall be equipped with such device and necessary appliances within eighteen months after the approval of this act

On the question,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36.

Barthold,	Haluska,	Kunkel,	Rankin,
Bean,	Henney,	Lanius,	Ruth,
Cavalcante,	Heyburn,	Law,	Salus,
Dando,	Homsher,	Mallery,	Scarlett,
Ealy,	Howell,	McCreesh,	Shapiro,
Eroe,	Huffman,	McGinnis,	Sipe,
Frey,	Jaspan,	Owlett,	Sones,
Gelder,	Kahle,	Pierson,	Stiefel,
Gilson,	Kilgallen,	Pytko,	Wolfenden,

NAYS—1.

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 1835

Mr. HUFFMAN. Mr. Presedent, I call up for consideration at this time, Report of Committee of Conference on House Bill No. 1835.

Mr. LAW. Mr. President, I second the motion.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1835

To the Members of the Senate and House of Representatives

We the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1835 entitled "An Act to authorize subject to certain conditions the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condition authorizing the issuance of revenue refunding bonds and providing subject to certain conditions that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act" respectfully submit the following bill as our report

THOMAS E. KILGALLEN,
BERNARD B. McGINNIS.
C. GILBERT WOLFENDEN,
Committee on the Part of the Senate,

EUGENE A. CAPUTO,
HOWARD R. PEARSON,
T. JAY SPROUL,
Committee on the Part of the House of Representatives.

An Act to authorize subject to certain conditions the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condemnation authorizing the issuance of revenue refunding bonds and providing subject to certain conditions that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any municipality as hereinafter defined is hereby authorized and empowered to acquire by purchase and to construct or partly acquire and partly construct and to improve enlarge reconstruct own equip operate and maintain an electric light system or a gas system as hereinafter defined inside or outside the limits of such municipality in whole or in part to sell services therefrom to public or private consumers located inside and outside said municipality and to issue revenue bonds payable from earnings to pay the costs of such system

Section 2 As used in this act the following words and terms shall have the following meanings

(a) The word "system" shall include all property rights easements and frachises relating thereto and deemed necessary or convenient for its operation and shall embrace an electric light system or a gas plant in its entirety or any integral part thereof including but not limited to dams reservoirs wells storage tanks pumping tanks meters valves mains and distribution systems

(b) The word "municipality" shall include cities of the third class and boroughs

(c) The term "legislative body" as applied to a municipality shall mean The Council The Borough Council or other board or body in which the general legislative powers of the municipality are vested

(d) The word "improvement" shall mean such repairs replacements additions and betterments of and to a system acquired by purchases as are deemed necessary to place it in a safe and efficient condition for the use of the public if such repairs replacements additions and betterments are ordered prior to the sale of any bonds for the acquisition of such system

(e) The term "cost of system" as applied to a system to be acquired by purchase shall include the purchase price cost of improvement financing charges interest during any period of disuse before completion of improvements cost of engineering and legal expenses plans specifications and surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to acquisition of the system and the placing of the same in operation

(f) The term "cost of system" as applied to a system to be constructed shall embrace the cost of construction the cost of all land property rights easements and franchises acquired which are deemed necessary for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for six months after completion of construction cost of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the system and the placing of the same in operation

(g) The word "owner" shall include all individuals incorporated companies societies or associations having any title or interest in any properties rights easements or franchises to be acquired

Section 3 Any municipality shall have power to acquire by purchase upon such terms and conditions and in such manner as it may deem proper and to acquire by condemnation in accordance with and subject to the provisions of any and all existing laws applicable to the condemnation of property for public use and land rights easements franchises and other property deemed necessary or proper for the construction operation and maintenance of a system Title to the property condemned shall be taken in the name of the municipality The municipality shall be under no obligation to accept and pay for any property by this act and in any proceedings to condemn such orders may be made by the court having jurisdiction of the suit action or proceeding as may be just to the municipality and to the owners of the property to be condemned

Section 4 Any municipality is hereby authorized to acquire by purchase whenever it shall deem such purchase expedient but solely by means of or with the proceeds of revenue bonds hereinafter authorized any system as hereinabove defined or any such system wholly or partly constructed and any franchises easements permits and contracts for the construction of any such system upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof title thereto to be taken in the name of the municipality

Section 5 At or before the time any such system shall be acquired by purchase it shall be the duty of the legislative body to deterimne what repairs replacements additions or betterments will be necessary to place such system in safe and efficient condition for use and to cause as estimate of the cost of such improvement to be made and submitted to it by an engineer or engineers appointed by it Such improvements shall be ordered by the legislative body before the sale of any revenue bonds hereinafter authorized for the acquisition of such system and shall be paid for out of the proceeds of such bonds

Section 6 Any municipality is hereby authorized to construct whenever it shall deem such construction expedient any system as hereinabove defined the cost of such construction to be paid wholly by means of or with the proceeds of revenue bonds hereinafter authorized

Section 7 Before any system shall be acquired or constructed or partly acquired and partly constructed under the provisions of this act the legislative body shall adopt an ordinance which shall (a) set forth a brief and general description of the system and a reference to the plans and specifications which shall theretofore have been prepared by an engineer chosen by the municipality and filed with the clerk of the legislative body of such municipality (b) set forth the engineers estimated cost thereof and the estimated period of construction (c) order the acquisition of such system and the construction of such improvements thereto as may be necessary or order the construction of such system and the acquisition of all property deemed necessary or proper for the construction operation and maintenance thereof and (d) direct that revenue bonds of the municipality shall be issued pursuant to this act in such an amount as may be found necessary to pay the cost of the system

Section 8 Upon the ordinance above mentioned becoming effective the municipality is hereby authorized to provide by resolution for the issuance of its revenue bonds for the purpose of paving the cost as hereinabove defined of any system the principal and interest of which bonds shall be payable solely from the special fund herein provided for such payment Such revenue bonds shall bear interest at not more than six per centum per annum payable semi-annually and shall mature at such time or times not more than thirty years from their date or dates as may be fixed by such resolution All such revenue bonds may be made redeemable before maturity at the option of

the municipality at such price and under such terms and conditions as may be fixed by it prior to the issuance of the bonds The principal and interest of such revenue bonds may be made payable in any lawful medium The legislative body shall determine the form of the bonds and the interest coupons to be attached thereto the manner of executing the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the State All revenue bonds issued under this act shall contain a statement on their face that the municipality shall not be obligated to pay the same or the interest thereon except from the revenues of such system In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery All such revenue bonds shall be and shall have and are hereby declared to have as between successive holders thereof all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State Provisions may be made for the registration of any of the bonds in the name of the owner as to principal alone and for the transfer of bonds so registered including transfers to bearer and for successive registrations and transfers The municipality may sell the bonds in such manner and for such price as it may determine to be for the best interests thereof but no such sale shall be made for less than a price which computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values will show a net return of six per centum per annum to the purchaser upon the amount paid therefor The proceeds of such revenue bonds shall be used solely for the payment of the cost of the system and shall be checked out in such manner and under such restrictions if any as the legislative body may provide If the proceeds of the revenue bonds by error of calculation or otherwise shall be less than the cost of the system additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the trust indenture hereinafter mentioned shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same system If the proceeds of bonds issued for any such system shall exceed the cost thereof the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the legislative body may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act or by the Constitution of the State

Section 9 All moneys received from any revenue bonds issued pursuant to this act shall be applied solely to the payment of the cost of the system or to the appurtenant sinking fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of the holders of the bonds or the trustee hereinafter provided for in respect of such bonds

Section 10 In the discretion of the legislative body such revenue bonds may be secured by a trust indenture by and between the municipality and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the State but no such trust indenture shall convey or mortgage the system or any part thereof Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper not in violation of law including covenants setting forth the duties of the municipality in relation to the acquisition construction improvement maintenance operation repair and insurance of the system the custody safeguarding and application of all moneys and may provide that the system shall be acquired constructed or partly acquired and partly constructed and paid for under the supervision and approval of consulting engineers employed or designated by the municipality and satisfactory to the original purchasers of the bonds issued therefor their successors assigns or nominees who may be given the right to require that security given by contractors and by any depositary of the proceeds of the bonds or revenues of the system or other moneys pertaining thereto be satisfactory to such purchasers successors assigns or nominees Such resolution or indenture may set forth the rights and remedies of the bondholders and trustee restricting the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations Except as in this act otherwise provided the municipality may provide by resolution or by such trust indenture for the payment of the proceeds of the sale of the bonds and the revenues of the system to such officer board or depositary as it may determine for the custody thereof and for the method of disbursement thereof with such safeguards and restrictions as it may determine All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the system affected by such indenture

Section 11 At or before the issuance of any revenue bonds the municipality shall by resolution create a sinking fund for the payment of the bonds and the interest thereon and the payment of the charges of banks or trust companies for making payment of such bonds or interest and shall set aside and pledge a sufficient amount of the net revenues of the system hereby defined to be the revenues of the system remaining after the payment of the reasonable expense of operation repair and maintenance such amount to be paid into such sinking fund at intervals to be determined by the municipality prior to the issuance of the bonds for (a) the interest upon such bonds as such interest shall fall due and (b) the necessary fiscal agency charges for paying bonds and interest and (c) the payment of the bonds as they fall due or if all bonds mature at one time the proper maintenance of a sinking fund sufficient for the payment thereof at such time and (d) a margin for the payment of premiums upon bonds retired by call or purchase as herein provided Such required payments shall constitute a first charge upon all the net revenues of the system Rates or other charges shall be fixed charged and collected for the use of such system and shall be so fixed and adjusted in respect of the aggregate of such rates or other charges from the system for which a single issue of revenue bonds is issued as to provide a fund sufficient to make such required payments and to provide an additional fund to pay the cost of maintaining repairing and operating the system Such rates or other charges shall not be subject to supervision or regulation by any State bureau board commission or agency and it shall not be necessary for the municipality to obtain any franchise or other permit from any State bureau board commission or agency for the doing of the things authorized by this act Prior to the issuance of revenue bonds the municipality may provide by resolution or by such trust indenture for using the sinking fund or any part thereof in the purchase of any of the outstanding bonds payable therefrom at the market price thereof but not exceeding the price if any at which the same shall at the next interest date be payable or redeemable and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued The moneys in the sinking fund less a reserve for payment of not exceeding one year's interest on the bonds if not used within a reasonable time for the purchase of bonds for cancellation as above provided shall be applied to the redemption of bonds by lot at the redemption price then applicable

Section 12 Any municipality shall have power to make and enter into all contracts or agreements necessary or incidental to the execution of its powers under this act and may employ engineering architectural and construction experts and inspectors and attorneys and such other employes as may be deemed necessary and may fix their

compensation All such compensation and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act All public or private property damaged or destroyed in carrying out the powers granted under this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided by this act

Section 13 Any holder of any such revenue bonds or any of the coupons attached thereto and the trustee if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the revenue bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceeding protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the municipality including the fixing charging and collecting of rates and other charges for the use of such system

Section 14 Any municipality shall be subject to the charges and rates established as hereinabove provided for services rendered such municipality and shall pay such rates or charges when due and the same shall be deemed to be a part of the revenues of the system as hereinabove defined and be applied as hereinabove provided for the application of such revenues

Section 15 In addition to the revenues which may be received from the sale of revenue bonds and from the collection of fees rents tolls rates and other charges under the provisions of this act any municipality shall have authority to receive and accept contributions of either money or property or other things of value to be held used and applied for the purposes in this act provided

Section 16 Any municipality is hereby authorized to provide by resolution for the issuance of its refunding revenue bonds for the purpose of refunding any revenue bonds issued under the provisions of this act and then outstanding The issuance of such refunding revenue bonds the rights of the holders thereof and the duties of the municipality in respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable and by the following provisions

(a) No refunding revenue bonds shall be delivered unless delivered in exchange for revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable revenue bonds together with any premium thereon or revenue bonds maturing or redeemable within three months together with any premium thereon or for the payment of unmatured revenue bonds which shall then be on deposit with a bank or trust company for surrender to the municipality upon receipt therefor of a sum not exceeding the face value thereof

(b) No refunding revenue bonds shall be issued unless issued to refund revenue bonds which have matured or will mature within three months if either the interest rate of refunding revenue bonds delivered in exchange or the net return to the purchaser upon the amount paid for refunding revenue bonds sold shall exceed the interest rate borne by the revenue bonds to be refunded

Section 17 No city or borough shall acquire condemn construct or begin to operate any plant system equipment or other facilities under any provisions of this act for the rendering or furnishing to the public of any service of the kind or character already being rendered or furnished by any public service company until the Pennsylvania Public Utility Commission shall have first found determined and ordered after public hearing upon notice to all parties affected that such acquisition condemnation construction or operation is necessary and proper for the service economy accommodation convenience or safety of the public

Section 18 This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing

Section 19 The sections and provisions of this act are severable and are not matters of mutual essential inducement and it is the intention to confer the whole or any part of the powers herein provided for and if any of the sections or provisions or parts thereof are for any reason illegal it is the intention that the remaining sections and provisions and parts thereof shall remain in full force and effect

Section 20 This act shall take effect immediately upon final enactment

On the question,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Haluska,	Lanius,	Rankin,
Cavalcante	Henney,	Law,	Ruth,
Dando,	Heyburn,	Mallery,	Salus,
Dent,	Howell,	McCreesh,	Scarlett,
Ealy,	Huffman,	McGinnis,	Shapiro,
Eroe,	Jaspan,	Owlett,	Sones,
Frey,	Kahle,	Pierson,	Stiefel,
Gelder,	Kilgallen,	Pytko,	Wolfenden,
Gilson,	Kunkel,		

NAYS—1

Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 214 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 214, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 214, entitled:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases; and defining the powers of the court in such cases.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Haluska,	Kunkel,	Rankin,
Cavalcante,	Henney,	Lanius,	Ruth,
Dando,	Heyburn,	Law,	Salus,
Dent,	Homsher,	Mallery,	Scarlett,
Ealy,	Howell,	McCreesh,	Shapiro,
Eroe,	Huffman,	McGinnis,	Sipe,
Frey,	Jaspan,	Mundy,	Sones,
Gelder,	Kahle,	Owlett,	Stiefel,
Gilson,	Kilgallen,	Pytko,	Wolfenden,

NAYS—1

Bean,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered. That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 606 RETURNED WITH AMENDMENTS

Mr. LAW, Mr. President, I call up at this time Senate Bill No. 606, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 606, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for certain employes of school districts.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Berthold,	Gelder,	Kilgallen,	Pytko,
Bean,	Gilson,	Kunkel,	Rankin,
Cavalcante,	Haluska,	Lanius,	Ruth,
Chapman,	Henney,	Law,	Salus,
Dando	Heyburn,	Mallery,	Scarlett,
Deitrick,	Homsher,	McCreesh,	Shapiro,
Dent,	Howell,	McGinnis,	Sipe,
Ealy,	Huffman,	Mundy,	Sones,
Eroe,	Jaspan,	Owlett,	Stiefel,
Frey,	Kahle,	Pierson,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, this body has signally honored one of the members of the Governor's cabinet, and I have been asked to read a letter from the gentleman in question.

Harrisburg, Pa., June 4, 1937.

To the Honorable the Members of the Senate and the House of the General Assembly of Pennsylvania.

The writer wishes to take this opportunity for himself to express promptly and in advance of a more formal acknowledgement his deep appreciation of your many kindnesses, particularly your joint resolution just adopted with reference to his impending retirement as Secretary of Revenue. This is all the more appreciated since it can be accepted without reservation as sincere on all sides of the Legislature, and it is a great thing to be able to feel that way.

In addition I wish to speak to you also as the cheer leader and team mate of as loyal and fine a group as it has ever been my lot to work with—the thirty-eight Democratic members of the House and the six of the Senate from Philadelphia.

Since the first of the year you have listened with interest, indulgence or disgust, depending upon your party affiliations and those of the orator, to a pitiless attack on God's patience, your own and sometimes the King's English.

But since you have proven to me that you can take it beyond all human endurance I am venturing to say something for myself and my friends, in the full belief that you will forgive all, however much you may have thought that I was responsible for the verbal barrage you have received.

Whether you have agreed or not with the Philadelphia legislation you have been called on to vote for or against I would like you to believe that we have tried to correct what we thought were evils and to place laws on the statute books that would make our city a better place to live in or at any rate bring it up to the standards of good government enjoyed anywhere in the State.

Perhaps we have been clumsy in our methods of approach and may have annoyed you. But our delegation is made up of a good many freshmen and if we have taxed your patience at times we ask your forgiveness, since we felt that the end justified the means.

We know, however, that you have really been very tolerant and for that reason we want to thank you from the bottom of our hearts. And we want you to know that we appreciate more than we can readily express how much your friendly interest has meant.

You have helped us, you other Democrats and even some of you Republicans, to win many an argument. You have differed with us and defeated us both in caucus or House or Senate.

Be assured that we emerge from this history-making session feeling that we are better for having known you. And in each defeat we hope that we have been good sports and that we have salvaged what we could from the wreck.

To the Republicans particularly we wish to convey the fact that we respect almost all of your opinions and without reservation we admire you for your singleness of purpose. Never could we say that you were not consistent. You were always against us. Yet, withall, we leave you without any bitterness in our hearts—only the pious hope that one day you will see the light and learn that there is another word in Webster beside 'No.'

No doubt we have tried your souls to the uttermost. But still we feel that we too have had grounds for complaint, since we had to listen to Elwood Turner and Mason Owlett— and that is no Philadelphia Orchestra concert in our ears.

Seriously it has been great fun and a great job and as we see it, a time of great achievement which we would not have missed on any account.

We wish also to thank the President of the Senate and

the Speaker of the House for their fairness and understanding and wish for them that their hopes, whatever they may be, will be accomplished.

We thank Billy Gallagher and John Morlock for putting up with us.

To all, Republicans and Democrats alike, we extend hearty thanks for all our legislation you approved; all of our rippers that you ripped. You have been great fellows to know.

Yours cordially,

"Jack the Ripper,"
JOHN B. KELLY.

SENATE BILL NO. 629 RETURNED WITH AMENDMENTS

Mr. LAW, Mr. President, I call up at this time Senate Bill No. 629, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 629, entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization merger consolidation and dissolution of such corporations; conferring certain rights powers duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commission and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations;" further regulating and extending and restricting in certain cases, the rights responsibilities authority and powers of non-profit corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof; further providing for and regulating the dissolution of such corporations and providing penalties further providing for and regulating the revocation of certificates of authority of foreign non-profit corporations.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Haluska,	Kunkel,	Pytko,
Cavalcante,	Henney,	Lanius,	Rankin,
Dando,	Heyburn,	Law,	Scarlett,
Dent,	Homsher,	Mallery,	Shapiro,
Ealy,	Howell,	McCreesh,	Sipe,
Eroe,	Huffman,	McGinnis,	Sones,
Frey,	Jaspan,	Owlett,	Stiefel,
Gelder,	Kahle,	Pierson,	Wolfenden,
Gilson,	Kilgallen,		

NAYS—1

Salus,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 830 RETURNED WITH AMENDMENTS

Mr. LAW, Mr. President, I call up at this time Senate Bill No. 830, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 830, entitled:

An Act authorizing political sub-divisions to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and usable for the payment of taxes due for said year.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Haluska,	Kilgallen,	Pytko,
Cavalcante,	Henney,	Kunkel,	Rankin,
Dando,	Heyburn,	Lanius,	Scarlett,
Dent,	Homsher,	Law,	Shapiro,
Ealy,	Howell,	Mallery,	Sipe,
Eroe,	Huffman,	McCreesh,	Sones,
Frey,	Jacobs,	McGinnis,	Stiefel,
Gelder,	Jaspan,	Owlett,	Wolfenden,
Gilson,	Kahle,	Pierson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 955 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 955, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 955, entitled:

An Act authorizing and empowering cities of the first class with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to erect and construct waterworks as herein defined within and without their corporate limits, to acquire property within their corporate limits by purchase, lease, gift and the power of eminent domain, for such purposes; to generate power and erect power plants, stations; and to use, sell and purchase water, water power and electric energy within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages; and repealing inconsistent laws.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—35

Barthold,	Haluska,	Kilgallen,	Pytko,
Cavalcante,	Henney,	Kunkel,	Rankin,
Dando,	Heyburn,	Lanius,	Scarlett,
Dent,	Homsher,	Law,	Shapiro,
Ealy,	Howell,	Mallery,	Sipe,
Eroe,	Huffman,	McCreesh,	Sones,
Frey,	Jacobs,	McGinnis,	Stiefel,
Gelder,	Jaspan,	Owlett,	Wolfenden,
Gilson,	Kahle,	Pierson,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

SENATE BILL NO. 1089 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1089, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1089, entitled:

An Act regulating and improving the civil service of such cities establishing and regulating the powers and duties of Civil Service Commissions providing for the appointment of Civil Service Commissioners providing for the appointment and regulating the duties and powers of Civil Service Directors defining certain crimes imposing penalties and repealing existing laws relating thereto.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—35

Barthold,	Haluska,	Kilgallen,	Pytko,
Cavalcante,	Henney,	Kunkel,	Rankin,
Dando,	Heyburn,	Lanius,	Scarlett,
Dent,	Homsher,	Law,	Shapiro,
Ealy,	Howell,	Mallery,	Sipe,
Eroe,	Huffman,	McCreesh,	Sones,
Frey,	Jacobs,	McGinnis,	Stiefel,
Gelder,	Jaspan,	Owlett,	Wolfenden,
Gilson,	Kahle,	Pierson,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

SENATE BILL NO. 1139 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1139, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1139, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of equal annual installments and to authorize the making of contracts, the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act; requiring annual provision for payment of mandamus executions and suspending inconsistent legislation

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Haluska,	Kilgallen,	Pytko,
Cavalcante,	Henney,	Kunkel,	Rankin,
Dando,	Heyburn,	Lanius,	Scarlett,
Dent,	Homsher,	Law,	Shapiro,
Ealy,	Howell,	Mallery,	Sipe,
Eroe,	Huffman,	McCreesh,	Sones,
Frey,	Jacobs,	McGinnis,	Stiefel,
Gelder,	Jacobs,	Owlett,	Wolfenden,
Gilson,	Kahle,	Pierson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 1270 RETURNED WITH AMENDMENTS

Mr. LAW. Mr. President, I call up at this time Senate Bill No. 1270, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1270, entitled:

An Act to amend sections one and three of the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 32), entitled "An act requiring recorders of deeds to prepare and keep, in their respective offices, general direct and ad sectum indexes of deeds and mortgages recorded therein; prescribing the duty of said recorders; and declaring that the entries in said general indexes shall be notice to all persons," by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds; and prescribing the effect thereof.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Haluska,	Kilgallen,	Pytko,
Cavalcante,	Henney,	Kunkel,	Rankin,

Dando,	Heyburn,	Lanius,	Scarlett,
Dent,	Homsher,	Law,	Shapiro,
Ealy,	Howell,	Mallery,	Sipe,
Eroe,	Huffman,	McCreesh,	Sones,
Frey,	Jacobs,	McGinnis,	Stiefel,
Gelder,	Jaspan,	Owlett,	Wolfenden,
Gilson,	Kahle,	Pierson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 1208 RETURNED WITH AMENDMENTS

Mr. HUFFMAN. Mr. President, I call up at this time Senate Bill No. 1208, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1208, entitled:

An Act to amend sections twelve and fourteen as amended of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled, "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof. and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," granting certain retirement rights to persons who have withdrawn from and returned to school service; and to persons who have separated from school service because of physical or mental disability.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Haluska,	Kilgallen,	Pytko,
Cavalcante,	Henney,	Kunkel,	Rankin,
Dando,	Heyburn,	Lanius,	Scarlett,
Dent,	Homsher,	Law,	Shapiro,
Ealy,	Howell,	Mallery,	Sipe,
Eroe,	Huffman,	McCreesh,	Sones,
Frey,	Jacobs,	McGinnis,	Stiefel,
Gelder	Jaspan,	Owlett,	Wolfenden,
Gilson,	Kahle,	Pierson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Executive Nominations, reported with favorable recommendation the following nominations made by His Excellency the Governor of the Commonwealth:

JUDGE OF THE COMMON PLEAS OF TENTH JUDICIAL DISTRICT

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Richard D. Laird, of Greensburg, Westmoreland County, for appointment as Judge of the Court of Common Pleas of the Tenth Judicial District, vice Charles D. Copeland, resigned, to serve until the first Monday of January, 1938.

GEORGE H. EARLE.

MEMBER OF THE STATE BOARD OF OPTOMETRICAL EXAMINERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, A. M. Peters, of Danville, Montour County, for appointment as a member of the State Board of Optometrical Examiners, for the term of four years, to fill a vacancy.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., June 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harry E. Fishel, of South Middleton Township, Cumberland County, for appointment as Justice of the Peace in the Township of South Middleton, Cumberland County, to fill a vacancy, until the first Monday of January, 1938.

GEORGE H. EARLE.

BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., June 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Carl Fleckenstein, of Bloomsburg, Columbia County, for appointment as a member of the Board of Trustees of Danville State Hospital, for the term of four years, and until his successor is appointed and qualified, vice Simon K. Hoffman, of Danville, resigned.

BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' ORPHANS SCHOOL

E. J. Stackpole, of Harrisburg, Dauphin County, for reappointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School, for the term of four years, and until his successor is appointed and qualified.

E. C. Shannon, of Columbia, Lancaster County, for re-

appointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School, for the term of four years, and until his successor is appointed and qualified.

Charles L. Johnston, of Waynesboro, Franklin County, for appointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School, for the term of four years, and until his successor is appointed and qualified, vice J. Guy Griffith, of New Kensington, whose term expired.

John M. Gelwix, of Chambersburg, Franklin County, for appointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School, for the term of four years, and until his successor is appointed and qualified, vice Ray E. Taylor, of Harrisburg, whose term expired.

John P. Butt, of Gettysburg, Adams County, for appointment as a member of the Board of Trustees of Pennsylvania Soldiers' Orphan School, for the term of four years, and until his successor is appointed and qualified, vice Arthur G. Houser, of Philadelphia, whose term expired.

GEORGE H. EARLE.

NOTARY PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., June 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Miss Ruth S. Benedict, of Harrisburg, Dauphin County, for appointment as a Notary Public in the City of Harrisburg, Dauphin County, for the term of four years.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., June 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

J. H. Boquet, 1212 Forbes St., Pittsburgh.
C. O. Guthman, East Pittsburgh.

DELAWARE COUNTY

Mrs. Eleanor Winkler, Lansdowne.

MONROE COUNTY

Wilbert J. Nace, Stroudsburg.

MONTGOMERY COUNTY

Mrs. Virginia R. Carver, Norristown.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patrick F. Early, of Bridgeport, Montgomery County, for appointment as Justice of the Peace in the Borough of Bridgeport, Montgomery County, until the first Monday of January, 1938, vice Gerald McCaffery, of Bridgeport, deceased.

GEORGE H. EARLE.

MEMBERS OF BOARDS OF TRUSTEES OF DANVILLE STATE HOSPITAL
MEMBERS OF BOARDS OF TRUSTEES OF MANSFIELD STATE TEACHERS' COLLEGE
MEMBERS OF BOARDS OF TRUSTEES OF MILLERSVILLE STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., June 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

C. W. Ashley, of Bloomsburg, Columbia County, for appointment as a member of the Board of Trustees of Danville State Hospital, for the term of four years, and until his successor is appointed and qualified, vice Edward J. Mullen, of Bloomsburg, deceased.

Mrs. Mary V. Darrin, of Wellsboro, Tioga County, for re-appointment as a member of the Board of Trustees of Mansfield State Teachers' College, for the term of four years, and until her successor is appointed and qualified.

Mrs. Anna L. Atlee, of Millersville, Lancaster County, for re-appointment as a member of the Board of Trustees of Millersville State Teachers' College, for the term of four years, and until her successor is appointed and qualified.

GEORGE H. EARLE.

MEMBERS OF PENNSYLVANIA TURNPIKE COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., June 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Turnpike Commission:

Walter A. Jones, of Pittsburgh, Allegheny County, for the term of ten years, and until his successor is appointed and qualified.

Samuel W. Marshall, of Norristown, Montgomery County, for the term of eight years, and until his successor is appointed and qualified.

Charles T. Carpenter, of Glenmoore, Chester County, for the term of six years, and until his successor is appointed and qualified.

Frank Bebout, of Monongahela, Washington County, for the term of four years, and until his successor is appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent.

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

Mr. EALY. Mr. President, I understand that in the nominations that are sent in for confirmation by the Governor there are included the appointments of commissioners for the construction of the South Penn Terminal

highway. I just wish to say a word in regard to those nominations. The men for those positions were selected by the Governor and have been passed by this Committee on Executive nominations, are composed exclusively of Democrats. I should have liked to know more of the qualifications of the appointees, but as I have heard nothing which may be considered derogatory, and as the Committee on Executive Nominations has recommended their confirmation, I shall not oppose them. I wish to express my disappointment, however, in that the Governor has solely failed to consider the claims of the territory through which the road passes, for recognition on the Board. It was too much to expect of this Governor to appoint a non-partisan board of representatives of both parties, as he might fairly and properly have done, if the construction of the road is to be kept out of politics, and, of course, I have no applicants for a position on the Board, but I know there were men of ability and integrity in my district, life-long Democrats who desired appointments. They were men who know the local conditions and would see that all property owners and others got fair treatment. There were doubtless other Democrats properly qualified, living in the districts of Senator Rice and Senator Dent and Senator Jacobs, through which this road passes, but the Governor chose to ignore them all and to appoint men from Allegheny and Washington and from Montgomery and Chester Counties, more or less remote from any connection with this road. The query is why?

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40.

Barthold,	Gelder,	Kilgallen,	Rankin,
Bean,	Gilson,	Kunkel,	Ruth,
Cavalcante,	Haluska,	Lanius.	Salus.
Chapman,	Henney,	Law,	Scarlett,
Dando,	Heyburn,	Mallery,	Shapiro,
Dent,	Homsher,	McCreesh,	Sipe,
DiSilvestro,	Howell,	McGinnis,	Sones,
Ealy,	Huffman,	Owlett,	Stiefel,
Eroe.	Jaspan,	Pierson,	Thompson,
Frey,	Kahle,	Pytko,	Wolfenden,

NAYS—0.

Two-thirds of a majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. BEAN. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL No. 876

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 876, entitled:

An Act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of their obligations; imposing certain existing obligations on institution districts and on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 882

He also returned to the Senate, Senate Bill No. 882, entitled:

An Act to amend section seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-six (P. L. 28), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reaon; providing penalties; and repealing inconsistent acts," by making further provision for the cost of administering the act.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 878

He also returned to the Senate, Senate Bill No. 878, entitled:

An Act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure.

with the information that the House has passed the same without amendments.

SENATE BILL No. 879 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 879, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first one thousand nine hundred thirty-seven.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL No. 883 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 883, entitled:

An Act relating to public assistance; providing for, and regulating, assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Board, Boards of Trustees of the Mothers' Assistance pensions for the blind, old age assistance, and the State Emergency Relief Board.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL No. 877 RETURNED WITH AMENDMENTS

He alo returned to the Senate, Senate Bill No. 877, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined", as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL No. 880 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 880, entitled:

An Act appropriating to the Department of Public Assistance for public assistance, all restitutions and overpayments collected by or for such department.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL No. 879 RETURNED WITH AMENDMENTS

Mr. THOMPSON. Mr. President, I call up at this time Senate Bill No. 879, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 879, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first one thousand nine hundred thirty-seven.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gelder,	Kilgallen,	Rankin,
Bean,	Gilson,	Kunkel,	Ruth,
Cavalcante,	Haluska,	Lanius,	Salus,
Chapman,	Henney,	Law,	Scarlett,
Dando,	Heyburn,	Mallery,	Shapiro,
Dent,	Homsher,	McCreesh,	Sipe,
DiSilvestro,	Howell,	McGinnis,	Sones,
Ealy,	Huffman,	Owlett,	Stiefel,
Eroe,	Jaspan,	Pierson,	Thompson,
Frey,	Kahle,	Pytko,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 880 RETURNED WITH AMENDMENTS

Mr. THOMPSON. Mr. President, I call up at this time Senate Bill No. 880, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 880, entitled:

An Act appropriating to the Department of Public Assistance for public assistance, all restitutions and overpayments collected by or for such department.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gelder,	Kilgallen,	Rankin,
Bean,	Gilson,	Kunkel,	Ruth,
Cavalcante,	Haluska,	Lanius,	Salus,
Chapman,	Henney,	Law,	Scarlett,
Dando,	Heyburn,	Mallery,	Shapiro,
Dent,	Homsher,	McCreesh,	Sipe,
DiSilvestro,	Howell,	McGinnis,	Sones,
Ealy,	Huffman,	Owlett,	Stiefel,
Eroe,	Jaspan,	Pierson,	Thompson,
Frey,	Kahle,	Pytko,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 877 RETURNED WITH AMENDMENTS

Mr. THOMPSON. Mr. President, I call up at this time Senate Bill No. 877, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 877, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compenation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State Board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—40

Barthold,	Gelder,	Kilgallen,	Rankin,
Bean,	Gilson,	Kunkel,	Ruth,
Cavalcante,	Haluska,	Lanius,	Salus,
Chapman,	Henney,	Law,	Scarlett,
Dando,	Heyburn,	Mallery,	Shapiro,
Dent,	Homsher,	McCreesh,	Sipe,
DiSilvestro,	Howell,	McGinnis,	Sones,
Ealy,	Huffman,	Owlett,	Stiefel,
Eroe,	Jaspan,	Pierson,	Thompson,
Frey,	Kahle,	Pytko,	Wolfenden,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

SENATE BILL No. 883 RETURNED WITH AMENDMENTS

Mr. THOMPSON. Mr. President, I call up at this time Senate Bill No. 883, returned from the House of Representatives with amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 883, entitled:

An Act relating to public assistance; providing for, and regulating, assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—40

Barthold,	Gelder,	Kilgallen,	Rankin,
Bean,	Gilson,	Kunkel,	Ruth,
Cavalcante,	Haluska,	Lanius,	Salus,
Chapman,	Henney,	Law,	Scarlett,
Dando,	Heyburn,	Mallery,	Shapiro,
Dent,	Homsher,	McCreesh,	Sipe,
DiSilvestro,	Howell,	McGinnis,	Sones,
Ealy,	Huffman,	Owlett,	Stiefel,
Eroe,	Jaspan,	Pierson,	Thompson,
Frey,	Kahle,	Pytko,	Wolfenden,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

HOUSE CONCURS IN SENATE BILL No. 1418

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 1418, entitled:

An Act making an appropriation out of the General Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

HOUSE MESSAGES

SENATE BILL No. 769 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 769, entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 414), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certai nexpenses by the counties; and impospenalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL No. 770 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 770, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of part of its work.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL No. 782 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 782, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments ,boards, and commissions shall be determined," by consolidating the Pennsylvania State Police and the State Highway Patrol, and their powers and duties, into one agency to be known as the Pennsylvania Motor Police, and establishing as part of such agency a Motor Police Force; and making provisions for the number selection, qualifications, promotions, training and discipline of the members of such force.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL NO. 784 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 784, entitled:

An Act to amend the act approved the eighteenth day of July, one thousand nine hundred thirty-five (P. L. 1314), entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain power upon the Pennsylvania State Police; and making an appropriation," by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police, and providing for the payment into the Motor License Fund of moneys received or collected under the act.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENAT BILL NO. 886 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 886, entitled:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 450), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL NO. 887 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 887, entitled:

An Act to further amend sections two, four and six, and to amend section seven of the act, approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL NO. 893 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 893, entitled:

An Act to amend the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulk-heads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River as a departmental administrative commission in the Department of Forests and Waters making provision for the designation and employment of a secretary an attorney and other necessary employes of such commission; transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Naviga tion and providing fees and further conditions relative to licenses

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL NO. 1801 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1801, entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four), entitled "Rural State Highway Law" as amended. by changing certain routes and adding certain new routes.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments having been printed as required by the Constitution, were twice read as follows:

On the question,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Haluska,	Kilgallen,	Pytko,
Cavalcante,	Henney,	Kunkel,	Rankin,
Dando,	Heyburn,	Lanius,	Scarlett,
Dent,	Homsher,	Law,	Shapiro,
Ealy,	Howell,	Mallery,	Sipe,
Eroe,	Huffman,	McCreesh,	Sones,
Frey,	Jacobs,	McGinnis,	Stiefel,
Gelder,	Jaspan,	Owlett,	Wolfenden,
Gilson,	Kahle,	Pierson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 877

The Clerk of the House of Representatives being introduced presented communications from the House of Representatives informing the Senate that the House insists upon its amendments, nonconcurred in by the Senate to Senate Bill No. 877, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State Board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. McCREESH. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments to the foregoing bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs, Shapiro, Thompson and Scarlett be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 883

He also presented communications from the House of Representatives informing the Senate that the House insists upon its amendments, non-concurred in by the Senate to Senate Bill No. 883, entitled:

An Act relating to public assistance; providing for, and regulating, assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. McCREESH. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments to the foregoing bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs, Shapiro, Thompson and Scarlett be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 856

He also presented communications from the House of Representatives informing the Senate that the House insists upon its amendments, non-concurred in by the Senate to Senate Bill No. 856, entitled:

An Act providing that all appointments made by the county commissioners in counties of the first class shall be equally divided between the majority and minority commissioners, respectfully submit the following bill as our report.

SENATE BILL NO. 856 RETURNED WITH AMENDMENTS

Mr. HUFFMAN, I call up for consideration at this time Senate Bill No. 856, returned from the House of Representatives with amendments.

SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL NO. 856

Mr. SHAPIRO. Mr. President, I move that the Senate non-concur in the amendments made by the House to Senate Bill No. 856, entitled:

An Act providing that all appointments made by the county commissioners in counties of the first class shall be equally divided between the majority and minority commissioners, respectfully submit the following bill as our report.

in view of the fact that some of the amendments must be ironed out in a Conference Committee.

Mr. LAW. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—43

Barthold,	Gelder,	Kilgallen,	Reed,
Bean,	Gilson,	Kunkel,	Rodgers,
Cavalcante,	Haluska,	Lanius,	Ruth,
Chapman,	Henney,	Law,	Salus,
Dando,	Heyburn,	Mallery,	Scarlett,
Deitrich,	Homsher,	McCreesh,	Shapiro,
Dent,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Huffman,	Owlett,	Sones,
Ealy,	Jacobs,	Pierson,	Stiefel,
Eroe	Jaspan,	Pytko,	Wolfenden,
Frey,	Kahle,	Rankin,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. FREY. Mr. President, I move that the Senate insists upon its non-concurrence in the amendments to the foregoing bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such Committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Shapiro, Frey and Mallery be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 876, entitled:

An Act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws.

Senate Bill No. 878, entitled:

An Act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of the deserters; and providing procedure.

Senate Bill No. 882, entitled:

An Act to amend section seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-six (P. L. 28), entitled "An act providing for and regulating assistance to, and the burial of, cer-

tain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by making further provision for the cost of administering the act.

Senate Bill No. 222, entitled:

An Act to amend sections five hundred and fifty-nine and five hundred and sixty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the collection of taxes for which collectors have been exonerated and other delinquent taxes; and authorizing the appointment of collectors of delinquent taxes therefor.

Senate Bill No. 214, entitled:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases; and defining the powers of the court in such cases.

Senate Bill No. 606, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for certain employes of school districts.

Senate Bill No. 629, entitled:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization merger consolidation and dissolution of such corporations; conferring certain rights powers duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations;" further regulating and extending and restricting in certain cases, the rights responsibilities authority and powers of non-profit corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof; further providing for and regulating the dissolution of such corporations and providing penalties further providing for and regulating the revocation of certificates of authority of foreign non-profit corporations.

Senate Bill No. 654, entitled:

An Act fixing the salary of the stenographer to the President of the Senate, the clerk to the President Pro Tempore of the Senate and the Parliamentarian of the House of Representatives and authorizing the Speaker of the House of Representatives to appoint a secretary and fixing his salary.

Senate Bill No. 879, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven.

Senate Bill No. 880, entitled:

An Act appropriating to the Department of Public Assistance for public assistance, all restitutions and overpayments collected by or for such department.

Senate Bill No. 1139, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of equal annual instalments and to authorize the making of contracts, the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act; requiring annual provision for payment of mandamus executions and suspending inconsistent legislation

Senate Bill No. 1208, entitled:

An Act to amend sections twelve and fourteen as amended of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of sair funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," granting certain retirement rights to persons who have withdrawn from and returned to school service; and to persons who have separated from school service because of physical or mental disability.

Senate Bill No. 1270, entitled:

An act to amend sections one and three of the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 32), entitled "An act requiring recorders of deeds to prepare and keep, in their respective offices, general direct and ad sectum indexes of deeds and mortgages recorded therein; prescribing the duty of said recorders; and declaring that the entries in said general indexes shall be notice to all persons." by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds; and prescribing the effect thereof.

Senate Bill No. 1418, entitled:

An Act making an appropriation out of the General Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

SENATE BILL No. 341 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 341, entitled:

An Act to re-enact and further amend the title and the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three, (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties;" further regulating the manufacture, sale, importation, use and traffic in liquors, alcohol and malt and brewed beverages; conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing additional filing fees and increasing fees for certain permits, and providing for the disposition thereof; further regulating the establishment of State iquor stores and the employment and use of personnel by the board; regulating and providing the procedure for the granting, transfer, revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom; providing for the forfeiture of certain property; regulating the jurisdiction of courts and local option procedure; prohibiting certain interlocking business; and providing penalties.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL No. 783 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 783, entitled:

An Act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses; from the State Employes' Retirement Fund under the Administration of the State Employes Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes and providing penalties.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 1089

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 1089, entitled:

An Act regulating and improving the civil service of such cities establishing and regulating the powers and duties of Civil Service Commissions providing for the appointment of Civil Service Commissioners for the appointment and regulating the duties and powers of Civil Service Directors defining certain crimes imposing penalties and repealing existing laws relating thereto.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. LAW. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments to the foregoing bill and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Ordered, that Messrs. McCreesh, Stiefel and Scarlett be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 955

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its amendments, non-concurred in by the Senate, to Senate Bill No. 955, entitled:

An Act authorizing and empowering cities of the first class with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits to acquire property within their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

and has appointed Messrs. Yourishin, Holstrom and Perry as a Committee of Conference to confer with a similar committee of the Senate to consider the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON THE PART OF THE SENATE

Mr. LAW. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to the foregoing bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such

committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Ordered, that Messrs. Di Silvestro, Heyburn and Chapman be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE BILL NO. 1322

He also returned to the Senate, Senate Bill No. 1322 entitled:

An Act to further amend section one of the act approved the eleventh day of May one thousand nine hundred eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" by eliminating certain conditions of removal of inspectors and providing for their appointment in counties of the first class.

with the information that the House has passed the same without amendments

HOUSE CONCURS IN SENATE BILL NO. 1259

He also returned to the Senate, Senate Bill No. 1259, entitled:

An Act to amend sections one and four of the act, approved the ninth day of March, one thousand nine hundred and thirty-seven (Act No. 11), entitled, "A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of general practice and procedure in the Courts of Oyer and Terminer general jail delivery and Quarter Sessions of the Peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution, trial and disposition of all criminal cases and the probations and parole of persons guilty of crimes; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise to make such report a recommendation to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation;" by empowering the commission to sit after the adjournment of the General Assembly; and increasing the amount of the appropriation.

with the information that the House has passed the same without amendments

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1316, entitled:

An Act to add sections two, three and four to the act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled, "An act to provide civil rights for all people regardless of race or color," as amended further, amplifying and extending the provisions of said act and providing for the payment of penalties to the person or persons aggrieved and providing for the revocation or cancellation of license to do business in this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. LAW. Mr. President, I move that the Senate do now adjourn until tomorrow at 12 o'clock noon.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until June 5, 1937 at 12 o'clock Noon.

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 4, 1937.

The House met at 12:00 o'clock noon.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Most Gracious Lord we invoke Thy Divine blessing upon this Regular Session of the 132nd General Assembly of our Commonwealth, now drawing to a close. Much has been done and new history written. During these days of busy activity there may have been apparent feelings, some misgivings, some redundancy of words, but we ask Thy commendation of the work accomplished, and the motive back of all said and done.

Again we ask Thy blessing upon the President of the United States, upon His Excellency, the Governor of our Commonwealth, upon the Speaker of the House, upon every member of the Assembly, upon all employes, and upon the Press representatives. And again we appropriate the words of the Psalmist,

"The Lord bless us and keep us,
The Lord make His face to shine upon us and be gracious unto us,
The Lord lift up his countenance upon us
And give us Peace."

In Christ name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. WOODSIDE, the further reading was dispensed with and the Journal approved.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. LEWIS and REUBEN E. COHEN,

(Concurrent) RESOLUTION No. 93.

In the House of Representatives, June 3, 1937.

Whereas, It has been reported that number of industries in Pennsylvania are paying some of their full time

employes wages that are so low it is impossible for such employes to maintain a safe standard of living; and

Whereas, It has become necessary, as a result of these full time low wage scales, for the Emergency Relief Board to furnish additional funds for the relief of these employes; and

Whereas, It is reported that the Emergency Relief Board expenditures for supplemental relief approximate a sum of $2,000,000 annually; therefore be it

Resolved, (if the Senate concur), That a commission is hereby created which shall be composed of five members; one of whom shall be appointed by the Speaker of the House of Representatives; one by the President Pro Tempore of the Senate and three by the Governor of this Commonwealth; whose duty it shall be to make a careful, thorough and impartial investigation of the reasons why certain industries and certain employers are paying their employes or certain of their employes, a wage which is insufficient to maintain a safe standard of living; and be it further

Resolved, That the said commission shall have power to issue subpoenas under the hand and seal of the chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the commission, and to produce such books, papers, records and documents as the commission may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said commission shall have power to administer oaths and affirmations to witnesses appearing before the commission. Any persons who shall wilfully neglect or refuse to testify before said commission or to produce any books, papers, records or documents shall be subject to the penalties provided by the law of the Commonwealth in such cases; and be it further

Resolved, That said commission shall make a report of its findings and recommendations to the Governor as early as possible.

Referred to the Committee on Rules.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 3, 1937.

Whereas, The Honorable John B. Kelly has announced his intention of retiring from the office of Secretary of Revenue, at the close of the present session of the General Assembly; and

Whereas, He has served the Commonwealth in the capacity of Secretary of Revenue with much honor; and

Whereas, He will be remembered for his strenuous efforts to make the highways of this Commonwealth safe, not only for motorists, but also for pedestrians; and

Whereas, He will also be remembered for the fair and impartial manner in which he administered the tax laws; and

Whereas, He was loved by his friends and respected by his enemies; therefore be it

Resolved, (If the House of Representatives concur), That the General Assembly, hereby expresses its sincere regret that the Hon. John B. Kelly finds it necessary to retire from the office of Secretary of Revenue and to resume his private business affairs; and be it further

Resolved, That it is the wish of the members of the General Assembly that he shall have success, good health and much happiness in any new venture.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

RECALLING HOUSE BILL No. 673 FROM THE GOVERNOR

Mr. RUFFENNACH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 4, 1937.

Resolved, (if the Senate concur), that House Bill No. 673, Printer's No. 319, entitled "An Act regulating and prescribing the computation and running of sentences for criminal offenses," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

CONCURRENCE IN HOUSE RESOLUTION No. 72.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, April 27, 1937.

Whereas, The Members of the General Assembly of the Commonwealth of Pennsylvania are strongly in favor of the removal of abnormal profits during time of war; and

Whereas, It is their belief that war should be prosecuted with special privilege to none and on the basis of equal service for all; and

Whereas, There is now pending in the Federal Congress a bill which would not only accomplish these desirable results but by its enactment into law would do much towards the preservation and promotion of peace; therefore be it

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States to pass the Sheppard House Bill, (Senate number 25, House number 1954), at the earliest possible moment; and be it further

Resolved, That a copy of this resolution be transmitted to each of the members elected from the Commonwealth of Pennsylvania to the House of Representatives and to the Senate of the Congress of the United States

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows, viz:

SENATE BILL No. 189.

An Act to amend section twenty of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing additional seasons for the taking of pickerel in the inland waters.

SENATE BILL No. 314.

An Act to amend the act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws forty-nine) entitled, "An act supplementary to an act regulating railroad companies approved the nineteenth day of February, Anno Domini, one thousand

eight hundred and forty-nine," so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof and the rights of dissenting stockholders.

SENATE BILL No. 339.

An Act to amend the act approved the thirteenth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws two hundred five) entitled, "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged," by making the same applicable to the surviving company in case of a merger and by modifying the limitations, restrictions and conditions affecting the issue of stock and bonds.

SENATE BILL No. 758.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by further requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility and further regulating insurance policies which may be accepted as proof of financial responsibility imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth providing for appeals in certain instances imposing further duties upon owners and operators of vehicles providing exceptions imposing duties upon insurers and upon brokers agents or representatives of insurers providing for the payment of judgments in installments prescribing additional penalties and adding new sections.

SENATE BILL No. 1020.

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the employment by school auditors and for the compensation of an attorney.

SENATE BILL No. 1105.

An Act concerning proxies authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof.

SENATE BILL No. 1153.

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of the cities of the second class" establishing a Department of Lands and Buildings in said cities providing for its officers and employes defining the powers duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

SENATE BILL No. 1154.

An Act to amend Article four of the act approved the seventh day of March one thousand nine hundred one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill.

SENATE BILL No. 1210.

An Act authorizing the Secretary of Property and Supplies wtth the approval of the Governor to enter into contract with persons firms or corporations to erect office buildings and to lease such office buildings for the use of the Commonwealth the same to become the property of the Commonwealth upon termination of said lease.

SENATE BILL No. 1266.

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto.

SENATE BILL No. 1358.

An Act to amend section six of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (Pamphlet Laws 13) entitled "An act to carry into effect section five of Article fourteen of the constitution relative to the salaries of county officers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" by providing that in counties of the first class salaries of respective county offices shall not exceed the amount fixed by the tax levying body of such county for such offices.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1978.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1978.

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 359.

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley car incorporated under the law of this Commonwealth

to acquire the corporate powers franchises property rights and credits of such company.

SENATE BILL No. 365.

An Act to further amend the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and repealing inconsistent acts.

SENATE BILL No. 413.

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 481) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" further regulating the qualifications and examinations of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines.

SENATE BILL No. 435.

An Act to amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws 88) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings

SENATE BILL No. 486.

An Act to further amend section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly;" making additional provision for the filing of tax claims.

SENATE BILL No. 571.

An Act to amend section sixteen of an act aproved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain States Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by empowering viewers appointed to ascertain and assess damages upon petition of the county commissioners or property owners to also assess any benefits

SENATE BILL No. 681.

An Act to amend section five of the act aproved the twenty-ninth day of November one thousand nine hundred thirty-three (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws thirteen) entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board" by making further provision with respect to the fidelity bonds of the members secretary and employes of the board

SENATE BILL No. 740.

An Act to re-enact and amend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act number 21) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through check-weighmen and check-measurers elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarifying the provisions of said act providing for the filing of complaints with the Court of Common Pleas and for the procedure thereon and providing additional penalties

SENATE BILL No. 785.

An Act authorizing political subdivisions other than cities of the first class to set off delinquent taxes and municipal claims and penalties interest and cost due thereon against claims and accounts due by such political subdivisions

SENATE BILL No. 874.

An Act to amend section forty of the act approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" providing for the renewal of charters of corporations the charters franchises and property of which have been purchased by another corporation

SENATE BILL No. 917.

An Act to establish as a State highway a certain section of public road in the Counties of Franklin and Adams and providing for its construction and maintenance at the expense of the Commonwealth

SENATE BILL No. 950.

An Act relating to the settlements of accounts of collectors of county taxes providing for procedure in such cases and for appeals to Courts of Common Pleas.

SENATE BILL No. 995.

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid.

SENATE BILL No. 999.

An Act to amend section three hundred eleven as amended of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the second class.

SENATE BILL No. 1007.

An Act to add section four hundred seven and one-tenth to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing and regulating the designation of certain banking institutions as deputy county tax collectors by the board for the selection of depositors in counties of the second class and defining their powers and duties.

SENATE BILL No. 1041.

An Act to amend section one thousand two hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" requiring teachers to be citizens except in certain cases.

SENATE BILL No. 1109.

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the beginning of a revolving fund for street sidewalk and sewer improvements by funds raised from bond issues.

SENATE BILL No. 1110.

An Act to add subdivision (h) to Article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing for a revolving fund for permanent street sidewalk and sewer improvements.

SENATE BILL No. 1116.

An Act to amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws 759) entitled "An act granting the right and lawful authority to corporations to construct operate and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply subject to the approval of the Water Supply Commission" extending the provisions of said act to additional corporations.

SENATE BILL No. 1137.

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section eighteen

SENATE BILL No. 1144.

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by providing that certain companies shall not be subject to the tax.

SENATE BILL No. 1156.

An Act authorizing and regulating the issuing by cities of the second class of non-debt revenue bonds for the construction or acquisition of water-works and for extensions and improvements to water-works providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers and establishing the rights of bondholders.

SENATE BILL No. 1168.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 662) entitled "An act relating to retirement from the Pennsylvania National Guard" as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 681) by providing that service in excess of thirty-nine years and five months may be counted as more than forty years of service.

SENATE BILL No. 1301.

An Act providing for the erection construction and equipment of armories for the use of the Pennsylvania National Guard designating the manner of acquiring or setting aside of land for the erection and construction of armories thereon by The General State Authority authorizing the Commonwealth to lease such armories and their grounds from The General State Authority upon their completion and the Armory Board of the State of Pennsylvania to manage and operate the same and conferring powers and imposing duties upon certain State departments and boards.

SENATE BILL No. 1308.

An Act to amend section four hundred and one of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," as amended by further regulating depositories of funds of counties of the second class.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

STATEMENT PRINTED IN JOURNAL

Mr. HOLLAND asked and obtained unanimous consent to file a statement to be printed in the Legislative Journal:

In the Session of 1935, I introduced a bill taxing the real estate of the utilities who have been for years enjoying an unjust special privilege by virtue of their political power. This bill was defeated by the utility lobbyists in this House. In the Special Session of 1936, the bill was again introduced and was defeated by one vote. You all know the story of House Bill No. 64, which was introduced the first day of the present Session. It remained in the County's Committee until March 17th. After a vicious fight against the utility lobbyists, and with the able support of the State Chairman of the Democratic Party, the Hon. David L. Lawrence, it passed this House on March 29th. It was then referred to the Senate Committee on County Government where it has remained ever since.

Within 24 hours the legislature will adjourn and the pages of the history of this Session will reveal in a most conspicuous manner the absolute control of the Senate by the public utilities of our great Commonwealth. What answer are we to offer to the oppressed and overburdened home owner and farm owner? What have we done to relieve him of his heavy burden of real estate taxes? While some of the bills which we have passed are designed to reduce his taxes, there is a wide difference of opinion as to their actual results. Bill after bill was passed by this House because it favored certain interests, but who was here to represent the home owner or farm owner, and to demand passage of a bill to relieve the burden from the shoulders of the taxpayers? Unfortunately the small owners of real estate are not organized. If they were, they would be protecting their property rights by sit down strikes or other means in protest against the utilities who own one billion three hundred sixy-four million dollars of real estate in Pennsylvania and who do not pay one cent of local taxes for the support of local government. This exemption of the utilities from the local taxation and the corresponding increase in the tax load of the other real estate owners is due to the failure of the small home owners to have proper and militant representation in the Senate of Pennsylvania. In the last two Sessions, much has been said of reactionary Senators. But, I want to emphasize that the Democratic Party of which I am a member, comprises certain individuals, who, if they are permitted to remain in our party, will bring the party into the same disrepute as the old Republican Party. The voters who rallied to the Democratic Party have been betrayed here in Harrisburg by Tories and pseudo liberalists.

When it was a minority party, Democrats shouted from the roof tops that the Republicans were controlled by public utilities and one of our slogans and campaign pledges was to "Tax the real estate of utilities."

Why were certain bills "blasted" out of Committees while the "Holland Bill" which is intended to help the vast majority of taxpayers in the State of Pennsylvania was permitted to die in a Senate Committee?

Why was "Gag rule" enforced on the Senate Floor when Senator Jaspen of Philadelphia and Senator Cavalcante of Fayette attempted to speak in support of this bill?

Posterity, will judge this Session of the General Assembly by its achievements; it will also bring to life the sinister forces and their methods in preventing adequate relief in the tax burden of the small real estate owners. Whether or not the utilities have resorted to the usual practice of awarding contracts and favors to certain influential persons in order to defeat the Holland Bill in the Senate is a matter which will be brought to life with the passage of time.

The curtain goes down on the 1937 Session with a billion and a half dollars of real estate of utilities enjoying the same special privileges that they have been enjoying under previous administrations.

STATEMENT BY MR. JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I can well understand today how Chic Sale was able to make a fortune while Sir Walter Scott went hungry. Yesterday there was considerable reaction to the statement made with respect to milk inspectors, and as a result of that it was necessary to have mimeographed copies made of my statement, and these have been placed in your postoffice boxes. This was given to you with the idea of giving to the city people a

appreciate understanding of what we have been trying to explain in the milk inspection. We appreciate very much that you people in the cities are open to the criticism of the Health Department, and we are giving this information with the idea of giving to you a thorough understanding of the problems that are necessary to be met in the protection of your milk supply. This gives the set-up on a State-wide basis, but we feel that we should be given uniformity throughout the State. I thank you for your attention.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk:

June 4, 1937.

Hon. William P. Gallagher,
Chief Clerk,
House of Representatives.

Dear Mr. Gallagher:

I acknowledge receipt of the resolution of condolence as passed by the members of the House of Representatives.

Please convey to them my appreciation for their expression of sympathy.

Sincerely,

(Signed) BENJAMIN L. LONG.

ANNOUNCEMENT BY THE SPEAKER

The Chair wishes to announce that the House will consider bills that are considered non-controversial before taking up the proceedings in connection with the adjournment of the session.

BILL ON THIRD READING

Mr. OMINSKY asked and obtained unanimous consent to call up out of order House Bill No. 2332, Senate Bill No. 69, Printer's No. 852, on page 18 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to third reading and consideration of House Bill No. 2332, (Senate Bill No. 69), as follows:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by prohibiting for certain periods the foreclosure sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter before any execution shall issue against the mortgaged premises on the foreclosure of any mortgage or on a judgment entered on any obligation secured by mortgage the plaintiff or plaintiffs shall either (1) file a statement in the court having jurisdiction over such execution certifiying under oath that he or they release and discharge the obligors and guarantors and any other parties liable directly or indirectly on the mortgage debt and the owners of the property affected thereby from all personal liability on the mortgage debt interest costs taxes and municipal claims or (2) petition the court having jurisdiction to issue such execution to fix the fair market value of the property to be sold Said petition shall be signed and sworn to by the plaintiff or plaintiffs

Section 2 The petition shall set forth

(a) The location by address or description of the mortgaged real estate to be sold the name or names of the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt

(b) A statement of the fair market value of said property and

(c) Shall name as respondents and state the addresses of the obligors and guarantors and any other persons directly or indirectly liable to petitioner for the payment of said mortgage debt and the owners of the property affected thereby

Section 3 The court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each and all of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer his interest in the proceedings and answering the averments of the petition

Section 4 Said petition may be served by the sheriff of the county or by the sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods and the return of the sheriff is that the respondent or respondents or any of them cannot be found in this county or State said respondent or respondents may be served by publishing in the legal newspaper of the county and one newspaper of general circulation in the county at least fifteen days prior to the day fixed for the hearing of such petition a notice to the said respondent or respondents of the filing of said petition and of the time and place fixed for hearing thereon Provided however That if there be no legal newspaper in the county then in one newspaper of general circulation in said county

Any obligor guarantor mortgagor and any other person liable directly or indirectly for the payment of the mortgage debt and any owner or owners of the property affected thereby who is not joined as a party defendant nor served with a petition as provided in this section shall be deeemed to be discharged from all personal liability to the petitioner on the mortgage debt interest and costs but any such failure to serve the petition shall not be deemed to affect or impair the validity of any execution sale or the title secured thereby

Section 5 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed before the time fixed for hearing No hearing shall be had until the court shall be satisfied that service has been made upon all the respondents in any of the methods here provided

Section 6 At such hearings any party in interest may introduce into evidence testimony of the fair market value of the premises to be sold

If no answer be filed within the time provided for in this Act or if an answer be filed which does not controvert the allegation of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may file in the court a statement under oath releasing the obligors and guarantors and any other persons liable directly or indirectly for the mortgage debt and the owners of the property affected thereby from personal liability to the extent of the fair market value as averred in the petition Whereupon the court shall order the sale to be proceeded with forthwith

If no answer be filed within the time herein provided for or if an answer be filed contraverting the averment in the petition as to the fair market value of the property and no testimony be produced at the hearing supporting such denial of the fair market value and no such declaration of release is filed by the plaintiff or plaintiffs prior to the hearing the court shall determine and fix as the fair value of the property and amount thereof alleged in the petition to be the fair market value

If answer be filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may agree to accept as the fair market value of the property the value set up in the answer and in such case may file under oath a declaration releasing the obligors and guarantors and any other persons liable directly or indirectly for the mortgage debt and the owners of the property affected thereby from personal liability to the extent of the fair market value as averred in the answer Whereupon the court shall order the sale to be proceeded with forthwith If an answer shall be filed and testimony produced setting forth that the fair market value of the property is more than the value stated in the petition the court shall determine and fix the fair market value of the premises which shall in no event exceed the amount of the mortgage debt interest costs taxes and municipal claims and for such purpose may appoint no more than three appraisers to assist the court in determining said fair value

After the hearing and the determination by the court of the fair market value of the property to be sold the execution may issue but said property shall not be sold for less than the fair market vaue so determined and fixed

Section 7 If said property cannot be sold at a price equal or greater than the fair market value so fixed a report thereof shall be made by the plaintiff or plaintiffs to the court whereupon the court shall postpone the sale of the premises for a period not exceeding six months from the date of such report No notice or advertisement shall be required for such postponed sale

Section 8 If at such postponed sale a price equal to or greater than the fair market value of the property shall not be bid a report thereof shall be made to the court whereupon the court shall again postpone the sale of the premises for an additional period not exceeding six months No notice or advertisement shall be required for such postponed sale

Section 9 If at such second postponed sale a price equal to or greater than the fair market value of the property shall not be bid a report thereof shall be made to the court whereupon the court may order said sale confirmed to the highest bidder or may postpone the sale in the same manner and subject to the same conditions as the previous postponements for such further periods not exceeding an aggregate of one year as the court shall deem equitable and just

Section 10 Nothing in this act shall be construed to affect the right of any mortgagor and any person liable directly or indirectly for the payment of the mortgage debt to the benefit of any amount realized on any execution sale in excess of the fair market value fixed or agreed to in accordance with the provisions of this act

Section 11 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec 10, page 8, line 8, by inserting after the word "act" the following: "Provided, That the provisions of this act shall not aply to the foreclosure of any mortgage held by any Federal land bank or the Federal Farm Mortgage Corporation, if, at the time of said foreclosure, the United States of America owns a majority of the capital stock of such bank or corporation."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1433, as follows:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended permitting State institutions and sanatoria to supply water to individuals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-five (Pamphlet Laws 241) and by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 791) is hereby further amended to read as follows

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria

(a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant

a license to any public service corporation to place upon in or over any land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line Every such license shall be revocable upon six months' written notice by the Commonwealth and upon such other proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe and unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities or individuals of any political subdivision to which no other source of supply is available under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political subdivision for the water so furnished All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Berly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boies,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,
	McElroy,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1351, (Senate Bill No. 308), as follows:

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania Motor Police Motor Police and Patrolmen and Guards in State Parks

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvinia in General Assembly met and it is hereby enacted by the authority of the same That each member of the Pennsylvania Motor Police Motor Police and each person employed as a Highway Patrolman or Park Guard in policing the State park areas and the highways therein shall be permitted to have at least twenty-four consecutive hours of rest in every calendar week except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration or public celebration and to have an annual vacation of not less than fourteen days without diminution of his salary or compensation as provided according to law

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,

Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Wellíver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch	McDevitt,	Shugarts,	Furman,
	McElroy,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1770, (Senate Bill No. 153), as follows:

An Act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by including display or placard advertising and changing the penalties prescribed and the manner of providing violations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whoever in a newspaper periodical circular form letter or other publication published distributed or circulated in this Commonwealth in any advertisement in this Commonwealth or by any display or placard advertising in this Commonwealth knowingly makes or disseminates or causes to be made or disseminated any statement or assertion concerning the quantity the quality the value the merit the use the present or former price the cost the reason for the price or the motive or purpose of a sale of any merchandise securities or services or concerning the method of cost of production or manufacture of such merchandise or the possession of rewards prizes or distinctions conferred on account of such merchandise or the manner or source of purchase of such merchandise or securities which is untrue or calculated to mislead shall for the first and second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than two hundred dollars ($200.00) and costs of prosecution and in default of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not more than thirty days and for a third or subsequent offense shall be guilty of a misdemeanor and upon conviction be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the county jail not exceeding sixty days or by both such fine and imprisonment

Section 2 Provided however that the provisions of this act shall not apply to any owner publisher printer agent or employe of a newspaper or other publication or periodical who in good faith and without knowledge of any false deceptive or misleading statements or assertions publishes causes to be published or takes part in the publication of such advertising or advertisements

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as folllows, viz:

YEAS—205.

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Skale,
Allmond,	Ganser,	McShane,	Sloan,
Arnold,	Gerard,	Melchiorre,	Smith, James A.,
Atkins,	Gilette,	Mellott,	Smith, John A.,
Aukerman,	Gorski,	Mihm,	Snyder,
Baine,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, F. T.,	Haberlen,	Mooney,	Spengler,
Baker, J. T.,	Hagerty,	Moran,	Sproul,
Balthaser,	Hall,	Moul,	Stackpole,
Bierly,	Hamilton, F. P.,	Muir,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Stockham,
Boles,	Harmuth,	Nagel,	Strode,
Boltz,	Hays,	O'Brien,	Terry,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Broad,	Holland,	Patterson, C. S.,	Tumelty,
Brown,	Holmes,	Patterson, J. W.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	Van Allsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Wellíver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
	Lopresti,	Schor,	Wilson,

Dougherty,	Lovett,	Schrock,	Winner,
Downey,	Lyons,	Schrope,	Wood,
Dubbs,	Marino,	Schumacher,	Woodside,
Dyson,	Matthews, H. T.,	Serrill,	Wright,
Eckels,	Matthews, J. F.,	Shaw,	Yanoshat,
Elpern,	McArdle,	Shea,	Yeakel,
Falkenstein,	McCullough,	Shepard,	Yourishin,
Finnerty,	McDermott,	Shoemaker,	Zappala,
Fiss,	McDevitt,	Shugarts,	Furman,
Fitch,	McElroy,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2338, (Senate Bill No. 606), as follows:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for sabbatical leaves of absence for certain employes of school districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto after section one thousand two hundred and fifteen a new heading and section to read as follows

Sabbatical Leaves of Absence

Section 1216 (a) Whenever any person employed in the public school system of this Commonwealth shall have completed ten years of satisfactory service as a teacher or in first class school districts as a member of the instructional staff or department of instruction as now defined by the local board of education such person shall be entitled to a leave of absence for restoration of health study or travel or at the discretion of the board of school directors for other purposes for a half or full school year at the option of such person Thereafter one leave of absence shall be allowed after each seven years of servie

(b) No leave of absence shall be granted unless such person shall agree to return to his or her employment with the school district for a period of not less than one year after such leave of absence

(c) No such leave of absence shall be considered a termination or breach of the contract of employment and the person on leave of absence shall be returned to the same or positions in the same school or schools he or she occupied prior thereto

The person on leave of absence shall receive the difference between his or her regular salary and the salary paid to any substitute employe temporarily engaged because of such leave Provided That the employe who is absent on sabbatical leave shall not receive more than one thousand six hundred dollars ($1,600) if the employe's absence on sabbatical leave is for a full year and not more than eight hundred dollars ($800) if the employe's absence on sabbatical leave is for a half school years as defined in this act The salary paid to such substitute shall be the salary for substitute service according to the salary schedule established by the local board

(e) Applications for leaves of absence shall be given preference according to the years of service since the previous Sabbatical leave of the applicant and in accordance with regulations adopted by the board of school directors pursuant to the provisions of this section

(f) No school district shall limit the number of leaves of absence granted in any school year to less than ten per centum of the number of persons eligible for such leave of absence regularly employed in such district Provided however That schools which have a staff of seven or less teachers shall be permitted at least one leave of absence each year

(g) Every person on leave of absence shall retain the right to make contributions as a member of the School Employes' Retirement Fund and continue his or her membership therein

(h) Nothing in this section shall be construed to prevent any person on leave of absence from receiving a grant for further study from any institution of learning

(i) A sabbatical leave granted to a regular employe shall also operate as a leave of absence without pay from all other school activities

(j) Every employe while on sabbatical leave of absence shall be considered to be in regular full-time daily attendance in the position from which the sabbatical leave was taken during the period of said leave for the purpose of determining the employes length of service and the right to receive increments as provided by law

(k) A member of the teaching or supervising staff while on sabbatical leave of absence shall for all purposes be viewed in law as a full-time teacher supervisor principal or other full-time member of the teaching and supervisory staff as the case may be and while on sabbatical leave he or she shall enjoy all the rights and privileges of an employe in regular full-time daily attendance in the position from which sabbatical leave of absence was granted and during the period of said leave the Commonwealth shall pay to the school district for each member of the teaching and supervisory staff thereof who is on sabbatical leave of absence the same per centum or share of salary provided for by law as if the employe was in regular daily full-time attendance in the position from which the sabbatical leave of absence was taken and in cases of employes of approved local or joint vocational industrial vocational home economics and vocational agricultural schools or departments who are on sabbatical leave the school district shall be reimbursed as provided by law for each of their full-time salaries just as though such employes were in daily attendance upon their respective duties

(l) The board of school directors or board of public education shall have the right to make such regulations as they may deem necessary to make sure that employes on leave as provided by this act shall utilize such leave properly for the purpose for which it was granted requiring reports from the employe or employes on leave in such manner as they may deem necessary

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the Chairman of the Committee on Education, the gentleman from Fayette, Mr. Brownfield.

The SPEAKER. Will the gentleman from Fayette permit himself to be interrogated?

Mr. BROWNFIELD. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, Senate Bill No. 606, would this bill permit people to be paid for time when they were not working, by the Commonwealth or by the municipality?

Mr. BROWNFIELD. Mr. Speaker, I would answer the gentleman's question by saying in certain instances it would.

Mr. TUMELTY. Mr. Speaker, I would like to ask the gentleman from Fayette whether a person who has a teacher's certificate would be eligible to act as substitute under this bill.

Mr. BROWNFIELD. Mr. Speaker, I would answer the gentleman's question by saying not in all instances would a teacher or a holder of a certificate be allowed to act as a substitute. It would depend on where that teacher was acting as a substitute, and just what kind of certificate it was necessary to have to serve in that position. Not all certificates are valid for all positions.

Mr. TUMELTY. Mr. Speaker, if there was a vacancy, however, in the grade in which the person was eligible to teach who had a certificate, would that make that person eligible under this act to get that work?

Mr. BROWNFIELD. That is right, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the gentleman from Luzerne, Mr. Yourishin.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. YOURISHIN. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, will the gentleman tell us whether in the mining industry in which he is interested, a miner would be permitted to go away on leave and put a substitute in his place at a lower wage, and give him the difference in pay while he is studying geology or something that will better his position?

Mr. YOURISHIN. Mr. Speaker, I might say that in the actual mining of coal where a man has a working chamber and he is working on a contract, often times he puts a man in there, a qualified miner, to mine coal for him, and he is off possibly for a week or ten days, and pays him the regular miner's rate while working for him and takes for himself the difference between the miner's rate and the contract rate that this miner's work might earn for him.

Mr. TUMELTY. Mr. Speaker, that is all for Mr. Yourishin. That is a very clever answer. It is put down on somebody's contract. Teachers are not contractors. I do not desire to go further on this debate, but I would like to invoke Rule No. 72 of the House with regard to voting by parties interested. The gentleman from Fayette, Mr. Brownfield, stated that anybody holding a teacher's certificate would be eligible if he had the certificate for the grade, so I would ask anybody who holds a teacher's certificate not to vote.

Mr. HARKINS. Mr. Speaker, I do not intend to ask any member of this House to vote either for or against this bill. I do feel that the members of the House are entitled to realize fully the provisions of the bill, however, and I would like to call attention to a few matters covered in the bill.

A few days ago I offered on the floor of this House an amendment which would have made this bill applicable to only the first class school districts of the Commonwealth of Pennsylvania. As a matter of fact, only the teachers in the first class school districts will be benefited in any particular way by this bill. This bill now is mandatory upon all the districts so that when a school teacher has taught for ten years, that teacher may take a year's leave of absence and may receive from the taxpayers of that district, regardless of how long that teacher has been employed hitherto in that particular district, a sum which will amount to the difference between the regular salary and the sum paid the substitute teacher employed in the place of the regular teacher.

This bill is an example, in my mind, of the wrong way to try to accomplish a good result. This bill provides that this amount of money will be paid to the teachers who take leave for any one of three purposes, either for travel, further study or for restoration of health,—and I call to the attention of the membership of this House that no one knows exactly what restoration of health may mean. It also provides for the payment of this sum for travel, and at the discretion of the local school board for other purposes. I further call attention of the membership that the provision regarding the teacher's service in the particular school district cannot be enforced, and if the teacher who has been staying away under leave of absence, or taking a trip, desires not to return to the service of the particular school district, there is no way by which the teacher can be forced to return.

I wish to tell the membership of an inquiry and a call that I had with relation to this bill. A few weeks ago a teacher from Pittsburgh called me on the phone and asked me to be for this measure, saying that he had an opportunity to go to France and to study on a fellowship there, and at the same time he wanted me to tell him whether or not to take advantage of that. He said if he could get the advantage that would be given to him under this bill, and get a certain amount of money under this bill, that he could go to France and be paid for studying in France at the same time.

Now, Mr. Speaker and members of the House, no industry that I know of, there is no other type of employment that I know of, in which a person will be paid, with the exception of regular vacation periods. If these school districts were private corporations it would be a different situation, but we are now forcing an extra burden upon the real estate owners, upon the taxpayers who support the public schools, because we are not giving them the instruction that they are entitled to get. I say to you that this bill is destructive of labor standards, because in the end the only net result will be that school districts will see that they have two school teachers teaching side by side, the one an experienced person and the other a substitute teacher who is taking the place of the experienced teacher, and who is being paid a lower rate, not as a substitute but as a regular teacher for the period of a year, and that will result in a lower labor standard, because there will be no duty to pay a higher standard of pay when they can hire a teacher to teach at a lower standard. It is my opinion that this bill will work in the end to the disadvantage of the school teachers of the Commonwealth, and for the reasons I have stated I am going to vote "no." I call your attention to these factors and ask you members of the House to vote as you see fit after knowing what the bill means.

Mr. BROWNFIELD. Mr. Speaker, ladies and gentlemen of the House, one reason I would speak for this bill is be-

cause the gentleman from Allegheny is against it. We have grown rather accustomed to being against one another. In the beginning, as he began to speak about this bill, you noticed he said he was not asking you to vote "yes" or "no" on it, and I leave it to you after his speech whether he didn't pointedly and directly ask to vote "no."

I am not personally interested in this bill, ladies and gentlemen, even though I am a teacher, because I have served three terms in the Legislature, and after doing that I don't think I could ever afford to take a sabbatical leave. But I do believe you are familiar with the bill, and you know it would not cost the district anything to take advantage of it in giving these teachers this leave, and since it does not do that, I think it would be rather nice for you to vote for the bill. I am not going to ask you to vote "yes" or "no," but I think it would be rather nice if you would vote "yes".

Mr. DAVID H. WEISS. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Harkins.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. HARKINS. I will, Mr. Speaker.

Mr. DAVID H. WEISS. Mr. Speaker, will the gentleman from Allegheny tell me whether this bill will increase employment among teachers?

Mr. HARKINS. Mr. Speaker, I don't know that it will, because for every teacher who is employed, some teacher not working will be on leave, and I don't see that it will increase the number of employed teachers in the schools of the Commonwealth.

Mr. DAVID H. WEISS. Mr. Speaker, will the gentleman admit though, that it will give employment to the new teachers?

Mr. HARKINS. Mr. Speaker, I believe that it will employ a substitute teacher at lower wages to do a regular full time job that should be paid for at regular full-time scale.

Mr. DAVID H. WEISS. Mr. Speaker, will the gentleman admit that a sabbatical leave for a teacher is a good thing for the profession as a whole?

Mr. HARKINS. Mr. Speaker, in answer to the question of the gentleman from Westmoreland, Mr. Weiss, I will state it is my belief that it would be well if the school teachers of the Commonwealth were paid sufficiently high wages to permit them to take their vacations for further study when they want to, but I feel that the proper way to do that would be to fight for sufficiently high wages. I submit that I would be willing to vote for a sufficiently high appropriation to do that, but I believe that this bill is the wrong way of trying to accomplish a thing that may be desirable.

Mr. DAVID H. WEISS. Then, Mr. Speaker, the gentleman will probably admit that the chief objection to the sabbatical leave is that some teachers are getting paid parts of salaries that they do not earn, is that correct?

Mr. HARKINS. Mr. Speaker, I would say that my objections to the bill, or rather my comments and reasons for voting "no" on the bill would be comprehended in all the discussions that I made previously.

Mr. DAVID H. WEISS. Mr. Speaker, a few weeks ago a few of the teachers rose to protect the interests of the school districts. At this time a few school directors will rise and try to protect the interests of the school districts. I sincerely believe that since this new tenure bill has passed, that there has been quite a bit of uprising due to the fact that quite a number of our students who are coming out of normal schools will be left unemployed, and I believe under this sabbatical leave act quite a number of those teachers can be employed, and part of the opposition to the teachers' tenure act that has arisen will be taken care of. As far as teachers getting paid for work that they do not do, I do not think that makes a great difference, and it can be very easily taken care of by the school districts themselves by raising the salaries of their substitutes.

A teacher, like any other person, after he or she has taught for ten or twenty years desires a leave, and if she can get a leave, I would say that it would add to the efficiency of the school teacher after the school teacher has come back. I believe that no great harm or injustice would be worked on any school district or on any of these people it would be a great help to the pupils themselves if they got a teacher back after she had taken this leave for study or vacation, and it would be to the best interest of all parties concerned if a favorable vote was given on Senate Bill No. 606.

Mr. HOLLAND. Mr. Speaker and members of the House, I am going to make this very brief, because I believe the gentleman from Allegheny, Mr. Harkins, told you why you should vote for this bill. He said he was in favor of paying the teachers more money, that they were not paid enough to take a vacation for further study and to better themselves for teaching in the schools. The teacher under this act can secure the proper degree that she is required to have to continue in her teaching. By doing this in the school year she creates an opening for a substitute, otherwise she would do it at night school, and doing it at night school would impair her health and also would tire her out for her classroom work, or she would do it in her vacation period. But as the genteman from Allegheny Mr. Harkins, said she is not paid enough to do it by taking a complete leave without pay. Therefore, I ask the members of this House, if they are interested in making the schools of Pennsylvania better schools, taught by better teachers, to vote for this bill.

Mr. BOHN. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. BOHN. Mr. Speaker, may I ask if the gentleman has placed an amendment in this bill?

Mr. OMINSKY. Mr. Speaker, in answer to the interrogation, I would say yes, at the suggestion of other members of this House.

Mr. BOHN. Mr. Speaker, does the gentleman's amendment set the maximum at sixteen hundred dollars?

Mr. OMINSKY. The maximum set by the amendment was sixteen hundred dollars for the teacher on leave, that is correct.

Mr. BOHN. Mr. Speaker, may I ask where there is any difference between the pay of the substitute and the pay of the teacher, who gets that difference in money.

Mr. OMINSKY. Mr. Speaker, the difference in money remains with the board treasury.

Mr. BOHN. Mr. Speaker, then the teacher on leave does not receive the difference in pay between the substitute and the teacher?

Mr. OMINSKY. That is correct, Mr. Speaker. That was the purpose of the insertion of the amendment.

Mr. BOHN. Mr. Speaker, I arise to support this bill. I think it is a very good bill, and I think Mr. Harkins and Mr. Tumelty are very foolish in comparing the profession of teaching school to mining coal or any other profession. I think the profession of teaching school today is a very difficult and a very high grade of work, and I think they should be entitled to leaves of absence. I would like to ask the members if they were in continual session for ten or twenty years, nine months out of the year, whether they wouldn't like to have a recess at the end of ten years? That is the situation with the teachers, they would like to get away from their work; they would like to improve themselves in their studies, and I think the members of this House should vote in support of this bill.

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the gentleman from Luzerne, Mr. Bohn.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. BOHN. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, in interrogating Mr. Ominsky, did the gentleman want to give this House the impression that a teacher on leave did not receive any money?

Mr. BOHN. Mr. Speaker, according to Mr. Ominsky's amendment, that is the way I understood it.

Mr. TUMELTY. Mr. Speaker, since I have taken this matter up with Mr. Ominsky I would like to have him answer the question for the benefit of the gentleman from Luzerne as to whether the teacher gets any money or not.

Mr. OMINSKY. Mr. Speaker, in order to clarify the amendment which was inserted in Senate Bill No. 606, I wish to say that the amendment was put in for the purpose of limiting the amount of money which a teacher will receive on leave. In other words, if a teacher received thirty-two hundred dollars or thirty-five hundred dollars and she or he asks for a leave of absence for a year and a substitute teacher is placed in her position, if the substitute teacher receives twelve hundred or eleven hundred or a thousand dollars, the difference between one thousand dollars and thirty-five hundred, would, before the amendment was inserted, have gone to the teacher on leave. Under this amendment the amount of money would be limited to sixteen hundred dollars, and the difference between sixteen hundred dollars and twenty-five hundred dollars, or nine hundred dollars would remain with the board treasury. I hope I have made this amendment clear. The bill as it stands now is a very good bill and I ask the support of the membership of this House for Senate Bill No. 606.

Mr. HABERLEN. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Simon, Siegel, VanSickle, McFall, Robinson, Pershing, Elpern, Mellott, James W. Patterson, Samuel A. Weiss, Shoemaker, Moomaw, Finnerty, Westrick, Hering, James A. Smith, David H. Weiss, Thomas, Shugarts, Stank and other.

On the question,

Shall the main question be now put?

It was agreed to.

The SPEAKER. Before the roll is called, the Chair wishes to rule upon the point of order raised by the gentleman from Philadelphia, Mr. Tumelty.

The Chair rules that the point of order raised by the gentleman is not well taken, and reads from Jefferson's Manual, Section 651:

"It is a principle of 'immemorial observance' that a member should withdraw when a question concerning himself arises, but it has been held that the disqualifying interest must be such as affects the member directly and not as one of a class."

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—142

Alexander,	Flanagan,	McElroy,	Shepard,
Allen,	Flannery,	McFall,	Shoemaker,
Allmond,	Flinchbaugh,	McGee,	Shugarts,
Arnold,	Ganser,	McKinney,	Siegel,
Atkins,	Gerard,	McShane,	Skale,
Baine,	Gilette,	Melchiorre,	Sloan,
Baker, F. T.,	Gorski,	Mihm,	Smith, James A.,
Baker, J. T.,	Habbyshaw,	Mooney,	Smith, John A.
Balthaser,	Haberlen,	Moran,	Spengler,
Bierly,	Hall,	Muir,	Sproul,
Blank,	Hamilton, F. P.,	O'Brien,	Stackpole,
Bohn,	Hamilton, R. S.,	Ominsky,	Stank,
Boltz,	Hering,	O'Neill,	Stewart,
Boose,	Hess,	Ostroff,	Thomas,
Boyer,	Hetrick,	Patterson, C. S.,	Thompson,
Brown,	Hindman,	Patterson, J. W.,	Toole,
Brownfield,	Hirsch,	Pearson,	Tronzo,
Cadwalader,	Holland,	Perry,	Turner,
Caputo,	Holmes,	Pershing,	Vallbus,
Coakley,	Holstrom,	Piole,	VanSickle,
Cohen, H. B.,	Hontz,	Powers,	Vogt,
Cohen, R. E.,	Horting,	Preston,	Wagner,
Coleman,	Imbrie,	Readinger,	Wall,
Coolahan,	Jirolanio,	Reese,	Walsh,
Corrigan,	Keenan,	Reising,	Wampole,
Davies,	Kilroy,	Richter,	Watkins,
Decker,	Kline,	Robinson,	Weidemann,
DeNote,	Kroll,	Royer,	Weiss, D. H.,
Donohoe,	Leisey,	Ruffennach,	Welliver,
Dougherty,	Levy,	Sarraf,	Welsh,
Dubbs,	Lewis,	Scanlon,	Whitenight,
Eckels,	Longaker,	Schrock,	Woodside,
Elpern,	Lopresti,	Schrope,	Wright,
Falkenstein,	Marino,	Schumacher,	Yourishin,
Fiss,	McCullough,	Shaw,	Zappala,
Fitch,	McDermott,	Shea,	Furman,
	McDevitt,		

NAYS—26

Achterman,	Finnerty,	McArdle,	Snyder,
Boles,	Harkins,	Mellott,	Terry,
Brancato,	Hays,	Moomaw,	Trout,
Broad,	Huntley,	Moul,	Tumelty,
Caesar,	Kelso,	Murrin,	Weiss, S. A.,
Chervenak,	Long,	O'Connor,	Wilson,
Dickinson,	Matthews, J. F.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 947

Mr. WESTRICK. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on House Bill No. 947, Printer's No. 1223.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives

We the undersigned Committee of Conference on the

part of the Senate and House of Representatives for the purpose of considering House Bill No. 947 entitled "An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas respectfully submit the following bill as our report

FRANK W. RUTH
JOHN H. DENT
HENRY J. PIERSON
(Committee on the part of the Senate)
DENNES L. WESTRICK
J. BRADY MURRIN
WM. E. HABBYSHAW
(Committee on the part of the House of Representatives)

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire department in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended by the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1523) is hereby amended to read as follows

Section 3 Special Requirements There shall be installed such emergency lighting systems sprinkler systems [and] fire alarm systems and gas shut-off valves in such of the buildings enumerated in this act as the Department of Labor and Industry may specify and which in its judgment are necessary to give proper protection from fire and panic to those employed assembled lodged or housed therein No such systems or devices shall be installed unless they are of a type approved by the Department of Labor and Industry

All buildings enumerated in this act as the Department of Labor and Industry may specify which may be supplied from some outside source with gas shall be equipped by the builder or owner of such building with a gas shut-off valve attached to the gas supply pipe or pipes on the inside of the building at a point where said pipes enter the building and before they reach the gas meter which valve shall be connected with a conspicuous and conveniently accessible control box at a place on the exterior of the building so arranged as to allow the gas supply to be shut off by any member of any fire department immediately wherever the necessity arises The fire department of any municipality shall have the exclusive use of gas shut-off valves and their operation in the event of fire or other emergency Such shut-off valve and said control box for the shut-off valve shall be so marked as to indicate their respective purpose The gas shut-off valve shall be so constructed as to automatically shut off the gas when subjected to sufficient heat

All existing buildings and every building hereafter erected subject to the provisions of this act shall be equipped with such device and necessary appliances within eighteen months after the approval of this act

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elbern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,

Fitch, McElroy, Shugarts, Furman,
Flanagan.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative ond the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2464, (Senate Bill No. 955), as follows:

An Act authorizing and empowering cities of the first class with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to erect and construct water-works as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 The word "property" as used in this act shall be construed to mean and include lands buildings earth sand clay gravel rock stone wood materials streams rivers lakes easements and right of way together with any facilities constructed thereon

The term "water-works" as used in this act shall be constructed to mean reservoirs dams storing lakes power plants viaducts aquaducts canals tanks cisterns water mains and pipes pumping stations filtration plants buildings machinery and any other works connected with a public water supply system and necessary for the collection reception storage purification conveyance and distribution of water for domestic and industrial consumption

The word "city" means a city of the first class

Section 2 Any city shall have power and authority with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to acquire by purchase lease gift or the exercise of the power of eminent domain any property whether situate within or without the corporate limits of such city and to erect or construct thereon water-works for the purpose of supplying water to such city and the inhabitants thereof Any such city shall have power to lay its water mains and pipes over or under any creek stream river bridge highway railroad or railway Provided however That the power of eminent domain herein granted shall not be construed to authorize the condemnation of property of any public service company doing business in this Commonwealth

Section 3 Whenever any city shall exercise the power of eminent domain for any of the purposes of this act it shall not be necessary for such city to give or tender security for the taking injury or destruction of property but the funds raised or proper and lawful to be raised by the power of taxation in such city shall be pledged and are hereby made security to the owner or owners of property so taken injured or destroyed for all damages which they may sustain on account of such taking injury or destruction and such city shall not be required to give or tender any further security or to give or tender any bond or bonds whatsoever

Section 4 Whenever any city has condemned property for water-works purposes under the provisions of this act in any county of this Commonwealth other than the one in which such city is located it shall record a copy of the ordinance making such condemnation in the office of the recorded of deeds of each county where any of such property is located together with any subsequent amendments or supplements to such ordinance

Section 5 Upon the recording of the ordinance of condemnation in the county where any property is located it shall be unlawful for the city by its officers agents or contractors to enter upon and take possession of any property so condemned and to erect and construct thereon water-works and to do all things necessary for the purpose of fully carrying out the purposes of this act

Section 6 If the owner lessee or occupier shall refuse to remove his personal property or give up possession of any property taken by the city in the exercise of its power of eminent domain the city may serve written notice upon such owner lessee or his agent or the occupier to remove his personal property and to give up possession of such property within sixty days from the date of the service of such notice

If the owner lessee or occupier shall refuse to remove his personal property and give possession upon proof of the service of the notice a writ of habere facias possessionem shall forthwith issue directing the sheriff to give to the city possession

Section 7 If any city in erecting and constructing water-works shall find it necessary in storing water to occupy and overflow with water any portion of any sublic road and city shall restore or relocate all private public or quasi-public property located therein and shall cause such road to be reconstructed at its own expense on a favorable location and in as perfect a manner as the original road and for such purposes is authorized to condemn lands. Whenever an agreement as to the price cannot be had with the owners the damages for land so taken shall be assessed as herein provided in the case of property taken for water-works purposes

Section 8 The city shall attempt to agree with the owner of any property taken or to be taken injured or destroyed as to the amount of damage done or likely to be done to him in the taking of such property and in the erection and construction of such water-works and if no agreement can be reached or if the owner cannot be found or is not sui juris the city or the owner or any person interested may apply by petition to the Court of Common Pleas of the county where the property is located or to any law judge thereof in vacation whereupon the court or judge shall appoint three viewers from the county board of viewers to view and ascertain the damages done by reason of said taking use occupancy injury or destruction and appoint a time not less than twenty nor more than thirty days thereafter when the viewers shall meet at or upon the premises affected Thereupon the same proceedings shall be had for the assessment of damages and the costs and expenses in connection therewith with the same right of appeal and trial by jury as is provided by the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" and the amendments and supplements thereto

Section 9 Any such city shall have power with the consent of the Water and Power Resources Board of the Commonwealth of Pennsylvania to use the reservoirs dams and water-works erected for water supply purposes for the generation of electric power and to erect the necessary power plants to enable it to use purchase

sell and dispose of electric energy water and water power thereat Provided however That none of the power hereby granted shall be exercised for the purpose of rendering or furnishing any service of the kind or character already being rendered or furnished by any public service company And provided further That the exercise by the city of any right granted hereby shall be subject to regulation by the Pennsylvania Public Utility Commission Water and Power Resources Board and any other regulatory body possessing jurisdiction in the premises to the same extent that similar service furnished by a public service company would be so subject

Section 10 All acts and parts of acts general local or special inconsistent with this act are hereby repealed but this act shall not be construed to repeal or modify the act approved the eighth day of April one thousand nine hundred thirty-seven (Act No. 64) entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by any allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board" and it is the legislative intent that the power herein given so far as it relates to condemnation of streams rivers and lakes shall be exercised in subordination thereto and no power herein granted shall be so used as to tend to increase the danger of flood to lower riparian owners

Section 11 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boies,	Harmuth,	Murrin,	Stockham,
Bolz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer,	Hess,	O'Connor,	Thomas,
Bradley,	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vozt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
			Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2466, (Senate Bill No. 1089), as follows:

An Act for the better government of cities of the first class of this Commonwealth regulating and improving the civil service of such cities establishing and regulating the powers and duties of Civil Service Commissions providing for the appointment of Civil Service Commissioners providing for the appointment and regulating the duties and powers of Civil Service Directors defining certain crimes imposing penalties and repealing existing laws relating thereto

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 From and after the effective date of this act all appointments transfers re-instatements promotions lay-offs demotions reductions suspensions removals and dismissals in the civil service of cities of the first class shall be made in accordance with the terms and provisions of this act and the rules prescribed thereunder

Section 2 The civil service of such cities shall include all offices positions and employments in or under such cities or any departments boards or commissions thereof

Section 3 Definitions

A In this act the following terms shall be construed to have the following meanings except in those instances where the context clearly indicates otherwise

(a) "Commission" means the Civil Service Commission of such cities

(b) "Commissioner" means a member of the Civil Service Commission of such cities

(c) "Director" means the Civil Service Director of such cities

(d) The "Unclassified Service" shall comprise

(1) All officers elected by the people

(2) The Director and the Assistant Director of each department of the City Government the Civil Service Commissioners the members of the Commission on City Planning and the Art Jury

(3) The City Solicitor and all assistant City Solicitors

(4) Persons employed by contract to perform a special service for such cities where such contract is certified by the commission to be for employment which cannot be performed by persons in the classified service

(5) Persons who in times of public emergency may be

appointed as special policemen or firemen for service not to exceed thirty days in duration

(6) Persons temporarily appointed or designated to make or conduct a special injury investigatio nor examination where such appointment or designation is certified by the commission to be for employment which should not be performed by persons in the classified service

(e) "Classified Service" means all positions now existing or hereafter created in the service of such cities not specifically included in the unclassified service

(f) "Non-competitive devision" means all positions in the classified service for the filling of which the commission shall have found competitive tests to be impracticable after a public hearing of which suitable public notice has been given and for which the commission has determined that it is unable after actual trial to obtain by competitive tests persons possessing the usual and requisite qualifications for filling such positions Such actual trial shall not be necessary as to positions for which the compensation including a fair valuation to be determined by the commission for meals lodging uniform or other allowance is at a rate less than nine hundred dollars ($900.00) per annum.

(g) "Labor Division" means all positions in the classified service which can be satisfactorily filled by ordinary laborers not required to have skill at the time of employment or thereafter during employment.

(h) "Competitive division" means all positions in the classified service other than those in the non-competitive or labor division.

(i) "Appointing authority" means the officer board commission person or group of persons having power by virtue of the Constitution a statute or lawfully delegated authority to make appointments.

(j) "Positions" means a place of employment in the service of such cities such that the duties and responsibilities appertaining thereto are exercised by one person

(k) "Class" or "Class of positions" means a group of positions sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education experience knowledge and ability are demanded of incumbents the same tests of fitness may be used to choose qualified appointees and the same schedule of compensation may be made to apply with equity.

(l) "Permanent position" means a position specifically provided for in the annual financial program or established in a department or institution according to law and likely to be needed continuously for a period of six months or more.

(m) "Extra position" means a position in the classified service which arises out of temporary pressure of extra work and which will continue for a period of less than six months.

(n) "Employe" means a person legally occupying a position in the classified service.

(o) "Employment List" means a list of persons arranged in the order of excellence and found qualified for appointment to positions of a given class in the classified service through suitable tests given under this act

(p) "Re-employment List" means a list of persons previously holding positions in a given class in the classified service and entitled to re-employment ahead of all other persons when vacancies occur in the class.

(q) "Rules" means rules adopted by the commission as provided herein and having the effect of law.

B In this act whenever the masculine gender is used it shall be construed to include the feminine.

Section 4 Any person who holds an office position or employment in the competitive division of the classified service as herein defined at the time this act takes effect and who was appointed to such office position or employment after test and certification shall become a member of the competitive division of the classified service created by this act without original entrance test Any person holding an office position or employment in such classified service at the time this act takes effect who has not been appointed after test and certification shall continue to hold such office position or employment only until laid off or removed for inefficiency by the appointing authority or until removed under the provisions of this act but such persons shall not be entitled to re-employment re-instatement transfer or promotion under the provisions of this act

Section 5 A Subject to the provisions of Section 54 of this act there shall be established and constituted in such cities a Civil Service Commission consisting of five civil service commissioners two of whom shall be appointed by the Mayor of such cities and two of whom shall be appointed by the City Controller of such cities and the four commissioners so appointed shall elect the fifth commissioner within 30 days after their appointment The Civil Service Commissioners so appointed shall hold office for a term of four years and until their successors are severally appointed and qualified Vacancies in the office of Civil Service Commissioner shall in like manner be filled for the remainder of the term by the appointing power which appointed the person whose vacancy is to be filled The commissioners shall elect from among their own number a chairman and secretary Each commissioner shall qualify by filing with the Mayor an oath to perform the duties of his office faithfully and without fear or favor.

B The Commission shall have power to administer oaths subpoena and require the attendance of witnesses citizens and residents of this State and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized and to examine them and such public records as it shall require in relation to any matter which it has the authority to investigate The fees of such witnesses for attendance and travel shall be the same as for witnesses before the Courts of Common Pleas and shall be paid from the appropriation for the incidental expenses of the commission All officers in the public service and their deputies clerks subordinates and employes shall without fee attend and testify when required to do so by said commission Any disobedience to or neglect of any subpoena issued by the said commissioners or any of them to any person shall be held a contempt of court and shall be punished by any Court of Common Pleas of this Commonwealth as if such subpoena had been issued therefrom Any judge of any of said courts shall upon the application of any one of said commissioners in such cases cause the process of said court to issue to compel such person or persons disobeying or neglecting any such subpoena to appear and to give testimony before the said commissioners or any one of them and shall have power to punish any such contempt.

Section 6 It shall be the duty of the Commission.

1 After public hearing as defined herein to establish adopt and amend rules either on its own motion or upon recommendation of the director for making effective the provisions of this act Such rules shall have the effect of law.

2 After public hearing as defined herein to approve modify or reject such classification and compensation plans for the classified service of such cities as may be presented by the director after a survey of the personnel and department organization included in such plans.

3 The place positions in the non-competitive division as herein provided.

4 To make investigations either on petition of a citizen or on its own motion concerning any matter touching the enforcement and effect of the provisions of this act and to require observance of the provisions of this act and the rules and regulations made thereunder.

5 To make such investigations as may be requested by the Mayor Controller or Council and to report thereon.

Section 7 Subject to the provisions of Section 54 of this act the commission shall appoint a Civil Service Director in the manner prescribed in this act and may authorize him to appoint such examiners investigators clerks and other assistants as may be necessary to carry out this act Such employes shall be in the competitive division The total compensation of such employes and assistants during any fiscal period shall never exceed the amount appropriated for that purpose The director shall receive annual compensation commensurate with the importance of his responsibilities and duties and shall be reimbursed for travel and other expenses actually and

necessarily incurred in the performance of his duties He and other members of the commission's staff shall receive compensation in accordance with schedules of compensation established as provided in this act Pending the establishment of such schedules of compensation their compensation shall be fixed by the commission subject to the approval of council.

Section 8 Subject to the provisions of Section 54 of this act the commission or a special board of examiners designated by it shall hold competitive tests and establish an employment list for Civil Service Director From such list the commission shall appoint a Civil Service Director in accordance with the procedure and principles prescribed in this act for the selection of employes for entrance into the competitive division of the classified service Any person appointed as Civil Service Director shall at the time of his appointment be thoroughly familiar with the principles and methods of personnel administration He shall be of good repute in his business profession or occupation and known to be in sympathy with the systematic application of merit and good business principles in the handling of personnel matters in the public service He shall not hold any other public office or employment The Civil Service Director shall be in the competitive division of the classified service and shall not be removed except in accordance with the procedure prescribed in this act for the removal of persons in such service.

Section 9 The Civil Service Director shall be the chief executive officer of the commission and except as otherwise provided in this act shall direct and supervise its administrative work.

It shall be his duty.

1 To attend the meetings of the commission act as its assistant-secretary and record its official actions.

2 To prepare and recommend to the commission rules and amendments thereto to administer such rules to appoint under the provisions of this act with the approval of the commission such examiners classifiers investigators clerks and employes as may be necessary to carry out the provisions of this Article and to supervise and direct their work.

3 To establish and maintain a roster of the employes of such cities showing for each such person the title of the position held the rate of compensation and every change in his status including increases and decreases in pay changes in title transfers sick and annual leaves with or without pay and other facts which the director may consider desirable and pertinent.

4 To ascertain and record the duties responsibilities and authority pertaining to all positions in the classified service of such cities and to classify such positions in the manner hereinafter provided.

5 For each class of positions in the classified service to make a study of proper rates of compensation and to make reports thereon as provided in Section 18 From time to time as he may consider necessary and in any case at intervals not to exceed two years he shall make additional compensation studies and recommendations to be submitted to the commission as aforesaid.

6 To test and pass upon the qualifications of applicants for appointment to or promotion in the classified service to establish re-employment lists for the various classes upon request from appointing authorities or upon indication of the necessity for appointment in order to comply with the provisions of this act or upon the request for the authorization for a temporary or provisional appointment in any class to certify the names of persons for a temporary or provisional appointment in any class to certify the names of persons eligible for employment promotion or re-employment to devise install and administer service rating systems and training courses to arrange and pass upon transfers to regulate annual sick and special leaves of absence hours of work attendance and payments for overtime in accordance with the provisions of the rules adopted and approved as aforesaid and to see that lay-offs demotions suspensions removals retirements and other separations from the service are made in accordance with this act.

7 From time to time to investigate the effect of the administration of ths act and the rules made thereunder and to report his findings and recommendations to the commission

8 On or before July first of each year to make an annual report to the commission to be transmitted to the Mayor and Council concerning the administrative work of the commission under his direction including pertinent information and recommendations

9 To do any act or acts required by this act or which may be necessary to carry into effect its provisions purpose and spirit

Section 10 Such cities shall furnish the commission and director with suitable rooms for carrying on their work and shall supply them with the necessary stationery postage printing and other supplies All officers and employes of such cities shall during the usual business hours grant the commission and its employes or authorized agents free across to the premises and records under their control and shall furnish the commission such facilities assistance and information as it may require in carrying on its functions

Section 11 Before adopting or amending the rules or cancelling the re-employment or employment lists on account of illegality fraud or other reasons or before placing positions in the non-competitive division the commission shall hold a public hearing at which any citizen shall have the right to appear and be heard at reasonable length Public notice of any public hearing shall be given at least five days in advance of the hearing by posting on a bulletin board maintained in or near the commission's principal office in a place accessible to the public during business hours a statement of the time and place of the hearing and of the matter to be considered at such hearing The commission may give such further public notice of such hearing as it deems advisable

Section 12 The minutes of the commission shall be preserved as permanent records The correspondence re-employment and employment lists and other papers and records of the commission shall be preserved for five years and shall together with the minutes subject to reasonable regulation as to the time of examination be open to public inspection during the ordinary business hours except as herein specifically otherwise provided The director shall take due precautions to prevent the securing in advance by any unauthorized person of questions or other material used in any tests unless such questions or material are available for all competitors He shall prevent the identification by an examiner or other person where identity is concealed of papers or work of any competitor in a test before the papers or work of all competitors in that test have been rated Statements of the former employers of competitors in tests may by the direction of the commission be considered confidential and not open to examination by any person not an employe of the commission or by a competitor even though employed by the commission

13 The director subject to the approval of the commission shall as soon as practicable but in any event not later than one year after the effective date of this act after consulting the appointing authorities ascertain and record the duties of positions in the classified service re-establish classes and prepare for adoption by the commission a statement giving a complete description of each class The statement when adopted by the commission shall be published It shall be known and be described as "The Classification Plan" of such cities and shall show for each class

(a) The title given to the class

(b) The duties and responsibilities exercised by those holding positions allocated to the class illustrated where necessary by example of typical tasks

(c) The minimum qualifications required for the satisfactory performance of such duties and tasks and the exercising of such responsibilities and

(d) As far as practicable the lines of promotion to and from the class

Section 14 As soon as possible after the adoption of the Classification Plan the director subject to the approval

of the commission shall after affording employes a reasonable oportunity to be heard and after consultation with appointing authorities and their principal assistants allocate each position in the classified service to its proper class Each employe shall assume the classification title of his position

Section 15 The director subject to the approval of the commission shall from time to time as he deems necessary establish additional classes and allocate thereto new positions created or positions not incuded in any previously established class and may divide combine alter or abolish existing classes and reallocate positions In case any amendment of the classification plan requires the re-allocation of an existing position the employe holding such position shall have reasonable right to be heard before final action is taken

Section 16 Appointing authorities shall promptly report to the director the establishment of new positions authorized by law in order that they may be classified and allocated Any change in the duties of an existing position which in the judgment of the director is material shall be interpreted as serving in effect to abolish the position and to create a new position Appointing authorities shall report material changes in the duties of positions to the director

Section 17 The classification titles shall be used in all records and communications of the commission the appointing authorities the Mayor council and fiscal officers of such cities and shall also be used in all estimates submitted to council requesting the appropriation of money to pay for services and in all reports and papers relating to payments for services

Section 18 For each class of positions in the classified service the director shall make a study of the rates being paid for similar services elsewhere and of other into the commission setting forth a schedule of compensation After consultation with the appointing authorities and their principal assistants he shall prepare a report to the commission setting forth a schecule of compensation for each class Such schedule shall show for each class a maximum salary rate a minimum salary rate and such intermediate rate or rates or any of them as he considers necessary and equitable After submission of such proposed schedule to the commission and after public hearing thereon the commission shall after approval transmit such schedule of compensation to council for adoption The director may from time to time recommend to the commission for its approval and transmission to council changes in the schedule of compensation for any class together with the reasons therefor

Section 19 After the adoption of the schedule of compensation for any class the rate of compensation for any employe upon appointment to a position in the class shall be at the minimum rate prescribed for the class provided however that where the appointee is already in the classified service in a position in another class his compensation upon appointment to the new position shall be the same as that which he received before such new appointment or if there is no such rate in the schedule for the class to which he is appointed then at the next higher rate in the schedule for that class

Section 20 The rate of compensation of any employe who has not reached the maximum rate for his class may be increased upon the attainment and maintenance of the appropriate service rating as provided elsewhere in this act In the absence of service rating advances in compensation within the salary range for any class may be made on the recommendation of the appointing authority supported by such evidence of increased usefulness in the service as may be required by the rules of the commission Each such increase shall be to the next higher rate for the class except as provided in this section and shall become effective at the next quarterly date following its aproval by the Mayor No employe shall have his compensation increased in the class oftener than once in a calendar year except that the Mayor upon request of the appointing authority approved by the director and the commission and an the basis of facts demonstrating that the action is in the interest of good administration may at any time authorize an increase to any rate established for the class to which the position is allocated The commission in its annual report shall publish the facts regarding each case in which it approves such requests made by appointing authorities to increase the rate of compensation of any employe more frequently than once a year or to a rate above the next higher rate for the class In no case however shall the compensation of any employe be increased unless council has appropriated funds from which the increase may lawfully be paid nor shall the rate for any employe be greater than the maximum nor less than the minimum rate fixed for his class

Section 21 Except as otherwise provided in this act appointments of persons entering the classified service or promoted therein shall be from employment lists established as the result of tests which are competitive free and open to all persons who may be lawfully appointed to any position within the class for which the tests are held with such limitation as may be specified in the rules of the commission or the announcement of the tests as recorded in the minutes of the commission as to age sex health habits moral character and other qualifications requisite to the performance of the duties of such positions Vacancies in the higher classes of positions shall however be filled by promotion as far as is consistent in the judgment of the commission with the best interest of such cities The commission may upon recommendation of the director limit competition in promotion tests to employes in the classified service who have served not less than one year in the class or classes designated in the public notice of the tests

Section 22 For each class where such action is appropriate the director shall cause to be maintained a re-employment list consisting of the names of persons who have occupied positions in the class and who have been separated from the service without fault on their own part or who have taken leave of absence and are ready to return to duty when a position is open or who have resigned in good standing and with the consent of the appointing authority and of the director have withdrawn their resignations and have not been restored to their positions or who have been rejected after probation or have been removed and by direction of the commission have been given opportunity for re-employment in some other organization unit than that from which dismissed The director shall in all cases have authority to determine whether or not the names of any such persons shall be placed on the re-employment list The names shall be arranged on the re-employment list for such class in the order of the average service ratings of the employes for the last six months of service in a position allocated to the class In the absence of service ratings the order shall be as provided by the rules of the commission After the name of any person shall have remained on the re-employment list for the class for a period of one year unless the period is extended by action of the commission taken before the expiration of the year and enterd in its minutes that name shall be removed from the re-employment list

Section 23 The director shall give tests to establish employment lists Such tests may be written oral or in the form of a demonstration of skill or any combination of these and shall be of such character as fairly to test and determine the qualifications fitness and ability of competitors actually to perform the duties of the class of positions to which they seek appointment Any investigation of the capacity of persons to be examined shall also include the potential ability of such persons to undertake higher responsibilities upon promotion Honorably discharged soldiers sailors and marines who have served as such in the Army Navy or Marine Corps of the United States or in the National Guard of the State shall be given full credit for their experience gained in such service having due regard to the position for which the examination is held The tests shall take into consideration elements of character education aptitude experience knowledge skill personality physical fitness and other pertinent matters

Section 24 The director shall have charge of the preparation and holding of tests of the rating of the work of competitors and of the preparation of resulting employment lists He may call on other persons not on the regular staff of the commission either within or without the service of such cities for assistance When such persons are in the service of such cities it shall be deemed a part of their official duty to act as examiners without extra compensation

Section 25 A The director shall give public notice of all competitive tests at least two weeks in advance by causing to be advertised in at least two daily newspapers of general circulation in such cities and to be posted on a bulletin board maintained in or near the commission's principal office in a place accessible to the public during business hours a notice stating

(1) the title of each class for which tests are to be held

(2) the standard or most common rates of compensation

(3) the time and place of holding the tests

(4) the probable number of appointments to be made immediately or in the future and

(5) the manner and place in which application forms and detailed pertinent information may be obtained The director shall prepare such detailed information in a from suitable for general distribution The tests shall be given such other publicity as the director may determine or as the commission may direct

B The final earned rating of each person competing in any test shall be determined by the weighted average of the earned rating on all phases of the test according to weights for each phase established by the director in in advance of the giving of the examination All persons competing in any test shall be sent notice by mail of their final earned ratings and of their relative standing or of their failure to attain a place upon the list

Section 26 From the reports of examiners the director shall prepare and submit to the commission for approval an employment list or lists containing the names of persons arranged in the order of excellence who have been given at least such minimum rating as may be fixed in advance for the whole or any one or more of the tests and whose general average is not less than the minimum fixed by the rules of the commission and who are otherwise qualified

Section 27 Employment lists shall continue in force for a period to be fixed by the rules of the commission Such period may be different for the various classes of positions but shall not be less than one year nor more than two years for any class except that the period may be extended in any case upon the recommendation of the director approved by the commission by action taken before the expiration of the period fixed by the rules and entered in the minutes A new employment list for any class shall be combined with any existing list but in such case any portion of such combined list shall be automatically cancelled at the end of the period fixed by such rules unless held in force as above provided The director with the approval of the commission may at any time correct clerical errors occurring in connection with the preparation of any employment list and revise the list accordingly but not person who has been appointed as the result of certification from such list shall be displaced by such action The commission shall have the power at any time after giving notice as required in this act and after a public hearing to cancel the whole or any part of any employment list on account of illegality or fraud in connection therewith

Section 28 Tests for positions in the non-competitive division shall conform to tests for the competitive division except that such tests shall be limited to one or more persons nominated by the appointing authority of the department or institution in which the position is located and except that public notice of not less than forty-eight hours shall be given Following any non-competitive test an employment list shall be prepared and approved by the director as in the case of tests for classes of positions in the competitive division Tests for positions in the labor division shall as far as practicable conform to tests for the competitive division by the commission may by rule provide for the registration of ordinary unskilled laborers following such medical physical or other tests as may be prescribed and for the order in which their names shall be placed on the employment lists and the number of names which may be certified

Section 29 Whenever a vacancy in any permanent position in the competitive division of the classified service is to be filled the appointing authority shall request the Director in writing to certify the name of a person qualified for appointment The director shall thereupon certify the name of the person who is highest in the re-employment list for the class to which the vacant position has been allocated and who is willing to accept appointment In case there is no re-employment list for the class the director shall certify the names of the two persons who are highest on the employment list for the class and who are willing to accept appointment In case the re-employment and employment lists for the class do not contain the names of a sufficient number of persons to fill the vacancies the director shall forthwith hold a test to establish an employment list If necessary to prevent the cessation of public business but not otherwise the director may authorize the filling of the position at once through a provisional appointment as provided in this act

Section 30 Unless it is found to be in the interest of the service not to fill the vacant position the appointing authority within a reasonably time to be fixed by the rules of the commission shall appoint the person whose name has been certified from the re-employment list or in case there is no re-employment list the appointing authority shall with sole reference to the relative merit and fitness of the candidates make an appointment from the two names certified from the employment list After any name has been rejected twice by any one appointing authority for the same or a similar position in favor of others on the same employment list such name shall not again be certified to the appointing authority unless requested by such authority In case an employment list consists of less than two names the appointing authority may at his option expressed in writing to the director at the time of appointment treat such appointment as provisional

Section 31 Appointing authorities shall promptly report to the director the selection and appointment of eligibles whose names have been certified If an eligible whose name has been certified shal refuse to accept an appointment offered to him such refusal shall be promptly investigated by the director and if it be found that the refusal has been made for improper or insufficient reasons the director may remove his name from the employment or re-employment list.

Section 32 In case a vacancy of a permanent position in the classified service is to be filled and no person whose name is on the re-employment or employment list for the class is willing to accept appointment or there is no re-employment or employment list for the class the director subject to the approval of the commission may if necessary to prevent the cessation of public business but not otherwise authorize the provisional appointment of a qualified person with or without holding any test In all such cases the provisional appointee shall before beginning work fill out and forward to the director an application form Each such provisional appointment shall only be effective until an appropriate re-employment or employment list has been established and shall not in any event continue for a total of more than ninety days.

Section 33 When from pressure of work an extra position in the classified service must be established for a period of less than six months the appointing authority shall request the director in writing to certify the name of a qualified person In such request the appointing authority shall state the cause of the extra work the probable length of employment and unless the position has been classified the duties which the appointee is to perform The director shall thereupon authorize the appointment with or without competitive tests of a qualified person for a period not exceeding ninety days Such tempo-

lary appointments shall not be renewed more than once As far as practicable however temporary appointment to extra position shall be made following certification from re-employment and employment lists.

Section 34 Any appointing authority or any subordinate authorized by him may to prevent cessation of public business when an emergency arises and time will not permit of securing the authorization from the director for the appointment of a certified eligible appoint any qualified person during the emergency for a period not exceeding ten days A vacancy in a position of which the appointing authority has had reasonable notice or employment concerning the conditions of which the appointing authority had previous knowledge or of which by the exercise of due diligence he might have had previous knowledge shall not however be considered an emergency Persons thus appointed shall be known as "emergency employes" Appointing authorities shall forthwith report to the director all emergency appointments and such appointments shall not be renewed.

Section 35 To enable the appointing authority to exercise a choice in the selective process involved in the filling of positions no appointment to a position in the classified service whether made from a re-employment list or an original entrance or promotion employment list shall be deemed complete until after the expiration of a probation period to be prescribed in the rules of the commission The probation period shall in no case be less than three months nor more than six months At the end of the probation period any appointing authority may remove any employe from the position held by him if in his opinion the test provided by observation of his work during the test period thus afforded shows the employe to be unable or unwilling to perform his duties in a satisfactory manner The director may require from any appointing authority at any time during the probationary period a report showing whether any employe on probation has shown the degree of efficiency which may reasonably be demanded if he is to continue in the classified service.

Section 36 The director shall devise plans for and co-operate with appointing authorities and other supervising officials in the conduct of employe training programs to the end that the quality of service rendered by persons in the classified service may be continually improved.

Section 37 A The director subject to the approval of the commission shall as soon as practicable after this act takes effect establish standards of performance and a uniform system of service rating for each class of positions or for groups of classes Such standards of performance shall as far as practicable be based upon actual output including quantity tnd quality of work done and upon conduct and attendance Such standards of performance shall set forth the degree of efficiency which shall constitute ground for.

(a) Increase in the rate of compensation for employes who have not attained the maximum rate for the class to which their positions are allocated.

(b) Continuance at the existing rate of compensation without increase or decrease.

(c) Decrease in the rate of compensation for employes who at the time are above the minimum rate for the class to which their positions are allocated.

(d) Demotion or removal and

(e) Consideration in tests for promotion to a higher class.

B The director upon the establishment of standards of performance for any class or group of classes shall also provide for the rating according to the numerical percentage normal distribution or other plan of the service of each employe or of groups of employes by the appointing authorities in the various departments and institutions and for such report or review and revision by the director of the ratings as may in his judgment be necessary or desirable Each appointing authority shall when requested by the director submit such ratings to him but in no case shall an appointing authority be compelled to submit such ratings oftener than once in three months Each employe shall have the right at reasonable times during business hours to inspect his service ratings and the service ratings of other employes in the same class as shown by the records of the commission or of the department or institution in which he is employed.

Section 38 An appointing authority may at any time according to the rules of the commission transfer any classified employe under his jurisdiction from one position to another in the same class of position In every such case the appointing authority shall give written notice of his action to the director Transfer of a classified employe from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority may be made subject to the rules of the commission with the approval of the director and of both appointing authorities concerned Any transfer of an employe from a position in a lower classification to a position in a higher classification shall be deemed a new appointment and may be accomplished only in the manner hereinbefore provided for the making of appointments No person shall be transferred from a position in the unclassified service to a position in the classified service unless he has obtained a position on an employment list of the classified service as herein provided.

Section 39 The commission shall by rule provide for the granting of annual sick and special leaves of absence to employes with or without pay or with reduced pay No employe shall be granted leave of absence except under such rules.

Section 40 In case a reduction in force is necessary because of a change in organization or through cessation or lack of work the employes having the lowest service ratings in the unit and in the class affected shall be first laid off In the absence of service ratings the order of lay-off shall be established by the rules of the commission The appointing authority shall promptly report to the director the names of employes laid off together with the date the lay-off of each is effective and the character of his services and the Director shall place the names of such employes whose services have been satisfactory on the re-employment lists for the appropriate class in the order provided herein for the preparation of such lists.

Section 41 An appointing authority may for good cause suspend an employe holding a position in the classified service for disciplinary purposes without pay for a period aggregating not more than thirty days in one calendar year No such suspension shall however be for racial religious political or partisan reasons The reasons which shall constitute good cause for suspension may be stated in the rules Every case of suspension together with the reason therefor shall forthwith be reported to the commission in writing and such report shall be made a part of the commission's public records.

Section 42 The appointing authority may reject an employe appointed to a position in his department or institution at any time before the expiration of the probation period fixed by the rules of the commission but in all cases the appointing authority shall furnish the director a statement in writing of the cause for rejection The employe so rejected shall be considered premanently separated from such position but the director may if he considers such action appropriate place the name of the person thus rejected on the re-employment list of the appropriate class for future certification to other appointing authorities.

Section 43 A The commission shall adopt rules governing the re-instatement within one year of persons who without fault or delinquency on their part have resigned or have been separated from the classified service Persons who have voluntarily resigned from the service shall not be re-instated within three months Absence from duty without notice to the appointing authority for a period of three working days may be regarded as the abandonment of a position and in effect a resignation.

B No resignation of any person in the classified service shall be effective unless accepted within fifteen days after the actual date of making thereof Any person who leaves the classified service may request the director in writing for a public hearing before the commission stat-

ing his reasons for such request If on investigation the director finds that the employe has been forced to resign against his will and without just cause or that his separation from the service has been involuntary and not justifiable the commission shall grant such persons at the earliest opportunity a public hearing as hereinafter provided in the case of removal or demotion.

Section 44 The director with the approval of the commission shall recommend to the Mayor the retirement of any employe who in his judgment has become unfitted for the efficient performance of the duties of his position owing to advanced age or to physical or mental disability

Section 45 A Expect as provided herein concerning suspension for disciplinary purposes no person in the classified service shall be dismissed removed suspended reduced or demoted in pay or position except for just cause which shall not be religious racial political or partisan Nor shall any person in the classified service be dismissed removed suspended reduced or demoted in pay or positio. except as herein provided as to the holders of provisional temporary or emergency appointments or employes on probation until he shall have been furnished with a written notice of intended dismissal removal suspension reduction or demotion setting forth the reasons for such action and until he has been allowed to give the appointing authority such written answer as the person about to be dismissed removed suspended reduced or demoted may desire In every case of such dismissal removal suspension reduction or demotion a copy of the statement of reasons therefor and of the written answer thereto shall be promptly furnished to the commission and shall be made a part of its public records

B The transfer of an employe from a position in one class to a position in a different class for which a lower maximum rate of compensation is prescribed and involving a reduction in compensation shall be considered a demotion and may be made upon the recommendation of the appointing authority or the petition of the employe supported by such evidence as the director may require to show that the employe is not performing satisfactory service in the position he is holding but is able to perform the duties of the class of positions to which it is recommended or petitioned that he be demoted The compensation of any employe so demoted shall in no case exceed the maximum rate for the class to which he is demoted

C Except as hereinafter provided within sixty days after the receipt of such notice of removal or demotion from an appointing authority the commission may upon its own initiative or upon request of either the appointing authority or the removed or demoted employe make such investigation as it may deem advisable either sitting as a body or through one or more of its members or through the director The investigation inquiry or hearing provided for herein is declared to be for the purpose of fairly determining whether or not the employe involved by reason of his act or acts as charged and his record of service merits continuance therein or should be removed therefrom or demoted or otherwise disciplined for the good of the service In such investigations inquiries or hearings the commission shall not be required to follow established rules of evidence or court procedure but shall seek information and evidence bearing on the merits of the case The records of such investigations and all hearings shall be open to the public and the employe sought to be removed or demoted shall on request have opportunity to be heard personally or through counsel in his own defense Within twenty days after the completion of such investigation or hearing or sooner if practicable the commission shall make its findings and conclusions which shall be forthwith certified to and enforced by the appointing authority Charges against any employe in the classified service asking for his removal for a violation of law or for any cause enumerated in the rules may be filed with the commission by any citizen or taxpayer and when so filed shall at the discretion of the commission publicly recorded be investigated and determined in the manner provided in this section The commission may in its discretion order that the name of any person whose removal from the classified service has become final and binding be placed at the head of the appropriate re-employment or employment list or that said person be transferred or re-instated provided that such action is taken not later than sixty days after the removal has become final and binding

D Except as provided herein concerning suspension for disciplinary purposes No police officer or fireman except those dismissed at the expiration of the probationary period shall be dismissed removed suspended reduced or demoted in pay or position except for just cause upon written charges and after having been given an opportunity to be heard personally or through counsel in his own defense Such charges may be filed by any superior officer or by any citizen or taxpayer and shall within thirty days after filing be investigated heard and determined by the commission or by one of the commissioners or by some person or board appointed by the commission to investigate hear and determine the same Where one person is appointed by the commission to hear such charges he shall be a person learned in the law Where a board is appointed to hear such charges at least one member of such board shall be learned in the law The hearing shall be public In the cases to which this sub-section relates the finding and decision of the commission or commissioner or of such person or board when approved by the commission shall be forthwith certified to and enforced by the appointing authority

Section 46 It shall be unlawful for any officer or employe of such cities to draw sign issue or authorize the drawing signing or issuing of any requisition voucher check warrant or mandamus on the disbursing officer of such cities for the payment of or for the disbursing officer to pay the salary or wages of any person holding a position in the civil service of such cities unless an estimate account requisition or payroll of such salary or compensation containing the names titles periods for which payments are to be made and rates of pay of the persons to be paid shall bear the certificate of the director that the persons named in such estimate account requisition or payroll have been appointed and employed in accordance with the provisions of this act and the rules made thereunder If the director shall find that any person has been employed in violation of any provision of this act or the rules of the commission he shall so notify the fiscal officers of such cities and thereafter such officer shall not draw sign or issue or authorize the drawing signing or issuing of any requisition voucher check warrant or mandamus on such disbursing officer for the payment of salary or compensation to any such person except upon order of a court of competent jurisdiction Any sums paid contrary to the provisions of this act and the rules made thereunder may be recovered from any officer or officers making such payment and if paid contrary to the provisions of this section may be recovered from any officer signing or countersigning or authorizing the signing or countersigning of any requisition voucher check warrant or mandamus for such payment or from the sureties on his official bond in an action maintained by a taxpayer of such cities All moneys recovered in any action brought under the provisions of this section shall when collected be paid into the treasury of such cities except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action

Section 47 Any false statement made under oath either in any application or other paper filed with the commission or in any proceeding before the commission or in any investigation conducted by or under the direction of the commission or by the director or in any proceedings arising under this act shall be perjury and punishable as such

Section 48 Any person who wilfully by himself or in cooperation with one or more other persons defeats deceives or obstructs any person in respect to his right of taking any test or receiving appointment according to

this act or according to any rules made thereunder or who shall wilfully or corruptly or falsely make rate grade estimate or report upon the tests or proper standing of any person tested or certified pursuant to the provisions of this act or aid in so doing or who shall wilfully make any false representations concerning the same or concerning the persons tested or who shall wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so tested or certified or to be tested or certified or who shall impersonate any other person or permit or aid in any manner any other person to impersonate him in connection with any test or request to be tested certified or appointed or who shall use or promise to use his influence official or political authority to secure for any person any appointment or prospect of appointment to any position in the classified service as a reward or return for personal or partisan political service shall for each offense be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars ($50.00) and not exceeding three thousand dollars ($3,000.00) and to serve imprisonment for a period not exceeding three (3) years or both in the discretion of the court

Section 49 No person in the civil service of such cities shall be a member of or a delegate or alternate to any political convention nor shall he be present at any such convention except in the performance of his official duty nor shall he serve as a member of or attend the meetings of any committee of any political party or take active part in political management or in political campaigns or use his office or position to influence political movements or influence the political action of any officer or employe in the civil service nor shall he circulate or seek signatures to any nominations or other petition provided by any primary or election law nor shall he seek or accept election nomination or appointment as an officer of a political club or organization or serve as a member of a committee of any such club or organization nor shall he in any manner participate in or interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the vote or returning the election material to the place provided by law for that purpose save only for the purpose of voting as speedily as it reasonably can be done nor shall he be within the polling place or within fifty feet thereof except for the purposes of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and have left the polling place for the purpose of depositing the election material in the place provided by law for that purpose excepting only police officers who may temporarily approach or enter the polling place in order to make any arrest permitted by law or for the purpose of preserving order and in each such case remain only long enough to accomplish the duties aforesaid after which the said officers shall at once withdraw

Section 50 A No person shall solicit pay give or receive in any public building belonging to such cities any money or valuable thing for any political purpose whatever No person shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing or any assessment subscription or contribution whether voluntary or involuntary from any officer or employe in the civil service of such cities for any political or partisan purpose whatever No person in the civil service shall orally or by written or printed communication directly or indirectly demand solicit collect or receive or be in any manner concerned in demanding soliciting collecting or receiving any money or valuable thing for any political purpose whatever No person in the civil service shall pay or give any money or valuable thing or make any subscription or contribution whether voluntary or involuntary for any political purpose whatever No person about to be appointed to any position in the service shall in advance of such appointment sign or execute a resignation dated or undated No person in the service of such cities shall dismiss remove suspend lay off reduce demote or promote or in any manner change the official status or compensation of any other person in said service or promise or threaten to do so for withholding or neglecting to make any contribution of money or service or other valuable thing for any political or partisan purpose

B No person shall take part in preparing any political assessment subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the civil service of such cities and no person shall knowingly send or present directly or indirectly in person or by letter any political assessment subscription or contribution to or request its payment by any person in the civil service

Section 51 Any person holding a position in the civil service of such cities who violates any of the provisions of this act or of the rules made thereunder shall be immediately separated from the service It shall be the duty of the Mayor and of the appointing authority of the department or institution in which the offending person is employed to dismiss him at once Any taxpayer may bring an action against such cities to restrain the payment of compensation or the issuing of warrants for the payment of compensation of any officer clerk or employe who has violated any of the provisions of this act and may as an additional remedy obtain a writ of mandamus to compel such dismissal Any person dismissed under the provisions of this section shall for a period of two years be ineligible for re-appointment to any position in the service of such cities

Section 52 The commission shall have the power from time to time to enter into arrangements and agreements with other public personnel agencies for the purpose of exchanging information and services The commission shall have power from time to time to become a member of or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration

Section 53 Any person who shall wilfully or through culpable negligence violate or shall conspire to violate any of the provisions of this act or of the rules made thereunder shall be guilty of a misdemeanor Persons convicted of a misdemeanor under this act shall be punished by a fine of not less than fifty dollars ($50.00) and not more than three thousand dollars ($3,000.00) or by imprisonment for a term not exceeding three years or by both such fine and imprisonment in the discretion of the court

Section 54 A The persons who immediately prior to the passage of this act were the Civil Service Commissioners in cities of the first class appointed pursuant to the provisions of Act Number 41 of this Session of the General Assembly of Pennsylvania approved by the Governor March 30, 1937 entitled "An Act to amend section five A of Article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities" as last amended by the act approved the nineteenth day of May one thousand nine hundred and thirty-seven (Act No. 187) shall become the Civil Service Commissioners of such cities immediately upon the effective date of this act as if then appointed pursuant to the foregoing provisions hereof

B The person who immediately prior to the passage of this act held the office of chief examiner under such Civil Service Commissions in cities of the first class and who had been appointed to such office after test and certification shall become the first Civil Service Director of such cities immediately upon the effective date of this

act as if then appointed pursuant to the foregoing provisions hereof

Section 55 All existing minutes records and correspondence of the Civil Service Commissions in cities of the first class and all office equipment supplies and buildings facilities of such commissions shall be turned over to the Civil Service Commissions established herein and all employes of such Civil Service Commissions who have been appointed after test and certification shall become employes of such Civil Service Commissions without further test and certification in order that the provisions of this act may be administered without delay and without interruption in the functioning of the civil service of such cities

Section 56 If any section sub-section sentence clause or phrase of this act or of any rule adopted hereunder for any reason is held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act nor of any rule adopted hereunder The Legislature hereby declares that it would have passed this act and each section sub-section sentence clause or phrase hereof irrespective of the fact that any one or more sections sub-sections sentences clauses or phrases be declared unconstitutional

Section 57 Article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 851) entitled "An act for the better government of cities of the first class of this Commonwealth" be and the same is hereby repealed All other acts of Assembly or parts thereof that are in any way in conflict or inconsistent with this act or any part hereof are hereby repealed

Section 59 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154.

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boies,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.		

NAYS—51.

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	VanAllsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2415, (Senate Bill No. 1139), as follows:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in five equal annual instalments and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending inconsistent legislation.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act the word "deficits" shall mean (1) obligations provided for in the budget for the year one thousand nine hundred and thirty-seven but remaining unpaid by reason of non-receipt of revenues for said year (2) other indebtedness payable out of current funds including indebtedness evidenced by outstanding writs of mandamus execution but not including obligations due the sinking fund commission.

Section 2 Cities of the first class be and they are hereby authorized and directed to pay the amount of deficits as hereinabove defined to the extent and not in excess of the sum of twenty-five million dollars ($25,000,000) which have arisen and which may arise on or before the thirty-first day of December one thousand nine hundred and thirty-seven in five equal annual installments during the years one thousand nine hundred and thirty-eight one thousand nine hundred and thirty-nine one thousand nine hundred and forty one thousand nine hundred and forty-one and one thousand nine hundred and forty-two and to provide by appropriation for the payment thereof during the said years The council of said cities in levying and fixing the tax rate and in making appropriations and in framing and formulating their annual financial programs or budgets during the said years shall not be required to provide for or include therein the amount of such deficits as hereinabove defined except as to one-fifth thereof for each of said years and the City Controller in furnishing data for the preparation of the financial programs or budgets for said years as required by law shall take into account as a current liability of said cities by reason of such deficits to be discharged during each of said years only the said one-fifth of such deficits and in counter-

signing and approving contracts and warrants he is hereby duly authorized to approve and countersign the same notwithstanding that no provision has been made by appropriation for the payment of the balance of the amounts of such accrued deficits and contracts may be entered into and warrants drawn and issued by the municipal authorities of such cities and duly approved by the City Controller although no appropriations have been made to discharge such deficits except as herein provided Provided however That all indebtedness arising from writs of mandamus executions incurred in accordance with law during the year one thousand nine hundred and thirty-eight or any subsequent year and not paid during such year shall be included and certified as a current liability by the City Controller in furnishing data for the preparation of the financial programs or budgets for the next succeeding year and shall be provided for in the budget and tax levy for such next succeeding year.

Section 3 So much of Article XVII of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" and of all other parts of such act or other acts inconsistent herewith be and the same are suspended to the extent of such inconsistency during the period for which the provisions of this act shall remain in effect.

Section 4 It is hereby declared that the provisions of this act are severable one from another and if for any reason any provision or part of this act is held by the court to be unconstitutional or invalid for any reason such decision of the court shall not affect or impair any of the remaining provisions or parts of this act It is hereby declared as the legislative intent that this act would have been adopted had such provision or part hereof not been included herein.

Section 5 This act shall become effective immediately upon the final passage hereof.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Bois,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer	Hess,	O'Connor,	Thomas,
Bradley	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Oakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wample,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reisner,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.	Schumacher,	Woodside,
Elpern,	Matthews, J. F.	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
			Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2385, (Senate Bill No. 630), as follows:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by further defining the scope of the act eliminating certain approvals of articles of incorporation and certificates of authority and further regulating the incorporation of business corporations regulating and extending the rights responsibilities authority powers and immunities of such corporations and of the shareholders thereof and the rights powers qualifications and compensation of the officers thereof further providing for and regulating the dissolution of such corporations further providing for and regulating the issuance and revocation of certificates of authority of foreign business corporations and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four two hundred six three hundred four three hundred ten four hundred one four hundred six five hundred nine eight hundred three section one thousand five as amended section one thousad seven as amended sections one thousand eleven one thousand twelve one thousand thirteen one thousand fourteen one thousand one hundred three of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers du-

ties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred twenty-three) are hereby further amended to read as follows

Section 4 Scope of Act This act does not relate to does not affect and does not apply to

(1) Cooperative associations whether for profit or not for profit.

(2) Any corporation which may be organized under the Non-profit Corporation Law or which if not existing would be required to incorporate under that act.

(3) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of Banking the Insurance Department [The Public Service Commission] the Pennsylvania Public Utility Commission or the Water and Power Resources Board.

Section 206 Filing of Articles Certificate of Incorporation A The incorporators shall deliver or cause to be delivered to the Department of State the articles of incorporation and proof of the advertisement required by the preceding section If the Department of State finds that the articles conform to law it shall forthwith but not prior to the day specified in the advertisement required by the preceding section endorse its approval thereon and when all bonus fees and charges have been paid as required by law shall file the articles and issue to the incorporators or their representative a certificate of incorporation to which shall be attached a copy of the approved articles The articles upon being approved and filed by the Department of State shall constitute the charter of the corporation

B If the articles of incorporation delivered to the Department of State are for the incorporation of a business corporation for the transaction of any business in which a corporation may not engage without the approval of or a license from any department board or commission of the Commonwealth the Department of State shall [refer the articles to such department board or commission and shall not file the articles or issue a certificate of incorporation until the approval or consent of such department board or commission shall have been endorsed on the articles] upon the issuance of the Certificate of Incorporation promptly certify the fact of such incorporation to each such department board or commission setting forth the name of the corporation and post office address of the initial registered office in this Commonwealth the date of issuance of the Certificate of Incorporation the purpose or purposes for which the corporation is organized and the names and post office addresses of the first directors of such corporation.

Section 304 Adoption and Contents of By-Laws [Except as hereinafter provided the] The shareholders shall have the power to make alter amend and repeal the by-laws of a business corporation [. The] but the authority to make alter amend and repeal by-laws may be expressly vested by the articles or the by-laws in the board of directors subject always to the power of the shareholders to change [or repeal such by-laws] such action Unless the articles or by-laws otherwise provide the [by-laws shall be adopted altered amended and repealed] powers hereby conferred shall be exercised by a majority vote of the members of the board of directors or of the shareholders entitled to vote thereon as the case may be at any regular or special meeting duly convened after notice to the shareholders or directors of that purpose The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles and may provide penalties for the breach thereof not exceeding twenty dollars

Section 310 Authority to Acquire Property at Tax or Judicial Sale A business corporation may at any tax or judicial sale of any property upon which the corporation holds a mortgage or has a lien of any nature whatsoever bid in such property if necessary for the protection of its interest The corporation shall acquire a good and indefeasible title to any and all property so purchased irrespective of any limitation as to the acquisition of property that may exist in its articles or in this act All property so purchased may be held by the corporation until such time as it shall believe it advisable to dispose of the same It shall be lawful for the corporation to sell the property upon such terms and for such consideration as it deems desirable The corporation may sell such property and convey a marketable title thereto without the authorization or confirmation of any court

Section 401 Board of Directors The business and affairs of every business corporation shall be managed by a board of at least three directors who shall be natural persons of full age and who need not be residents of this Commonwealth or shareholders in the corporation unless the articles or by-laws so require Each director shall hold office for the term from which he is elected and until his successor shall have been elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as hereinafter provided in this article in the case of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders A business corporation may allow compensation to its directors for their services and a director may also be a salaried officer of the corporation

Section 406 Officers and Agents Every business corporation shall have a president a secretary and a treasurer and may have such other officers and assistant officers and agents [as the needs of the corporation may require] as it shall authorize from time to time The articles or by-laws may prescribe special qualifications for such officers The President and Secretary shall be natural persons of full age the Treasurer however may be a corporation but if a natural person shall be full age The officers assistant officers and agents shall be elected or appointed either by the board of directors or by the shareholders at such time in such manner and for such terms and compensation as the by-laws may prescribe It shall not be necessary for the officers to be directors If the by-laws so provide any two or more offices may be held by the same person except the offices of president and secretary The board of directors may secure the fidelity of any or all of such officers by bond or otherwise Unless otherwise provided in the by-laws the board of directors shall have power to fill any vacancies in any office occurring from whatever reason All officers and agents of the corporation as between themselves and the corporation shall respectively have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the by-laws or in the absence of controlling provisions in the by-laws as may be determined by resolution of the board of directors

Section 509 Determination of Shareholders of Record Unless the by-laws otherwise provide the board of directors may fix a time not less than ten or more than [forty] seventy days prior to the date of any meeting of shareholders or the date fixed for the payment of any dividend or distribution or the date for the allotment of rights or the date when any change or conversion or exchange of shares will be made or go into effect as a record date for the determination of the shareholders entitled to notice of and to vote at any such meeting or entitled to receive payment of any such dividend or distribution or to receive any such allotment of rights or to exercise the rights in respect to any such change conversion or exchange of shares In such case only such shareholders as shall be shareholders of record on the date so fixed shall be entitled to notice of and to vote at such meeting or to receive payment of such dividend or to receive such allotment of rights or to exercise such rights as the case may be not-

withstanding any transfer of any shares on the books of the corporation after any record date fixed as aforesaid The board of directors may close the books of the corporation against transfers of shares during the whole or any part of such period and in such case written or printed notice thereof shall be mailed at least ten days before the closing thereof to each shareholder of record at the address appearing on the records of the corporation or supplied by him to the corporation for the purpose of notice While the stock transfer books of the corporation are clsed no transfer of shares shall be made thereon Unless a record date is fixed by the by-laws or the board of directors for the determination of shareholders entitled to receive notice of or vote at shareholders' meeting transferees of shares which are transferred on the books of the corporation within ten days next preceding the date of such meeting shall not be entitled to notice of or to vote at such meeting

Section 803 Notice of Shareholders' Meetings Written notice shall not less than ten days before the shareholders' meetings called by the board of directors for the purpose of considering proposed amendments be given to each shareholder of record except the written notice of any proposed amendment for increasing the authorized capital stock of the corporation (where such increase will involve an increase in the stated capital or paid-in surplus or both) shall be given to each shareholder of record at least sixty days before such meeting Such notice shall set forth the proposed amendment or a summary of the changes to be effected thereby.

Section 1005 Issuance of Certificate of Authority A If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to a certificate of authority to do business in this Commonwealth it shall forthwith but not prior to the day specified in the advertisement heretofore required in this article endorse its approval upon the application for a certificate of authority and when all bonus fees and charges have been paid as required by law shall file the application and the copy of the articles and shall issue to the corporation a certificate of authority to do business in this Commonwealth The certificate of authority shall set forth the name of the corporation the address of its registered office in this Commonwealth and the character and nature of the business it is authorized to transact in this Commonwealth Upon the issuance of the certificate of authority by the Department of State the corporation may do in this Commonwealth any or all of the kinds of the business referred to in the certificate of authority and no other subject however to the right of the Commonwealth to cancel or revoke such right to transact business in this Commonwealth as provided in this act The certificate of authority shall be delivered to the corporation or its representative

B If the applicant corporation desires to transact any business in which a corporation may not engage without the approval of or license from any department board or commission of the Commonwealth the Department of State shall [refer the application and articles of the corporation to such department board or commission and shall not issue a certificate of authority until the approval or consent of such department board or commission shall have been endorsed upon the application] upon the issuance of the certificate of authority promptly certify the fact of the issuance of such certificate of authority to each such department board or commission setting forth the name of the corporation the name of the State or country under the laws of which it is formed the address of the proposed registered office in this Commonwealth the general character of the business it proposes to transact within Pennsylvania and the date of issuance of the certificate of authority.

Section 1007 Amended Certificate of Authority A After receiving a certificate of authority a foreign business corporation may subject to the provisions of this act change its name or be authorized to do in this Commonwealth other or additional business than that authorized by its certificate of authority by filing with the Department of State an application for an amended certificate of authority and proof of the advertisement hereinafter required by this section Such application shall be executed under the seal of the corporation signed and verified by two duly authorized officers thereof and shall set forth the changes desired by the corporation.

B A foreign business corporation shall before making application to the Department of State advertise its intention to apply for an amended certificate of authority by publication in a manner similar to that prescribed in this act in the case of the formation of a domestic business corporation Advertisements shall appear at least three days prior to the day on which application is made to the Department of State and shall set forth briefly.

(1) The name of the corporation and of the state or country under the laws of which it is formed.

(2) If the application is for permission to do in this Commonwealth other or additional business the character and nature of the business it proposes to do under the amended certificate of authority.

(3) If the application is for a change of name the new name under which it proposes to do business.

C If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to an amended certificate of authority it shall forthwith but not prior to the day specified in the advertisement heretofore required by this section endorse its approval upon the application and when all fees bonus taxes and charges have been paid as required by law shall file the application and issue to the application corporation and amended certificate of authority setting forth the desired changes.

Section 1011 Service of Process upon the Secretary of the Commonwealth Service of process against a foreign business corporation upon the Secretary of the Commonwealth shall be made by the Sheriff of Dauphin County by leaving the fee the plaintiff is required by law to pay to the Secretary of the Commonwealth for this service and two copies of the process at the office of the Secretary of the Commonwealth The sheriff shall make due return of his service of the process to the court magistrate or justice of the peace issuing the same Such process may be issued by any court magistrate or justice of the peace having jurisdiction of the subject matter of the controversy in any county of the Commonwealth in which the corporation shall have ts registered office or in the county in which the right of action arose When legal process against any such corporation has been served upon the Secretary of the Commonwealth he shall immediately send by mail postage prepaid one copy of such process directed to the corporation at its registered office The fee paid by the plaintiff to the Secretary of the Commonwealth at the time of the service shall be taxed in the plaintiff's costs if he prevails in the suit necessitating the service of the process The Secretary of the Commonwealth shall keep a record of the day and the hour of the service of such process on him and a certified copy of such record shall be sufficient evidence thereof The service of process on the Secretary of the Commonwealth under this section shall be of the same legal force and validity as if the process had been served on the corporation and the authority for such service of process shall continue in force as long as any liability remains outstanding against the corporation on the Commonwealth Nothing herein contained shall limit or affect the right to serve any process notice or demand required or permitted by law to be served upon a foreign corporation or any other manner now or hereafter permitted by law

Section 1012 Acquisition of Real Property Every foreign business corporation authorized to transact business within this Commonwealth may acquire mortgage lease and transfer real property in this Commonwealth in the same manner and subject to the same limitations as domestic business corporations Every such corporation may purchase in its corporation name at any [sheriff's] tax or [other] judicial sale any real estate within this Commonwealth upon which such corporation may have or hold a judgment or lien and may at its pleasure sell and convey such real estate All the rights privileges and duties now by law accorded to and imposed upon lien creditors pur-

chasing at judicial sales are hereby extended to such corporations

Section 1013 Revocation of Certificate of Authority Whenever the Department of State shall find that a foreign business corporation authorized by a certificate of authority to do business in this Commonwealth is engaged in this Commonwealth in any business which it is not authorized to transact by its certificate of authority or by any amended certificate of authority or has changed its name [or the location of its registered office] without first securing an amended certificate of authority as required by this act or has changed the location of its registered office without filing a statement with the Department of State as required by this act or is violating any of the laws of this Commonwealth the Department of State shall give notice by registered mail to such corporation that such default exists and that its certificate of authority including any amendments thereto will be revoked and cancelled unless such default shall be cured within thirty days after the mailing of such notice If such default shall not be cured within such period of thirty days the Department of State shall revoke and cancel the certificate of authority of such foreign corporation including any amendments thereto Upon revoking and cancelling any such certificate of authority the Department of State shall mail to such corporation at its registered office in this Commonwealth a certificate of revocation Upon the issuance of such certificate of revocation the authority of the corporation to transact business in this Commonwealth shall cease and such corporation shall not thereafter transact any business in this Commonwealth unless it applies for and receives a new certificate of authority.

Section 1014 Penalty for Doing Business without Certificate of Authority Any person agent officer or employe who shall transact any business within this Commonwealth for any foreign business corporation which is required by the provisions of this act to procure a certificate of authority but has not done so or any person agent officer or employe of such a foreign corporation who transacts any business within this Commonwealth after a certificate of authority issued by the Department of State has been revoked cancelled or withdrawn as provided by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment not exceeding thirty days or by a fine not exceeding one thousand dollars ($1000) or both in the discretion of the court trying the same but the failure of any such corporation to apply for and secure a certificate of authority from the Department of State shall not impair or affect the validity of any contract with such corporation and actions or proceedings at law or in equity may be instituted and maintained on any contract No such action however shall be instituted or recovery had by any such corporation on any such contract either expressed or implied in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof until such corporation shall obtain a certificate of authority and shall pay to the Department of State a fine of two hundred fifty dollars ($250.00)

Section 1103 Certificate of Election to Dissolve Upon the execution by all the shareholders of a written agreement for the voluntary dissolution of a corporation or upon the adoption at a meeting of the shareholders of a resolution for the voluntary dissolution of a corporation as the case may be a certificate of election to dissolve shall be executed under the seal of the corporation signed and verified by two duly authorized officers of the corporation which shall set forth

(1) The name of the corporation

(2) The address including street and number if any of the registered office of the corporation in this Commonwealth

(3) The names and respective addresses including street and number if any of its officers

(4) The names and respective addresses including street and number if any of its directors

(5) If the election to dissolve was written agreement of all shareholders a statement that the agreement was signed by all shareholders of record of the corporation or signed in their names by their duly authorized attorneys

(6) If the election to dissolve was by resolution adopted at a meeting of the shareholders the number of shares outstanding the number of shares entitled to vote in respect of the dissolution of the corporation and the number of shares voted for and against the voluntary dissolution of the corporation respectively and if the shares of any class are entitled to vote as a class the number of shares of such class and the number of shares all other classes voted for and against the voluntary dissolution of the corporation

The certificate of election to dissolve shall be delivered to the Department of State If the Department of State finds that the certificate conforms to law it shall endorse its approval thereon and when all [bonus taxes] fees [and charges] required by law have been paid shall file the certificate and shall issue to the corporation or its representative a copy of the approved certificate Upon the filing by the Department of State of a certificate of election to dissolve the corporation shall cease to carry on its business except in so far as may be necessary for the proper winding up thereof but its corporate existence shall continue until a certificate of dissolution has been issued by the Department of State or until a decree dissolving the corporation has been entered by a court of common pleas as elsewhere provided in this act

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer,	Hess,	O'Connor,	Thomas,
Bradley,	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Weliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,

Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
			Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2384, (Senate Bill No. 629) as follows:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescibing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations' further regulating and extending and restricting in certain cases the rights responsibilities authority and powers of non-profit corporations and of the members thereof and the creation rights powers and qualifications of the officers thereof further providing for and regulating the dissolution of such corporations and providing penalties further providing for and regulating the revocation of certificates of authority of foreign nonprofit corporations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred four section three hundred six as amended sections three hundred seven three hundred thirteen section three hundred sixteen as amended section four hundred one section five hundred one as amended sections five hundred four six hundred two seven hundred two nine hundred five nine hundred eleven nine hundred twelve nine hundred thirteen nine hundrd fourteen one thousand one one thousand two one thousand four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two thousand eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the acts approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred thirty) and the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred thirty-seven) are hereby further amended to read as follows

Section 304 Membership Certificates and Capitol Stock A non-profit corporation may be organized upon either a non-stock basis or upon a stock share basis as set forth in its articles A non-profit corporation rganized upon a non-stock basis shall not issue shares of stock but membership in such corporation may be evidenced by certificates of membership Upon the face of each such certificate there shall be printed in clear type a statement that the corporation is a non-profit corporation The shares of non-profit corporations organized upon a stock share plan shall be of such denominations not exceeding one hundred dollars ($100.00) as the articles shall provide and shall be representated by share certicates Upon the face of each share certificate there shall be printed in clear type a statement that the corporation as a non-profit corporation Unless the articles or by-laws otherwise provide each share shall entitle the holder thereof to one vote No dividends shall be directly or indirectly paid on any such shares nor shall the shareholders be entitled to any portion of the earnings of such corporation derived through increment of value upon its property or otherwise incidentally made but upon dissolution of any such corporation the shareholders shall be entitled to a pro rata distribution of the assets thereof after the payment of all debts and the liquidation of all liabilities based upon their several holdings therein as represented by the share standing in the names of such shareholders at the time of dissolution except that no property held subject to any trust shall be diverted from purpose or object of the trust Such shares shall not be transferable by assignment or sale nor be transferred through legal heirs or devisees upon the death of the owner thereof unless the by-laws of such corporation make express provision therefor Such non-profit corporation shall have power to exclude from further membership any shareholder who fails to comply with the reasonable and lawful requirements of the laws rules and regulations duly made by such corporation for the government of its members and may cancel the shares of any such offending member without liability for an accounting excepting as may be provided for in the articles or by-laws The provisions of the Uniform Stock Transfer Act of this Commonwealth approved the fifth day of May one thousand nine hundred eleven (Pamphlet Laws one hundred twenty-six) shall not be held to apply to the shares of non-profit corporations in any manner or to be to any extent inconsistent with the provisions of this act

Section 306 Authority to Take and Hold Trust Property Investments Subject to any limitations or restrictions contained in its articles every non-profit corporation formed for religious educational scientific or charitable purposes may without limitations as to value take receive and hold such real and personal property including the principal or interest of any money or other fund as may be given granted conveyed bequeathed devised to or otherwise vested in such corporation in trust for the purpose or purposes set forth in its articles Such real and personal property shall be faithfully and specifically used for or applied to the purpose or purposes for which it was given in trust to the corporation The directors of the corporation shall as trustees of such property be held to the same degree of responsibility and accountability as if not incorporated unless a less degree or a particular degree of responsibility and accountability is prescribed in the trust instrument or unless the directors remain under the control of the members of the corporation or third persons who retain the right to direct and do direct actions of the directors as to the use of the trust property from time to time Unless otherwise specifically directed in the trust instrument by which any real or personal property money or other funds are given granted

conveyed bequeathed devised to or otherwise vested in corporations formed for religious educational scientific or other charitable purposes the directors thereof shall have power to invest the funds thus received or the proceeds of any property thus received in such investments as in the honest exercise of their judgment they may after investigation determine to be safe and proper investments and to retain any investments heretofore so made The directors of the corporation shall keep accurate accounts of all trust funds separate and apart from the other funds of the corporation and shall unless the terms of the particular trust instrument provide otherwise make an annual report signed by the treasurer to the members of the corporation concerning the trust funds held under this section and the use made of such funds and of the income thereof

Section 307 Authority to Acquire Property at [a] Tax or Judicial Sale A non-profit corporation may at any tax or judicial sale of any property upon which the corporation holds a mortgage or has a lien of any nature whatsoever bid in such property if necessary for the protection of its interests The corporation shall acquire a good and indefeasible title to any and all property so purchased irrespective of any limitation as to the acquisition of property that may exist in its articles or in this act All property so purchased may be held by the corporation until such time as it shall believe it advisable to dispose of the same except that such property shall be sold within twenty years from the time it was purchased at the tax or judicial sale It shall be lawful for the corporation to sell the property upon such terms and for such consideration as it deems desirable The corporation may sell such property and convey a marketable title thereto without the authorization or confirmation of any court

Section 313 Vesting of Corporate Property in Trustees to Escape Liability for debts Any corporation for religious educational or charitable uses owning any property dedicated to religious educational or charitable purposes such as churches schoolhouses parsonages hopitals almshouses and the like may for the purpose of protecting such property from liability to debt thereafter contracted on the part of the corporation vest its property in trustees upon trust for the use of the congregation or members of the corporation for the time being as places of worship or for the use as schoolhouses or residences for ministers or pastors or for [the maintenance] use in the actual administration of any charity When the trustees shall be so vested by deeds duly recorded the property so conveyed as long as it is used for the purposes above mentioned and is not used [for any secular purpose or] for a purpose from which profits are derived other than incidental profits used for or applied to the lawful purposes of the corporation shall not be liable to any debts contracts or engagements of the corporation thereafter made or entered into but shall be deemed and taken to be freed therefrom in the same manner and with like effect as if the same had been conveyed or devised to the trustees by a stranger in trust for the uses of the corporation but so that the same shall not be liable for their debts contracts or engagements or to their control for any purposes other than for the uses of the same as places of worship or as free schools or schools from which no pecuniary profits are derived or as residences for ministers or pastors or for [the maintenance] use in the actual administration of the charitable purpose for which it was dedicated or intended by the donors or contributors All trustees and officers of corporations having the management of property for charitable uses which is held in trust as aforesaid contracting debts or causing them to be contracted in the improvement of the property by building thereon shall be personally liable for the debts thus contracted unless they shall have notified the persons with whom the contract is made that the property is not liable for the debts contracted in building thereof but there shall be no liability to anyone other than persons with whom such contracts are made by the corporation

Section 316 Registered Office Records A Every non-profit corporation shall maintain an office in this Commonwealth to be known as its registered office The location and post office address of the registered office shall be stated in the articles as heretofore provided in this act After incorporation the location of the registered office may be changed

(1) From one location to another in the same county by resolution adopted by a majority of all the members including members not entitled by the articles or by-laws to vote On or before the day that such change is made notice of such change and of the post office address of the new registered office shall be filed with and recorded by the recorder of deeds of the county

(2) From one county to another county by resolution adopted by a majority of all the members including members not entitled by the articles or by-laws to vote On or before the day that such change is made notice of such change and of the post office address of the new registered office shall be filed with and recorded by the recorder of deeds of the county from which and of the county to which the registered office is to be moved In addition a certified copy of the articles of the corporation shall be filed with and recorded by the recorder of deeds of the county in which the registered office is to be located before the corporation shall transact any business in such county

B Every non-profit corporation shall keep at its registered office records of the proceedings of the members and of the directors a membership register giving the names of the members in alphabetical order and appropriate and complete records of its finances Every member shall have the right to examine in person or by agent or attorney at any reasonable time or times for any reasonable purpose the books of account the membership register and the records of the proceedings of the members and directors

Section 401 Power to Make By-Law [Except as hereinafter provided the] The members of a non-profit corporation shall have the power to make alter amend and repeal the by-laws of a non-profit corporation [. The] but the authority to make alter amend and repeal by-laws may be expressly vested by the articles or the by-laws in the board of directors subject always to the power of the members to change [or repeal the by-laws] such action Unless the articles or by-laws otherwise provide the [by-laws shall be adopted altered amended and repealed] powers hereby conferred shall be exercised by a majority vote of the members of the board of directors or of the members of the corporation entitled to vote thereon as the case may be at any regular or special meeting duly convened after notice to the members or directors of that purpose

Section 501 Board of Directors The business and affairs of every non-profit corporation shall be managed by a board of at least three directors who shall be natural persons in full age and who need not be residents of this Commonwealth or members in the corporation unless the articles or by-laws so require [A] Each director shall hold office for the term for which he was named or elected and until his successor is elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as hereinafter provided in the case of vacancies directors other than those constituting the first board shall be elected by the members unless some other method is expressly provided in the articles A non-profit corporation may allow compensation to its directors for their services and a director may also be a salaried officer of the corporation

Section 504 Officers and Agents Every non-profit corporation shall have a president a secretary and a treasurer and may have such other officers and assistant officers and agents [as the needs of the corporation may require] as it shall authorize from time to time The articles or by-laws may prescribe special qualifications for such officers The President and Secretary shall be natural persons of full age the Treasurer however may be a corporation but if a natural person shall be of full age The officers and assistant officers and agents shall be elected or appointed either by the board of directors or by the members at such time in such manner and for such terms and compensation as the by-laws may prescribe It shall not be necessary for the officers to be directors If the by-laws

so provide any two or more offices may be held by the same person except the offices of president and secretary The board of directors may secure the fidelity of any or all of such officers by bond or otherwise Unless otherwise provided in the by-laws the board of directors shall have power to fill any vacancies in any office occurring from whatever reason All officers and agents of the corporation as between themselves and the corporation shall respectively have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the by-laws or in the absence of controlling provisions in the by-laws as may be determined by resolution of the board of directors

Section 602 Membership Fees Assessments Non-profit corporations may levy dues or assessments or both upon their members if authority to do so is conferred either by the articles or the by-laws and subject to any limitations therein contained Such dues or assessments or both may be imposed upon all classes of members alike or in different amounts or proportions or upon a different basis upon different classes of members Members of one or more classes may be made exempt from either dues or assessments or both in the manner or to the extent provided either in the articles or by-laws The amount of the levy and method of collection of such dues or assessments or both may be fixed in the articles or by-laws or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time and make them payable at such time and by such methods of collection as the directors may prescribe Such corporations may make by-laws necessary to enforce the collection of such dues or assessments including provisions for the cancellation of memberships upon reasonable notice for non-payment of such dues or assessments and for re-instatement in such corporation [upon reasonable notice]

Section 702 Approval of Amendments by Members Before the application is made to the court a resolution authorizing the proposed amendments shall be adopted by the affirmative vote of at least a majority of the members entitled to vote thereon at a regular or special meeting duly convened after at least ten days' written notice to all the members of this purpose If a proposed amendment would make any change in the rights of the members of any class then the members of such class shall be entitled to vote as a class upon such amendment whether by the terms of the article such class is or is not entitled to vote and in addition to the general vote herein required the affirmative vote of at least a majority of the members of each class so affected by the amendment shall be necessary for the adoption thereof Any amendments which might be adopted at a meeting of the members may be adopted without a meeting if written consent to the amendment has been given by all members entitled to vote thereon The resolution shall contain the language of the proposed amendment to the articles by providing that the articles shall be amended so as to read as therein set forth in full or that any provision thereof be amended so as to read as therein set forth in full or that the matter stated in the resolution be added to or stricken from the articles

Section 905 Issuance and Recording of Certificate of Authority If the Department of State finds that the provisions of this article have been compiled with and that the applicant corporation is entitled to a certificate of authority to do business in this Commonwealth it shall forthwith but not prior to the day specified in the advertisement heretofore required in this article endorse its approval upon the application for a certificate af authority and when all fees and charges have been paid as required by law shall file the application and the copy of the articles and shall issue to the corporation a certificate of authority to do business in this Commonwealth The certificate of authority shall set forth the name of the corporation the address of its initial registered office in this Commonwealth and the business which the corporation is authorized to transact in this Commonwealth Upon the issuance of the certificate of authority by the Department of State the corporation may do in this Commonwealth any or all of the kinds of business referred to in the certificate of authority and no other subject however to the right of the Commonwealth to cancel or revoke such right to transact business in this Commonwealth as provided in this act The certificate of authority shall be returned to the corporation or its representative and such certificate and a verified copy of its articles shall be recorded in the office of the recorder of deeds of the county in which the registered office of the corporation in this Commonwealth is located The certificate of authority upon being recorded by the recorder of deeds shall be returned to the corporation or its representative

Section 911 Revocation of Certificate of Authority Whenever the Department of State shall find that a foreign non-profit corporation is doing in this Commonwealth a business which a domestic non-profit corporation could not do or is exceeding the authority contained in its original or amended certificate of authority or has changed its name [or the location of its registered office] without first securing an amended certificate of authority from the Department of State or has failed to file a copy of its articles or a copy of any amendments thereto or its certificate of authority or any amended certificate of authority in the office of the recorder of deeds of the county in which its registered office is situated or has changed the location of its registered office without filing with the Department of State and recording with the recorder of deeds of the proper county the statement required by this act or is violating any of the laws of this Commonwealth the Department of State shall give notice by registered mail to such corporation that such default exists and that its certificate of authority including any amendments thereto will be revoked and cancelled unless such default shall be cured within thirty days after the mailing of such notice If such default shall not be cured within such period of thirty days the Department of State shall revoke and concel the certificate of authority of such foreign corporation including any amendments thereto Upon revoking and cancelling any such certificate of authority the Department of State shall mail to such corporation at its registered office in this Commonwealth a certificate of revocation and shall mail a copy of such certificate to the recorder of deeds of the county in which the registered office of the corporation is situated who shall record the same without any fee therefor Upon the issuance of such certificate of revocation the authority of the corporation to transact business in this Commonwealth shall cease and such corporation shall not thereafter transact any business in this Commonwealth unless it applies for and receives a new certificate of authority

Section 912 Service of Process Service of process against a foreign non-profit corporation upon the Secretary of the Commonwealth shall be made by the sheriff of Dauphin County by leaving the fee the plaintiff as required by law to pay to the Secretary of the Commonwealth for this service and two copies of the process at the office of the Secretary of the Commonwealth The sheriff shall make due return of his service of the process to the court magistrate or justice of the peace issuing the same Such process may be issued by any court magistrate or justice of the peace having jurisdiction of the subject matter of the controversy in any county of the Commonwealth in which the corporation shall have its registered office or in the county in which the right of action arose When legal process against any such corporation has been served upon the Secretary of the Commonwealth he shall immediately send by mail postage prepaid one copy of such process directed to the corporation at its registered address The fee paid by the plaintiff to the Secretary of the Commonwealth at the time of the service shall be taxed in the plaintiff's costs if he prevails in the suit necessitating the service of the process The Secretary of the Commonwealth shall keep a record of the day and hour of the service of such process on him and a certified copy of such record shall be sufficient evidence thereof The service of process on the Secretary of the Commonwealth under the section shall be of the same legal force and validity as if the process had been served on the corporation and the authority for such service of process shall continue in force as long as any liability remains outstanding against the corporation in this Commonwealth Nothing herein contained shall limit

or affect the right to serve any process notice or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law

Section 913 Penalty for Doing Business Without Certificate of Authority Any person agent officer or employe of a foreign non-profit corporation who shall transact any business within this Commonwealth for any such foreign non-profit corporation without first obtaining a certificate of authority as provided in this article or who transacts any business within this Commonwealth after a certificate of authority issued by the department of State has been revoked cancelled or withdrawn as provided by this act shall be guilty of a misdemeanor and upon conviction thereof shall b punished by imprisonment not exceeding thirty days and by a fine not exceeding one thousand dollars ($1,000.00) or either in the discretion of the court trying the same but the failure of any such corporation to apply for and secure a certificate of authority from the Department of State shall not impair or affect the validity of any contract with such corporation and actions or proceedings at law or in equity may be instituted and maintained on any such contract No such action however shall be instituted or recovery had by any such corporation on any such contract either expressed or implied in any of the courts of this Commonwealth or before any justice of the peace or magistrate thereof until such corporation shall obtain a certificate of authority and shall pay to the Department of State a fine of two hundred fifty dollars ($250.00)

Section 914 Acquisition of Real Property Every foreign non-profit corporation authorized to transact business within this Commonwealth may acquire hold mortgage lease and transfer real property in this Commonwealth in the same manner and subject to the same limitations as non-profit corporations formed under the laws of this Commonwealth Every such corporation may purchase in its corporate name at any [sheriff's] tax or [other] judicial sale any real estate within this Commonwealth upon which such corporation may have or hold a judgement or lien and may at its pleasure sell and convey such real estate All the rights privileges and duties now by law according to and imposed upon lien creditors purchasing at tax or judicial sales are hereby extended to such corporations

Section 1001 Voluntary Dissolution A Any non-profit corporation may upon application to the [equity side of the] Court of Common Pleas of the county in which its registered office is located [or in which its principal activities are conducted] be dissolved and wind up its affairs Before the application is made to the court a resolution authorizing the institution of voluntary proceedings for the dissolution of the corporation shall be approved by a majority vote or such other vote as the articles may require of each class of members of the corporation at a regular or special meeting convened after proper notice of this purpose to all the members

B Application to the court shall be made by a petition of the corporation signed and verified by at least two duty authorized officers thereof The petition shall be under the seal of the corporation and shall among other things set forth

(1) The name and location of the registered office of the corporation

(2) The act of Assembly under which the corporation was formed the date when the court entered the decree of incorporated and the date when and the place where the original articles were recorded

(3) The time and place of the meeting of the members of the corporation at which the resolution authorizing the dissolution proceeding was adopted the kind and period of notice of the meeting given to the members and the total vote by which the resolution was adopted

(4) An inventory of all the real personal property of the corporation which shall show separately any real or personal property held in trust by the corporation

(5) A statement of all liens and encumbrances upon the corporate property and all outstanding claims of the corporation

(6) The name and addresses of all the existing members of the corporation to the extent this information is known and their respective rights if any to share in the corporate assets in excess of the debts and obligations of the corporation

The petition shall in all cases be accompanied by a certified copy of the charter of the corporation the resolution authorizing the institution of the dissolution proceedings and any trust instruments relating to any real or personal property of the corporation Upon the presentation of the petition to the court the proceedings for dissolution shall be deemed to commence and thereafter the corporation shall cease to transact any business whatsoever except in so far as may be necessary for the winding up of the affairs of the corporation

C Upon the presentation of the petition the court shall enter a preliminary decree appointing the day for the hearing of the petition and directing all persons interested in the corporation at that time to show cause if any they have why the corporation should not be dissolved The petitioners shall advertise the contents of the decree once a week for two consecutive weeks in the county wherein the registered office of the corporation is located [and also in the county where the principal activities of the corporation are conducted if the petition for dissolution is filed in such county] Advertisements shall appear in a newspaper of general circulation published within the county and in the legal newspaper if any designated by the rules of court for the publication of legal notices otherwise in two newspapers of general circulation published within the county Where there is but one newspaper of general circulation published in any county advertisements in such newspaper shall be sufficient On the day fixed in the decree or as soon thereafter as the matter may be heard proof of the advertisements heretofore required shall be presented to the court whereupon the court shall consider the petition If the court shall be satisfied that the prayer of the petition may be granted without prejudice to the public welfare or the interests of the members of the corporation the court shall decree that the petition is approved and that upon the recording of the petition and decree the corporation shall be dissolved Before entering the final decree of dissolution the court shall cause the assets of the corporation to be marshaled and the property rights to be adjudicated either by proceedings before the court or before a master appointed by it provided that property devoted to religious literary educational or charitable uses shall not be diverted from the objects for which it was donated granted bequeathed or devised In entering the final decree the court shall order the distributor of the property and assets of the corporation among the members entitled thereto shall direct what disposition shall be made of any real or personal property devoted to any religious literary educational or charitable use and shall designate the directors of the corporation or having proper cause a liquidating trustee to wind up the affairs of the corporation according to the decree of the court Upon the recording of the petition and decree of the court in a manner similiar to that heretofore specified in this act in the case of the formation of a corporation the dissolution of the corporation shall become effective and thereafter the directors of the corporation or the liquidating trustee appointed by the court shall wind up the affairs of the corporation in accordance with the decree

D The prothonotary in making the monthly report to the Department of State heretofore required by this act shall include in such report the name and location of the registered office of every corporation which during the preceding month was dissolved by proceeding under this section For this service the prothonotary shall receive a fee of one dollar ($1.00) from each corporation The Department of State shall cancel the registration of the name of the corporation and shall note after the name the date the corporation was dissolved

Section 1002 Dissolution of Certain Religious Corporations Whenever any non-profit corporation organized for the support of public worship by reason of the shifting of population withdrawal of membership or any other cause whatsoever has ceased to support public worship within the intent and meaning of its articles the diocesan convention presbytery synod conference council or other supervis-

ing and controlling organization of which the corporation is a member or with which it is in allegiance and to which it is subordinate may petition the [equity side of the] Court of Common Pleas of the county in which the registered office of the corporation is located setting forth the facts of the case and praying for a decree of dissolution The petition shall be under the seal of the organization signed and verified by at least two duly authorized officers thereof and shall set forth the information heretofore required to be set forth in a petition for the voluntary dissolution of a corporation to the extent that such information is applicable The court shall after notice and hearing as heretofore provided in this article enter a decree of dissolution if satisfied that the prayer of the petition may be granted without prejudice to the public welfare or the interests of the members of the corporation Upon the recording of the petition and decree of the court as heretofore provided in this article the dissolution of the corporation shall become effective

Section 1004 Continuation of Corporation After Dissolution All non-profit corporations whether they expire by their own limitation or are otherwise dissolved shall nevertheless continue to exist for a period of two years after the date of dissolution for the purpose of winding up their affairs instituting prosecuting and defending actions by or against them collecting and discharging obligations disposing of and conveying their property and collecting and dividing their assets but not for the purpose of continuing business except in so far as necessary for the winding up of the corporation No action or proceeding to which a non-profit corporation is a party shall abate by the dissolution of the corporation

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Bois,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer	Hess,	O'Connor,	Thomas,
Bradley	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.	Schumacher,	Woodside,
Elpern,	Matthews, J. F.	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
			Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2286, (Senate Bill No. 214), entitled:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases and defining the powers of the court in such cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Bois,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer	Hess,	O'Connor,	Thomas,
Bradley	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,

Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.	Schumacher,	Woodside,
Elpern,	Matthews, J. F.	Serrill,	Wright,
Falkenstein	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
			Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1835

Mr. CAPUTO. Mr. Speaker, I desire to call up at this time the report of the Committee on Conference on House Bill No. 1835, Printer's No. 1224.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives

We the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1835 entitled "An Act to authorize subject to certain conditions the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condemnation authorizing the issuance of revenue refunding bonds and providing subject to certain conditions that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act" respectfully submit the following bill as our report

THOMAS E. KILGALLEN
BERNARD B. McGINNIS
C. GILBERT WOLFENDEN
(Committee on the part of the Senate)

EUGENE A. CAPUTO
HOWARD R. PEARSON
T. JAY SPROUL
(Committee on the part of the House of Representatives)

An Act to authorize subject to certain conditions the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condemnation authorizing the issuance of revenue refunding bonds and providing subject to certain conditions that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any municipality as hereinafter defined is hereby authorized and empowered to acquire by purchase and to construct or partly acquire and partly construct and to improve enlarge reconstruct own equip operate and maintain an electric light system or a gas system as hereinafter defined inside or outside the limits of such municipality in whole or in part to sell services therefrom to public or private consumers located inside and outside said municipality and to issue revenue bonds payable from earnings to pay the costs of such system

Section 2 As used in this act the following words and terms shall have the following meanings

(a) The word "system" shall include all property rights easements and franchises relating thereto and deemed necessary or convenient for its operation and shall embrace an electric light system or a gas plant in its entirety or any integral part thereof including but not limited to dams reservoirs wells storage tanks pumping tanks meters valves mains and distribution systems

(b) The word "municipality" shall include cities of the third class and boroughs

(c) The term "legislative body" as applied to a municipality shall mean The Council The Borough Council or other board or body in which the general legislative powers of the municipality are vested

(d) The word "improvement" shall mean such repairs replacements additions and betterments of and to a system acquired by purchases as are deemed necessary to place it in a safe and efficient condition for the use of the public if such repairs replacements additions and betterments are ordered prior to the sale of any bonds for the acquisition of such system

(e) The term "cost of system" as applied to a system to be acquired by purchase shall include the purchase price cost of improvement financing charges interest during any period of disuse before completion of improvements cost of engineering and legal expenses plans specifications and surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to acquisition of the system and the placing of the same in operation

(f) The term "cost of system" as applied to a system to be constructed shall embrace the cost of construction the cost of all land property rights easements and franchises acquired which are deemed necessary for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for six months after completion of construction cost of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the system and the placing of the same in operation

(g) The word "owner" shall include all individuals incorporated companies societies or associations having any title or interest in any properties rights easements or franchises to be acquired

Section 3 Any municipality shall have power to acquire by purchase upon such terms and conditions and in such manner as it may deem proper and to acquire by condemnation in accordance with and subject to the provisions of any and all existing laws applicable to the condemnation of property for public use and land rights easements franchises and other property deemed necessary or proper for the construction operation and maintenance of a system Title to the property condemned shall be taken in the name of the municipality The municipality shall be under no obligation to accept and pay for any property condemned under this act except from the funds provided by this act and in any proceedings to condemn such orders may be made by the court having jurisdiction of the suit action or proceeding as may be just to the municipality and to the owners of the property to be condemned

Section 4 Any municipality is hereby authorized to acquire by purchase whenever it shall deem such pur-

chase expedient but solely by means of or with the proceeds of revenue bonds hereinafter authorized any system as hereinabove defined or any such system wholly or partly constructed and any franchises easements permits and contracts for the construction of any such system upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof title thereto to be taken in the name of the Municipality

Section 5 At or before the time any such system shall be acquired by purchase it shall be the duty of the legislative body to determine what repairs replacements additions or betterments will be necessary to place such system in safe and efficient condition for use and to cause as estimate of the cost of such improvement to be made and submitted to it by an engineer or engineers appointed by it such improvements shall be ordered by the legislative body before the sale of any revenue bonds hereinafter authorized for the acquisition of such system and shall be paid for out of the proceeds of such bonds

Section 6 Any municipality is hereby authorized to construct whenever it shall deem such construction expedient any system as hereinabove defined the cost of such construction to be paid wholly by means of or with the proceeds of revenue bonds hereinafter authorized

Section 7 Before any system shall be acquired or constructed or partly acquired and partly constructed under the provisions of this act the legislative body shall adopt an ordinance which shall (a) set forth a brief and general description of the system and a reference to the plans and specifications which shall therefore have been prepared by an engineer chosen by the municipality and filed with the clerk of the legislative body of such municipality (b) set forth the engineers estimated cost thereof and the estimated period of construction (c) order the acquisition of such system and the construction of such improvements thereto as may be necessary or order the construction of such system and the acquisition of all property deemed necessary or proper for the construction operation and maintenance thereof and (d) direct that revenue bonds of the municipality shall be issued pursuant to this act in such an amount as may be found necessary to pay the costs of the system

Section 8 Upon the ordinance above mentioned becoming effective the municipality is hereby authorized to provide by resolution for the issuance of its revenue bonds for the purpose of paying the cost as hereinabove defined of any system the principal and interest of which bonds shall be payable solely from the special fund herein provided for such payment Such revenue bonds shall bear interest at not more than six per centum per annum payable semi-annually and shall mature at such time or times not more than thirty years from their date or dates as may be fixed by such resolution All such revenue bonds may be made redeemable before maturity at the option of the municipality at such price and under such terms and conditions as may be fixed by it prior to the issuance of the bonds The principal and interest of such revenue bonds may be made payable in any lawful medium The legislative body shall determine the form of the bonds and the interest coupons to be attached thereto the manner of executing the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the State All revenue bonds issued under this act shall contain a statement on their face that the municipality shall not be obligated to pay the same or the interest thereon except from the revenues of such system In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery All such revenue bonds shall be and shall have and are hereby declared to have as between successive holders thereof all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State Provisions may be made for the registration of any of the bonds in the name of the owner as to principal alone and for the transfer of bonds so registered including transfers to bearer and for successive registrations and transfers The municipality may sell the bonds in such manner and for such price as it may determine to be for the best interests thereof but no such sale shall be made for less than a price which computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values will show a net return of six per centum per annum to the purchaser upon the amount paid therefor The proceeds of such revenue bonds shall be used solely for the payment of the cost of the system and shall be checked out in such manner and under such restrictions if any as the legislative body may provide If the proceeds of the revenue bonds by error of calculation or otherwise shall be less than the cost of the system additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the trust indenture hereinafter mentioned shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same system If the proceeds of bonds issued for any such system shall exceed the cost thereof the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the legislative body may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act or by the Constitution of the State

Section 9 All moneys received from any revenue bonds issued pursuant to this act shall be applied sosely to the payment of the cost of the system or to the appurtenant sinking fund and there shal be and hereby is created and granted a lien upon such moneys until so applied in favor of the holders of the bonds or the trustee hereinafter provided for in respect of such bonds

Section 10 In the discretion of the legislative body such revenue bonds may be secured by a trust indenture by and between the municipality and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the State but no such trust indenture shall convey or mortgage the system or any part thereof Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper not in violation of law including covenants setting forth the duties of the municipality in relation to the acquisition construction improvement maintenance operation repair and insurance of the system the custody safeguarding and application of all moneys and may provide that the system shall be acquired constructed or partly acquired and partly constructed and paid for under the supervision and approval of consulting engineers employed or designated by the municipality and satisfactory to the original purchasers of the bonds issued therefor their successors assigns or nominees who may be given the right to require that security given by contractors and by any depositary of the proceeds of the bonds or revenues of the system or other moneys pertaining thereto be satisfactory to such purchasers successors assigns or nominee Such resolution or indenture may set forth the rights and remedies of the bondholders and trustee restricting the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations Except as in this act otherwise provided the municipality may provide by resolution or by such trust indenture for the payment of the proceeds of the sale of the bonds and the revenues of the system to such officer board or depositary as it may determine for the

custody thereof and for the method of disbursement thereof with such safeguards and restrictions as it may determine All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the system affected by such indenture

Section 11 At or before the issuance of any revenue bonds the municipality shall by resolution create a sinking fund for the payment of the bonds and the interest thereon and the payment of the charges of banks or trust companies for making payment of such bonds or interest and shall set aside and pledge a sufficient amount of the net revenues of the system hereby defined to be th revenues of the system remaining after the payment of the reasonable expense of operation repair and maintenance such amount to be paid into such sinking fund at intervals to be determined by the municipality prior to the issuance of the bonds for (a) the interest upon such bonds as such interest shall fall due and (b) the necessary fiscal agency charges for paying bonds and interest and (c) the payment of the bonds as they fall due or if all bonds mature at one time the proper maintenance of a sinking fund sufficient for the payment thereof at such time and (d) a margin for the payment of premiums upon bonds retired by call or purchase as herein provided Such required payments shall constitute a first charge upon all the net revenues of the system Rates or other charges shall be fixed charged and collected for the use of such system and shall be so fixed and adjusted in respect of the aggregate of such rates or other charges from the system for which a single issue of revenue bonds is issued as to provide a fund sufficient to make such required payments and to provide an additional fund to pay the cost of maintaining repairing and operating the system Such rates or other charges shal not be subject to supervision or regulation by any state bureau board commission or agency and it shall not be necessary for the municipality to obtain any franchise or other permit from any state bureau board commission or agency for the doing of the things authorized by this act Prior to the issuance of revenue bonds the municipality may provide by resolution or by such Trust Indenture for using the sinking fund or any part thereof in the purchase of any of the outstanding bonds payable therefrom at the market price thereof but not exceeding the price if any at which the same shall at the next interest date be payable or redeemable and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued The moneys in the sinking fund less a reserve for payment of not exceeding one year's interest on the bonds if not used within a reasonable time for the purchase of bonds for cancellation as above provided shall be applied to the redemption of bonds by lot at the redemption price then applicable

Section 12 Any municipality shall have power to make and enter into all contracts or agreements necessary or incidental to the execution of its powers under this act and may employ engineering architectural and construction experts and inspectors and attorneys and such other employes as may be deemed necessary and may fix their compensation All such compensation and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extend to which money shall have been provided under the authority of this act All public or private property damaged or destroyed in carrying out the powers granted under this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided by this act

Section 13 Any holder of any such revenue bonds or any of the coupons attached thereto and the trustee if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the revenue bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceeding protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the municipality including the fixing charging and collecting of rates and other charges for the use of such system

Section 14 Any municipality shall be subject to the charges and rates established as hereinabove provided for services rendered such municipality and shall pay such rates or charges when due and the same shall be deemed to be a part of the revenues of the system as hereinabove defined and be applied as hereinabove provided for the application of such revenues

Section 15 In addition to the revenues which may be received from the sale of revenue bonds and from the collection of fees rents tolls rates and other charges under the provisions of this act any municipality shall have authority to receive and accept contributions of either money or property or other things of value to be held used and applied for the purposes in this act provided

Section 16 Any municipality is hereby authorized to provide by resolution for the issuance of its refunding revenue bonds for the purpose of refunding any revenue bonds issued under the provisions of this act and then outstanding The issuance of such refunding revenue bonds the rights of the holders thereof and the duties of the municipality in respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable and by the following provisions

(a) No refunding revenue bonds shall be delivered unless delivered in exchange for revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable revenue bonds together with any premium thereon or revenue bonds maturing or rdeemable within three months together with any premium thereon for the payment of unmatured revenue bonds which shall then be on deposit with the bank or trust company for surrender to the municipality upon receipt therefor of a sum not exceeding the face value thereof

(b) No refunding revenue bonds shall be issued unless issued to refund revenue bonds which have matured or will mature within three months if either the interest rate of refunding revenue bonds delivered in exchange or the net return to the purchaser upon the amount paid for refunding revenue sold shall exceed the interest rate borne by the revenue bonds to be refunded

Section 17 No city or borough shall acquire condemn construct or begin to operate any plant system equipment or other facilities under any provisions of this act for the rendering or furnishing to the public of any service of the kind or character already being rendered or furnished by any public service company until the Pennsylvania Public Utility Commission shall have first found determined and ordered after public hearing upon notice to all parties affected that such acquisition condemnation construction or operation is necessary and proper for the service economy accommodation convenience or safety of the public

Section 18 This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing

Section 19 The sections and provisions of this act are severable and are not matters of mutual essential inducement and it is the intention to confer the whole or any part of the powers herein provided for and if any of the sections or provisions or parts thereof are for any reason illegal it is the intention that the remaining sections and provisions and parts thereof shall remain in full force and effect

Section 20 This act shall take effect immediately upon final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Valibus,
Brownfield,	Hontz,	Peale,	VanAllsburg,
Burrows,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Lyons,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.	Serrill,	Wright,
Elpern,	Matthews, J. F.	Shaw,	Yanoshat,
Falkenstein,	McArdle,	Shea,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,
Flanagan,	McElroy,		

NAYS—3.

Cadwalader,	Perry,	Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2425, (Senate Bill No. 1270), entitled:

An Act to amend sections one and three of the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (Pamphlet Laws thirty-two) entitled, "An act requiring recorders of deeds to prepare and keep in their respective offices general direct and ad sectum indexes of deeds and mortgages recorded therein; prescribing the duty of said recorders; and declaring that the entries in said general indexes shall be notice to all persons," by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds; and prescribing the effect thereof.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenigh
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrope,	Winner,
Dubbs,	Marino,	Schumacher,	Wood,
Dyson,	Matthews, H. T.	Schrock,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2194, (Senate Bill No. 830), entitled:

An Act authorizing counties of the second class to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and useable for the payment of taxes due for said year

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Flanagan,	McFall,	Skale,
Alexander,	Flannery,	McGee,	Sloan,
Allen,	Flinchbaugh,	McShane,	Smith, James A.,
Allmond,	Ganser,	Melchiorre,	Smith, John A.
Arnold,	Gerard,	Mellott,	Snyder,
Atkins,	Gillette,	Mihm,	Sollenberger,
Aukerman,	Gorski,	Moomaw,	Spengler,
Baine,	Habbyshaw,	Mooney,	Sproul,
Baker, F. T.,	Haberlen,	Moran,	Stackpole,
Baker, J. J.,	Hagerty,	Moul,	Stank,
Balthaser,	Hall,	Munley,	Stewart,
Bierly,	Hamilton, F. P.,	Murrin,	Stockham,
Blank,	Hamilton, R. S.,	Nagel,	Strode,
Bohn,	Harkins,	O'Brien,	Terry,
Bois,	Harmuth,	O'Connor,	Thomas,
Boltz,	Hays,	O'Keefe,	Thompson,
Boose,	Hering,	Ominsky,	Toole,
Boyer	Hess,	O'Neill,	Tronzo,
Bradley	Hetrick,	Ostroff,	Trout,
Brancato,	Hindman,	Patterson, C. S.,	Tumelty,
Brigerman,	Hirsch,	Patterson, J. W.,	Turner,
Broad,	Holland,	Peale,	Valibus,
Brown,	Holmes,	Pearson,	VanAllsburg,
Brownfield,	Holstrom,	Pershing,	VanSickle,
Burrows,	Hontz,	Piole,	Vogt,
Cadwalader,	Horting,	Powers,	Wagner,
Caesar,	Huntley,	Preston,	Wall,
Caputo,	Imbrie,	Readinger,	Walsh,
Chervenak,	Jirolanio,	Reese,	Wampole,
Coakley,	Kane,	Reising,	Watkins,
Cohen, H. B.,	Keenan,	Richter,	Webster,
Cohen, R. E.,	Kelso,	Robinson,	Weidemann,
Coleman,	Kilroy,	Rothenberger,	Weiss, D. H.,
Coolahan,	Kline,	Ruffennach,	Weiss, S. A.,
Corrigan,	Kroll,	Rush,	Welliver,
Costanzo,	LaRue,	Sarraf,	Welsh,
Decker,	Leisey,	Scanlon,	Westrick,
DeNote,	Levy,	Schor,	Whalen,
Dickinson,	Lewis,	Schrock,	Whitenight,
Donohoe,	Long,	Schrope,	Wilson,
Dougherty,	Lopresti,	Schumacher,	Winner,
Downey,	Lovett,	Serrill,	Wood,
Dubbs,	Marino,	Shaw,	Woodside,
Dyson,	Matthews, H. T.	Shea,	Wright,
Eckels,	Matthews, J. F.	Shepard,	Yanoshat,
Elpern,	McArdle,	Shoemaker,	Yeakel,
Falkenstein,	McCullough,	Shugarts,	Yourishin,
Finnerty,	McDermott,	Siegel,	Zappala,
Fiss,	McDevitt,	Simon,	Furman,
Fitch,	McElroy,		

NAYS—7.

Davies,	Lyons,	Muir,	Royer,
Longaker,	McKinney,	Perry,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2475, (Senate Bill No. 1263), entitled:

An Act to amend Route two hundred and ninety-eight of section one of an act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred forty-eight) entitled "An act establishing certain public roads as State highways and providing for certain construction and maintenance at the expense of the Commonwealth"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2450, (Senate Bill No. 846), entitled:

An Act making an appropriation to the Department of Military Affairs to pay the traveling expenses of the respective Commanders of the Pennsylvania Departments of the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, or their representatives, in accompanying the members of the United States Battle Monuments Commission to Europe to dedicate certain monuments.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

CONSTITUTIONAL POINT OF ORDER

Mr. TUMELTY. Mr. Speaker, I would like to question whether such a bill, making appropriations to take trips to Europe are not directly connected in some way with the Commonwealth as an employer? I would like a ruling from the Chair on that instead of from the members.

The SPEAKER. Does the gentleman raise a Constitutional point of order on this bill?

Mr. TUMELTY. I do, Mr. Speaker.

On the question,

Will the House sustain the Constitutional point or order?

It was not sustained.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. REUBEN E. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. REUBEN E. COHEN. Mr. Speaker, does not a Constitutional point of order require the concurrence of one hundred five members?

The SPEAKER. It does not, it may be submitted to the House. The Chair however feels that when it is raised by one member the Chair decide it, or may submit it to the House under the rules.

On the question recurring,

Shall the bill pass finally?

MOTION TO LAY BILL ON TABLE

Mr. TRONZO. Mr. Speaker, I move that this bill be laid on the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. McDEVITT and Mr. FRANCIS T. BAKER and were as follows:

YEAS—7.

Caesar,	Harkins,	McElroy,	Tronzo,
Elpern,	Levy,	McFall,	

NAYS—142.

Allen,	Haberlen,	Patterson, C. S.,	Stackpole,
Arnold,	Hagerty,	Patterson, J. W.,	Stank,
Baine,	Hall,	Peale,	Stewart,
Baker, F. T.,	Hamilton, R. S.,	Pearson,	Stockham,
Baker, J. J.,	Hering,	Perry,	Strode,
Bohn,	Hindman,	Pershing,	Terry,
Boles,	Hirsch,	Piole,	Thomas,
Boyer,	Holland,	Powers,	Thompson,
Bradley,	Holmes,	Preston,	Toole,
Brancato,	Holstrom,	Readinger,	Trout,
Brownfield,	Horting,	Reising,	Tumelty,
Burrows,	Imbrie,	Richter,	Turner,
Cadwalader,	Jirolanio,	Robinson,	Valibus,
Cohen, H. B.,	Kline,	Rothenberger,	VanAllsburg,
Corrigan,	Kroll,	Royer,	VanSickle,
Costanzo,	Leisey,	Ruffennach,	Vogt,
Davies,	Longaker,	Sarraf,	Wagner,
Decker,	Lovett,	Scanlon,	Wall,
Dickinson,	Lyons,	Schrock,	Walsh,
Donohoe,	Marino,	Schrope,	Watkins,
Dougherty,	Matthews, J. F.,	Schumacher,	Weidemann,
Dubbs,	McCullough,	Serrill,	Weiss, S. A.,
Dyson,	McDermott,	Shaw,	Welliver,
Eckels,	McDevitt,	Shea,	Westrick,
Falkenstein,	McGee,	Shoemaker,	Whalen,
Finnerty,	McKinney,	Shugarts,	Wilson,
Fiss,	McShane,	Siegel,	Winner,
Fitch,	Melchiorre,	Simon,	Wood,
Flanagan,	Mellott,	Skale,	Woodside,
Flannery,	Mihm,	Sloan,	Wright,
Flinchbaugh,	Mooney,	Smith, John A.,	Yanoshat,
Ganser,	Muir,	Smith, James A.,	Yeakel,
Gerard,	Murrin,	Sollenberger,	Yourishin,
Gillette,	O'Brien,	Spengler,	Zappala,
Gorski,	O'Connor,	Sproul,	Furman,
Habbyshaw,	Ominsky,		

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. HOLLAND. Mr. Speaker and members of the House, to make this bill clear to the members of the House, this merely sends three representatives, one from the Veterans of Foreign Wars, D. A. V., Disabled American Veterans, and the American Legion. Every state is sending a representation of this kind to the unveiling of the monument to the honored dead in the World War for Democracy.

MOTION TO RECOMMIT

Mr. TRONZO. Mr. Speaker, due to the fact that I am now convinced that the appropriation is not quite enough, I move that this bill be recommitted to the Committee on Appropriations.

The motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flannery,	McElroy,	Shugarts,
Alexander,	Flinchbaugh,	McFall,	Siegel,
Allen,	Ganser,	McGee,	Simon,
Allmond,	Gerard,	McKinney,	Skale,
Arnold,	Gillette,	McShane,	Sloan,
Atkins,	Gorski,	Melchiorre,	Smith, James A.,
Aukerman,	Habbyshaw,	Mellott,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stackpole,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boles,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	Nagel,	Strode,
Boose,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Bradley,	Hindman,	O'Keefe,	Thompson,
Brancato,	Hirsch,	Ominsky,	Toole,
Brigerman,	Holland,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holstrom,	Patterson, C. S.,	Turner,
Brownfield,	Hontz,	Patterson, J. W.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Cohen, R. E.,	Kilroy,	Readinger,	Watkins,
Coleman,	Kline,	Reese,	Webster,
Coolahan,	Kroll,	Reising,	Weidemann,
Corrigan,	LaRue,	Richter,	Weiss, D. H.,
Costanzo,	Leisey,	Robinson,	Weiss, S. A.,
Davies,	Levy,	Rothenberger,	Welliver,
Decker,	Lewis,	Royer,	Welsh,
DeNote,	Long,	Ruffennach,	Westrick,
Dickinson,	Longaker,	Rush,	Whalen,
Donohoe,	Lopresti,	Sarraf,	Whitenight,
Dougherty,	Lovett,	Scanlon,	Wilson,
Downey,	Lyons,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,

Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,
Flanagan,			

NAYS—1.

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 348

Mr. TURNER. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on House Bill No. 348, Printer's No. 1219.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 348, entitled: "An act making an appropriation to The Glen Mills Schools situate in Delaware County, Pennsylvania," respectfully submit the following bill as our report:

JOHN S. RICE,
JOHN J. McCREESH,
THEO. LANE BEAN,
(Committee on the part of the Senate)
HERBERT B. COHEN,
JOHN J. BAKER,
ELLWOOD J. TURNER
(Committee on the part of the House of Representatives)

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred and eighty-five thousand dollars ($285,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to The Glen Mills Schools situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred and thirty-seven for the purpose of maintenance

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays.	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer,	Hess,	O'Connor,	Thomas,
Bradley,	Hetrick.	O'Keefe,	Thompson.
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows.	Hontz,	Peale,	Valibus.
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
			Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON FINAL PASSAGE

Mr. YOURISHIN asked and obtained unanimous consent to call up out of order House Bill No. 2456, Senate Bill No. 1069, Printer's No. 861, on page 3 of today's calendar, bill on final passage.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2456, (Senate Bill No. 1069), as follows:

An Act relating to and regulating the mining of anthracite coal providing for the health safety and welfare of persons employed in and about the anthracite coal mines and for the protection and preservation of property connected therewith amending consolidating revising and changing the law relating thereto and imposing penalties

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Article XXXIII Arbitration
Article XXXIV Injunctions
Article XXXV Penalties
Article XXXVI Effective Date
Article XXXVII Repealer

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE I

Preliminary Provisions

Section 101 This act shall be known and may be cited as "The Anthracite Mining Code"

Section 102 The provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any provision of law shall not revive any law heretofore repealed or superseded nor shall such repeal affect any act done liability incurred or any right accrued or vested or affect abate or prevent any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

Section 103 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included therein

Section 104 This act shall apply to every anthracite coal mine or colliery in the Commonwealth where five or more persons are employed or engaged in work Provided however That any mine inspector shall nevertheless have the right to enter and inspect all mines where from two to five persons are employed or engaged in work for the purpose of determining the conditions of safety in any such mine In case a mine inspector shall find any such mine to be unsafe or to be operated in any unsafe manner he shall order such unsafe conditions to be forthwith corrected and in default of the owner or operator doing so shall order such mine closed until the unsafe conditions are corrected

ARTICLE II

Inspection Districts

Section 201 The counties of Luzerne Lackawanna Sullivan Susquehanna Wayne Carbon Schuylkill Northumberland Columbia and Dauphin shall be divided into eight inspection districts as follows

First District—County of Luzerne
Second District—County of Lackawanna
Third District—County of Carbon
Fourth District—County of Schuylkill
Fifth District—County of Northumberland
Sixth District—County of Columbia
Seventh District—County of Dauphin
Eighth District—Counties of Susquehanna Wayne and Sullivan

Section 202 The Governor shall appoint the following number of qualified persons to act as mine inspectors of this Commonwealth namely

First Inspection District—Nine Inspectors
Second Inspection District—Six Inspectors
Third Inspection District—One Inspector
Fourth Inspection District—Four Inspectors
Fifth Inspection District—Two Inspectors
Sixth Inspection District—One Inspector
Seventh Inspection District—One Inspector
Eighth Inspection District—One Inspector

Said inspectors shall be under the direction of the Secretary of Mines who shall assign districts to the several inspectors but where an inspector has not enough work or duty to perform in his own inspection district then it shall be the right of the Secretary of Mines to assign said inspector to work or duty in another adjoining district or territory wherein the services of said inspector are necessary

Section 203 It shall be the duty of the Secretary of Mines to direct one or more of the inspectors who shall be appointed under this act and it shall be the duty of said inspectors to obey said orders of the said Secretary of Mines to inspect such collieries as come under this act in counties not mentioned in the act in such manner and at such times as is required by law and the inspectors inspecting said collieries shall make and include in their return a due report of said inspection

ARTICLE III

Examination and Appointment of Mine Inspectors

Section 301 The Antharcite Mine Inspectors' Examining Board shall meet upon the call of the chairman thereof at such times and places as the chairman shall designate and at such times and places as the board may by rule designate

Section 302 The said examining board shall prepare questions and formulate rules to be used in conducting and governing the examinations given to applicants for the office of Anthracite Mine Inspector The members of the board upon assuming office shall each take and subscribe to before any officer authorized to administer the same the following oath namely

"I do solemnly swear that I will perform the duties of examiner of applicants for the office of mine inspector to the best of my ability and that in recommending or rejecting said applicants I will be governed by the evidence of their qualifications to fill the position and not by any consideration of political or personal favor and I will certify all applicants who may be found qualified and no others according to the true intent and meaning of the law"

The oaths of the members of the examining board shall be filed in the Department of Mines

Section 303 Public notice of an examination shall be given at least two weeks prior thereto in a newspaper published in each of the following counties Luzerne Lackawanna Schuylkill and Northumberland The board shall meet at the time and place set forth in said notice and examine the applicants for the office of Anthracite Mine Inspector and the qualifications of applicants shall be certified to the board and be as follows

(a) They shall be citizens of this Commonwealth and residents of the anthracite region of temperate habits of good repute of personal integrity in good physical condition and not under thirty or over fifty years of age Every applicant shall furnish to the examining board a service statement Such statement shall show the length of time served at each class of work at which the applicant has been employed in and about the mines and be certified to by the superintendent or other responsible official under whom such applicant was employed The owner operator or superintendent of every mine or colliery is hereby required to furnish such a statement to every applicant

(b) They shall give to the board satisfactory evidence

of having had at least ten (10) years of practical experience in the anthracite coal mines of this Commonwealth five (5) years of which they shall have served as qualified coal miners possessing miners' certificates engaged in the actual practice of cutting and blasting coal or rock at the face of a gangway airway breast pillar or other working place in a mine and in performing such other work in such working places as is necessary for the extraction of coal

(c) They shall give to the board satisfactory evidence of having had practical experience with explosive gases and other dangerous and noxious gases found in coal mines

(d) They shall give to the board satisfactory evidence of having a general practical knowledge of mines mining and machinery

(e) They shall give to the board satisfactory evidence of having a general practical and comprehensive knowledge of the chemistry of gases generally found in coal mines

(f) They shall give to the board satisfactory evidence of having knowledge of the methods of administering first aid to the injured and of the work and requirements of rescue corps

(g) They shall give to the board satisfactory evidence of knowledge of the science of electricity as applied to coal mining and they shall in addition give evidence of sufficient knowledge of the science of mining engineering to enable them to read and understand the mine workings of any mine as shown on mine maps presented at such examinations and they shall be able to make a cross section of a mine from said maps

(h) They shall give to the board satisfactory evidence of theoretical and practical knowledge of the different systems of mining and ventilating anthracite coal mines and of their fitness and capability to perform the duties of the office of a mine inspector

Section 304 The examination shall be in writing and the applicants who have made an average of at least ninety per cent including proper allowances for experience shall be deemed successful but in no case shall the allowances for experience be more than fifteen per cent

Section 305 The manuscripts and all other papers of the applicants in the examination together with the tally sheets and the correct solution of each question as prepared by the examining board shall be filed in the Department of Public Instruction The examining board or at least four members thereof shall certify to the Governor and also to the Secretary of Mines the names and percentages of all successful applicants who are properly qualified under the provisions of this act to fill the office of Anthracite Mine Inspector A certificate of qualification shall be issued to each successful applicant A certificate so issued shall remain in force for a period of four years only unless the holder thereof has received an appointment as Anthracite Mine Inspector and has served as such for a period of four years in which case the certificate shall become permanent

Section 306 The Anthracite Mine Inspectors holding office at the date this act becomes effective shall continue to serve until the expiration of their respective terms and such persons shall thereafter be eligible for re-appointment as Anthracite Mine Inspectors without examination provided they have served as Anthracite Mine Inspectors for a period of four (4) years or longer Such re-appointment shall not be governed by the provisions of section three hundred seven of this act

Section 307 When a vacancy occurs in the office of Anthracite Mine Inspector by death or otherwise the Governor shall appoint from the list of successful applicants certified to him by the Anthracite Mine Inspectors' Examining Board a person to fill such vacancy

Section 308 When there remain upon the list of successful applicants certified to the Governor less than three names as a result of appointments made therefrom or as a result of the expiration of the certificates of qualification of persons named therein or from any other cause the Governor shall call the Anthracite Mine Inspectors' Examining Board to meet and proceed to conduct an examination for the purpose of supplying a new list of eligible applicants

Section 309 The tenure of office of Anthracite Mine Inspectors appointed under this act shall be during good behavior subject to the provisions of section three hundred twelve of this act and the Constitution of this Commonwealth

Section 310 In case an inspector becomes incapacitated to perform the duties of his office or is granted a leave of absence by the Secretary of Mines for sixty (60) days or more it shall be the duty of the Governor at the request of the Secretary of Mines to appoint temporarily to the office a person on the eligible list of applicants The temporary inspector shall act until the regular inspector is able to resume the duties of his office and shall be paid in the same manner as provided for the payment of regular inspectors

Section 311 No Anthracite Mine Inspector under this act shall act as manager of any anthracite coal mine or be interested in the operation of any anthracite coal mine in this Commonwealth

Section 312 Upon a petition signed by not fewer than fifteen reputable citizens who shall be miners or operators of mines and with the affidavit of one or more of said petitioners attached setting forth that any inspector of mines is holding office illegally or is neglectful or is incompetent or unable to perform the duties of his office or that he is guilty of malfeasance in office or upon petition of the Secretary of Mines setting forth any of the above charges the Court of Common Pleas of the county in which the inspector is acting and is a resident shall issue a citation in the name of the Commonwealth to the said inspector to appear at not less than ten (10) days' notice on a day fixed before said court and the court shall then proceed to inquire into and investigate the allegations of the petitioners If said charges are sustained the court shall declare the office of said inspector vacant and shall so certify to the Governor who shall proceed in compliance with the provisions of this act to fill the vacancy If said charges are not sustained and the court believes there was sufficient ground for said charges the costs shall be placed upon the county

Section 313 Any anthracite mine inspector violating the provisions of section three hundred eleven of this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or undergo imprisonment in the county jail for a period of not less than ninety (90) days or both at the discretion of the court

Any person who shall give any false or forged evidence of any kind to the Anthracite Mine Inspectors' Examining Board or to any member thereof in obtaining a certificate of qualification shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than three hundred dollars ($300.00) or to undergo imprisonment in the county jail for a period of not less than three (3) months or both at the discretion of the court

Any person or persons found to be in collusion with any member or members of the examining board or who shall use any undue influence or attempt to bribe any member or members of the board for the purpose of procuring certificates for applicants or who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of three hundred dollars ($300.00) or undergo imprisonment in the county jail for a period of three (3) months or both at the discretion of the court

ARTICLE IV

Duties of Mine Inspectors

Section 401 Each of the said inspectors shall reside in the district for which he is appointed and shall give his whole time and attention to the duties of his office He shall examine all the collieries in his district at least once every three months and as often in addition thereto as the necessities of the case or condition of the mines

require He shall see that every precaution is taken to secure the safety of the workmen and that the provisions of this act are observed and obeyed and he shall personally visit each working face and see that the air current is carried to the working faces and is of sufficient quantity or volume to thoroughly ventilate the places He shall make to the Secretary of Mines at the end of every month a detailed report of the number of days worked during the month marking in tabular form the number of hours spent inspecting mines investigating accidents traveling inspecting surface plants around the mines together with any other information that will be of value to the department He shall every four months make a report of the condition of each working place at each colliery on a form to be furnished to the inspector by the Secretary of Mines showing the gangway in which the working place is located and the breast number of said working and their condition shall be designated by the words "good" "fair" or "bad" as the circumstances may warrant Said report shall also set forth the condition of the mine with respect to ventilation tracks timber drainage and traveling ways and the said report or a duplicate shall be placed in a weather or dust-proof case with a glass front said case to be furnished by the operator and placed in a conspicuous place at each mine opening shaft slope or drift so that the workmen may have easy access thereto He shall certify in said report that the employes are hoisted to the surface of the ground or given access thereto according to law He shall attend every inquest held by the coroner or his deputy upon the bodies of persons killed in or about the collieries in his district he shall visit the scene of the accident for the purpose of making an examination into the particulars of the same wherever loss of life or serious personal injury occurs as elsewhere herein provided for and whenever he deems the same necessary and shall deputize any person or persons to aid or advise him in connection with any accident such deputies shall consist of a representative of the operator and a qualified miner He shall make an annual report of his proceedings to the Secretary of Mines of the Commonwealth at the close of every year enumerating all the accidents in and about the collieries in his district marking in tabular form those accidents causing death or serious personal injury the condition of the workings of the said mines with regard to the safety of the workmen therein and the ventilation thereof and setting forth generally the results of such inspection and shall perform such other duties as now are or hereafter may be required by law

Section 402 The mine inspector shall have the right and it is hereby made his duty to enter inspect and examine any mine or colliery in the territory allotted to him and the workings and machinery belonging thereto at all reasonable times either by day or by night but not so as to obstruct or impede the working of the colliery and shall have the power to take one or more of his fellow inspectors into or around any mine or colliery in the territory allotted to him for the purpose of consultation or examination

Section 403 He shall also have the right and it is hereby made his duty to make inquiry into the condition of such mine or colliery working machinery ventilation drainage method of lighting or using lights and into all matters and things connected with or relating to such mine or colliery as well as to make suggestions providing for the health and safety of persons employed in or about the same and especially to make inquiry as to whether the provisions of this act have been complied with

Section 404 The owner operator or superintendent of such mine or colliery is hereby required to furnish the means necessary for such entry inspection examination inquiry and exit

The inspector shall make a record of the visit noting the time and material circumstances of the inspection

Section 405 The maps and plans of the mines and the records thereof together with all the papers relating thereto shall be kept by the inspector property arranged and preserved in a convenient place in the territory to which the inspector has been allotted and shall be transferred by him with any other property of the Commonwealth that may be in his possession to his successor in office

Section 406 The inspector shall also do the following

(a) Apply to the court for an injunction where the speedy closing of a mine or section thereof is expedient for health or safety

(b) Approve self-acting doors

(c) Assist in determining width of barrier pillars

(d) Inspect emergency hospitals every six months

(e) Reduce the number of persons to be hoisted when necessary

(f) Request the removal of coal dust in breaker where injurious to health

ARTICLE V

Employment of Mine Foremen and Assistant Mine Foremen

Section 501 It shall not be lawful neither shall it be permitted for any person or persons to act as mine foremen or assistant mine foremen of any coal mine or colliery unless they are registered as holders of certificates of qualification for service under this act or unless in the judgment of the employer he is a person possessed of qualifications which make him equally competent to act in such position

ARTICLE VI

Examination and Qualification of Mine Foremen and Assistant Mine Foremen

Section 601 For the purpose of examining applicants for mine foremen's and assistant mine foremen's certificates boards of examiners shall be appointed in the various inspection districts provided for by this act The said boards shall consist of the district inspector of mines two practical coal miners and one operator superintendent or mining engineer of a mine The said inspector shall act ex officio and the said operator superintendent mining engineer and miners of the several boards shall be appointed as follows

The Court of Common Pleas of Luzerne County shall appoint for the Counties of Luzerne Carbon and Sullivan as many boards as there may be inspectors in the aforesaid counties

The Court of Common Pleas of Lackawanna County shall appoint for the Counties of Lackawanna Susquehanna and Wayne as many boards as there may be inspectors in the aforesaid counties

The Court of Common Pleas of Schuylkill County shall appoint for the Counties of Schuylkill Dauphin Columbia and Northumberland as many boards as there may be inspectors in the aforesaid counties

The persons serving as members of mine foremen and assistant mine foremen's examining boards on the effective date of this act shall continue to serve under the provisions of this article until the terms for which they were appointed shall have expired

Section 602 The said boards shall act as such for the period of one year from the date of their appointment Meetings of the boards may be held at any time and they may make such rules and conduct such examination as in their judgment may seem proper The said boards shall report their action to the Secretary of Mines and at least three (3) of the members thereof shall certify to the qualifications of each candidate who has passed such examination

Section 603 The boards for the examination of applivants for mine foremen and assistant mine foremen in the anthracite mines shall send to the Secretary of Mines all papers of the applicants together with the tally sheets a list of the questions and the solution of each question as given by the examining board which shall be filed in the department as public documents

Section 604 The members of the several boards appointed under the provisions of this act to examine candidates for foremen's and assistant foremen's certificates shall be compensated at the rate of ten dollars ($10.00) per day for each day during which the said members shall be actually in attendance on the sessions of the board and mileage at the rate of five cents (5c) for each mile

actually traveled going from the home of the member to the place of meeting of the board and returning from said place to said home

Each of the said boards is hereby authorized to employ a clerk whose compensation and mileage shall be the same as that of a member of the board The mine inspector shall be chairman of the board

Section 605 The members of the said boards shall on the final adjournment of their respective boards submit statements approved by the chairmen of their respective boards setting forth the number of days during which each member shall have been actually in attendance on the sessions of the board of which he is a member as well as the distance from the home of the member to the place of meeting of his board and the number of miles actually travelled by him and the clerks of said boards shall submit like statements and the Auditor General shall upon receipt of such statement draw his warrant upon the State Treasurer in favor of each of such members and clerks for such sums as shall appear to be properly due to each

Section 606 Certificates of qualification to act as a mine foreman or assistant mine foreman in the anthracite mines shall be issued by the Secretary of Mines to each applicant who has passed a successful examination and has given satisfactory evidence of having had at least five (5) years' practical experience in the anthracite mines of the Commonwealth of Pennsylvania and of good conduct capability and sobriety Applicants shall be citizens of the United States and residents of the Commonwealth and be at least twenty-five years of age The certificates shall be in such manner and form as shall be prescribed by the Secretary of Mines and a record of all certificates granted shall be kept in the Department of Mines Each certificate shall contain the full name age and place of birth of the applicant and also the length and nature of his previous service in the mines Before the examination of applicants for certificates of qualification to act as mine foremen and assistant mine foremes in the anthracite mines each applicant shall pay a fee of two dollars ($2.00) and each successful applicant shall pay an additional fee of three dollars ($3.00) before receiving a certificate The money thus received from applicants shall be transmitted to the Secretary of Mines to be deposited in the State Treasury In case of the loss or destruction of a certificate the Secretary of Mines shall upon the presentation of satisfactory evidence of the loss or destruction issue a copy of the certificate to the original possessor on the payment of the sum of one dollars ($1.00)

Section 607 The said examining boards shall before entering upon the duties of their office take and subscribe to an oath or affirmation before a duly qualified officer that they will to the best of their ability conduct such examinations according to law and that the credits given to an applicant's papers shall be according to merit only Such oaths or affirmations shall be made upon blanks furnished by the Department of Mines and they shall be returned to the department and kept on file as other records are kept Every applicant for a mine foremen's or assistant mine foreman's certificate must furnish the board with a statement of his experience in anthracite mines Such statement must show the class of work the applicant was engaged in together with the length of time at each class of work and be signed by the superintendent of the colliery or other responsible official

Section 608 If any person or persons shall forge or counterfeit a certificate or knowingly make or cause to be made any false statement in any certificate under this article or in any official copy of the same or shall urge others to do so or shall utter or use any such forged or false certificate or unofficial copy thereof or shall make give utter produce or make use of any false declaration representation or statement in any such certificate or copy thereto for any document in any such certificate or they shall be guilty of a misdemeanor and upon conviction thereof shall be fined two hundred dollars ($200.00) or imprisoned for a term not exceeding one year or both at the discretion of the court trying the case

Section 609 No mine shall be operated for a longer period than thirty (30) days without the supervision of a mine foreman In case any mine is worked a longer period than thirty (30) days without a mine foreman the owner operator or superintendent shall upon conviction thereof be subject to a penalty of twenty dollars ($20.00) per day for each day over the said thirty (30) days during which the said mine is operated

ARTICLE VII

Duties of Mine Foremen and Assistant Mine Foremen

Section 701 It shall be the duty of every mine foreman on arrival at his office every morning without delay to make inquiry from his assistants as to the condition of the mine or part thereof under their charge and if any dangerous thing is reported to him by any assistant that may affect the safety of the workmen he shall have the same remedied without delay If any dangerous condition is discovered by any assistant he shall take immediate steps to correct the same and report the same to the Mine Foreman without delay

Section 702 He shall examine every day all reports made of mine inspections and mine equipment If he finds anything reported as unsafe or dangerous he shall have such unsafe or dangerous thing remedied without delay and no person shall be allowed to work at or near an unsafe or dangerous thing except for the purpose of making it safe He shall sign all said reports after reading them as evidence of having done so

Section 703 Whenever a mine foreman cannot personally carry out the provisions of this act so far as they pertain to him the owner operator or superintendent shall authorize him to employ a sufficient number of competent persons to act as his assistants who shall be subject to his orders

Section 704 The mine foreman shall have charge of all matters pertaining to ventilation and the speed of the ventilators shall be particularly under his charge and direction and any superintendent who shall cause the mine foreman to disregard the provisions of this act shall be amendable in the same manner as the mine foreman The mine foreman shall designate some competent person whose duty it shall be to start and stop all auxiliary and booster fans

Section 705 All accessible parts of an abandoned portion of a mine in which explosive gases have been found shall be carefully examined by the mine foreman or his existing therein shall be immediately removed A report of assistants at least once a week and all danger found said examination shall be recorded in a book kept at the colliery for that purpose and signed by the person making the same

Section 706 In all mines the mine foreman or his assistant shall make a careful examination every morning of all working places and traveling roads and all other places which might endanger the safety of the workmen before the workmen shall enter the mine and such examination shall be made with a safety lamp within three (3) hours at most before time for commencing work and a workman shall not enter the mine or his working place until the said mine or part thereof and working place are reported to be safe Every report shall be recorded without delay in a book which shall be kept at the colliery for the purpose and shall be signed by the person making the examination Provided That in cases of emergency as from sickness or other causes the mine foreman may designate a competent person to make such examinations

Section 707 The person who makes said examination shall establish proof of the same by marking plainly the date thereof at the face of each working place and all other places examined

Section 708 A station or stations shall be established at the entrance to each mine or different parts of each mine as the case may require and a workman shall not pass beyond any such station until the mine or parts of the mine beyond the same have been inspected and reported to be safe It shall be the duty of the mine foreman to designate some competent person or persons to stand guard at the station from the time that persons

begin to enter the mine until the mine or part of the mine shall have been examined and reported to be safe and the said guard shall not allow any person to pass such station without permission from the mine foreman or the assistant foreman

Section 709 If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in such mine or any part thereof or of any cause whatever the mine or the said part is dangerous every precaution shall be used to ensure the safety of the workmen and every workman except such persons as may be required to remove the danger shall be withdrawn from the mine or such part thereof as is so found dangerous until the said mine or said part thereof is examined by a competent person and reported by him to be safe

Section 710 The Mine Foreman or his assistant shall visit and examine every working place in the mine every working day and if safe and practicable this visit and examination shall be made while the men of such place are or should be at work and shall direct that each and every working place is properly secured by props or timber and that safety in all respects is assured by directing that all loose coal or rock shall be pulled down or secured and that no persons shall be permitted to work in an unsafe place unless it be for the purpose of making it secure Provided however That if the mine is idle forty-eight (48) hours or more the mine foreman or his assistant shall examine every working place the day before operations are resumed

Section 711 The mine foreman or some other competent person or persons to be designated by him shall examine at least once every day all slopes shafts main roads traveling ways signal apparatus pulleys and timbering to see that they are in safe and efficient working condition

Section 712 In every shaft or slope in which provision is made in this act for lowering and hoisting persons a headsman and footman shall be designated by the superintendent or foreman to be at their proper places at all times while men are underground Such headman and footman shall personally attend to the signals and see that the provisions of this act in respect to lowering and hoisting persons in shafts and slopes shall be complied with

Section 713 Whenever loss of life to a miner or otherer employe occurs in or about a colliery notice thereof shall be given promptly to the inspector of mines for the district in which the accident occurred by the mine foreman or outside foreman or other person having immediate charge of the work at the time of the accident and when death results from personal injury such notice shall be given promptly after the knowledge of the death comes to the said foreman or person in charge

Section 714 It shall be the duty of the mine foreman or his assistants in case of injury to any employe by explosion of gas or powder or by any cause while said miners are at work in said mines to at once visit the scene of accident see that the injured is carefully wrapped in woolen blankets and removed to the 'medical room" and so treated with oils or other remedies as will add to the comfort and care of the patient After being treated with all the skill known to the foreman or his assistants the injured person shall be carefully wrapped up and sent to the surface to be taken in an ambulance or to the mining hospital as may be desired without expense to the injured person

Section 715 Where an accident to any employe involves injury to limbs or causes loss of blood the foreman or his assistants shall see that the bandages splints and linen shall be applied where necessary to prevent loss of blood and relieve pain The foreman shall in all cases see that the injured person is sent to the surface without delay He shall also keep a record showing the name of the person injured the nature of the injury the treatment and by whom treated at the time of the accident

Section 716 It shall be the duty of the mine foreman or his assistant to test by means of a flame safety lamp or with some other approved device the condition of the atmosphere in each section of his mine each day while the men are at work A report of such examination shall be recorded in a book kept at the colliery for that purpose The test shall show the extent to which gas was detected whether cap or an explosive mixture

ARTICLE VIII

Examination and Qualification of Miners

Section 801 Hereafter no person whosoever shall be employed or engaged in the anthracite coal regions of this Commonwealth as a miner in any anthracite coal mine without having obtained a certificate of competency and qualification so to do from the Miner's Examining Board of the proper district and having been duly registered as provided by existing law

ARTICLE IX

Duties of Miners and Other Workmen

Section 901 Before commencing work and also after the firing of every blast the miner working a breast or any other place in a mine shall enter such breast or place to examine and ascertain its condition and his laborer or assistant must not go to the face of such breast or place until the miner has examined the same and found it to be safe

Section 902 A miner or other person who is about to explode a blast by the use of patent or other squibs or matches shall not shorten the match nor saturate it with mineral oil nor turn it down when placed in the hole nor ignite it except at its extreme end nor do anything to shorten the time the match will burn

If a miner or other person uses a fuse to explode a blast such fuse shall be of sufficient length to protrude at least six (6) inches from the mouth of the hole and in no case shall the total length of the fuse be less than eighteen (18) inches

A place shall be stopped for at least thirty (30) minutes after a squib misses fire Where fuses (straight and time fuses) are used and a missed shot occurs the working place shall be stopped for at least twelve (12) hours If a misfire occurs where electric blasting caps are used an interval of at least thirty (30) minutes must elapse before workmen shall return to such working face

Section 903 A miner or other workman shall not withdraw a charge of powder or other explosive in coal slate or rock which has missed fire nor shall the hole be re-opened

Section 904 When a miner or other workman is about to fire a blast he shall be careful to notify all persons who may be in danger therefrom and shall give sufficient alarm before firing any blast by any means whatsoever so that any person or persons who may be approaching shall be warned of the danger

Section 905 Any miner or other person having charge of a working place in any mine shall keep the roof and sides thereof properly secured by timber or otherwise so as to prevent such roof and sides from falling and he shall not do any work or permit any work to be done under loose or dangerous material except for the purpose of securing the same

Section 906 Any miner or other workman who shall discover anything wrong with the ventilating current or with the condition of the roof side timber or roadway or with any other part of the mine in general such as would lead him to suspect danger to himself or his fellow workmen or to the property of his employer shall immediately report the same to the mine foreman or other person for the time being in charge of that portion of the mine

Section 907 Any miner or other workman shall not be allowed to store gunpowder or any other explosive in a mine He shall not have at any one time in any one place more than one keg or box containing twenty-five (25) pounds unless more is necessary for a person to accomplish one day's work

Section 908 Any miner or other workman who has

gunpowder or other explosive in a mine shall keep it in a wooden box securely locked and such box shall be kept at least ten (10) feet from the tracks in all cases

Section 909 Whenever a miner or other workman shall open a box containing explosives or while in any manner handling the same he shall first place his open lamp not less than five (5) feet from such explosives and in such position that the air current cannot convey sparks to it and a workman shall not approach nearer than five (5) feet to an open box containing powder with a lamp lighted pipe or anything containing fire

Section 910 In charging holes for blasting in coal slate or rock no miner or other workman in any mine shall use an iron or steel pointed needle The end of any metal tamping bar must be tipped with at least six (6) inches of copper or other soft metal The hole must be large enough to admit freely the cartridge containing the explosive and in no case shall a tight cartridge be rammed into a hole

Section 911 When gas is ignited by blast or otherwise the miner or other person igniting the same shall immediately extinguish it if possible and notify the mine foreman or his assistant of the fact and workmen must see that no gas blowers are left burning upon leaving their working places

Section 912 Not more than five blasts shall be fired at the working face of a low coal seam within a period of one hour except by permission from the mine foreman or his assistant and each hole when charged and fired shall constitute a blast This section shall not pertain to cracked gangways

Section 913 No miner or laborer shall run cars out of any breast or chamber or on any gravity road unless he is a suitable person designated by the mine foreman for that particular work and no person under the age of eighteen (18) years shall be designated by any mine foreman to perform such work

Section 914 No workman or other person shall ride upon or against any loaded car cage or gun-boat in any shaft slope or plane in or about a mine or colliery

Section 915 When any person is about to descend or ascend a shaft or slope the headman or footman as the case may be shall inform the engineer by signal or otherwise of the fact and the engineer shall return a signal before moving or starting the engine In the absence of a headman or footman the person about to descend or ascend shall give and receive signals in the same manner

Section 916 No person shall couple or uncouple loaded or empty cars while the same are in motion Provided however That this shall not apply to the top or bottom men of slopes planes or shafts

Section 917 No person except the man giving the signal shall jump on a car cage or gun-boat after the signal has been given and if any person shall enter a car cage or gun-boat in excess of the lawful number the headman or footman shall notify him of the fact and request him to get off which request must be immediately complied with Any violation of this rule must be promptly reported to the mine foreman

Section 918 No workman shall pass a fenced off place a fenced off traveling way or a designated danger station unless accompanied by a colliery official or unless he has been directed by a colliery official to pass such place fenced off traveling way or such designated danger station for the purpose of making such place or places safe

ARTICLE X

Maps and Plans

Section 1001 The owner operator or superintendent of every coal mine or colliery shall make or cause to be made an accurate map or plan of the workings or excavations of such coal mine or colliery on a scale of one hundred feet to the inch which map or plan shall exhibit the workings or excavations in each and every seam of coal and the tunnels and passages connected with such workings or excavations It shall state in degrees the general inclination of the strata with any material deflection therein in said workings or excavations and shall also state the tidal elevations of the bottom of each and every shaft slope tunnel and gangway and any other point in the mine or on the surface where such elevation shall be deemed necessary by the inspector

The map or plan shall show the number of the last survey station and date of each survey on the gangways or the most advanced workings

It shall also accurately show the boundary lines of the lands of the said coal mine or colliery and the proximity of the working thereto and in case any mine contains any water dammed up in any part thereof it shall be the duty of the owner operator or superintendent to cause the true location of the said dam to be accurately marked on said map or plan together with the tidal elevation inclimation of strata and areas of said workings containing water and whenever any workings or excavations are approaching the workings where such dam or water is contained or situated the owner operator or superintendent shall notify the inspector of the same without delay

Whenever a mine fire is sealed an outline of the sealed area must be plainly shown on the mine map together with such data as the mine inspector may request pertaining to the same

Upon request of the mine inspector the location of all bore holes must be placed on the mine inspector's map and the operator or superintendent of the mine shall furnish the inspector with any additional information regarding bore holes upon his request

The said owner operator or superintendent shall deposit a true copy of such map or plan with the inspector of mines for the district in which the said coal mine or colliery is situated showing the workings of each seam if so desired by the inspector on a separate sheet of tracing muslin One copy of said map or plan shall be kept at the colliery

Section 1002 The said owner operator or superintendent shall as often as once in every six months place or cause to be placed on the said inspector's map or plan of said coal mine or colliery the plan of the extensions made in such coal mine or colliery during the preceding six months The said extensions shall be placed on the inspector's map and the map returned to the inspector within two months from the date of the last survey

Section 1003 When any coal mine or colliery is worked out preparatory to being abandoned or when any lift thereof is about to be abandoned the owner operator or superintendent of such coal mine or colliery shall have the maps or plans thereof extended to include all excavations as far as practicable and such portions thereof as have been worked to the boundary lines of adjoining properties Any part or parts of the workings which are intended to be allowed to fill with water must be surveyed in duplicate and such surveys must practically agree They shall be certified to by the owner operator or superintendent and shall be filed with the inspector of the district in which the mines are situated

Section 1004 Whenever the owner operator or superintendent of any coal mine or colliery shall neglect or refuse or from any cause not satisfactory to the inspector shall fail for a period of three months to furnish to the inspector the map or plan of said colliery or of the extensions thereto as provided for in this Article the inspector is hereby authorized to cause an accurate map or plan of such coal mine or colliery to be made at the expense of the owner thereof which cost shall be recoverable from said owner as other debts are by law recoverable

Section 1005 If the inspector finds or has reason to believe that any map or plan of any coal mine or colliery furnished under the provisions of this article is materially inaccurate it shall be his duty to make application to the Court of Common Pleas of the county in which such colliery is situated for an order to have an accurate map or plan of said colliery prepared and if such survey shall prove that the map furnished was materially inaccurate or imperfect such owner operator or superintendent shall be liable for the expense incurred in making the same

Section 1006 If it shall be found that the map or plan

furnished by the owner operator or superintendent was not materially inaccurate or imperfect the Commonwealth shall be held liable for the expense incurred in making said test survey

Section 1007 If it shall be shown that the said owner operator or superintendent has knowingly or designedly caused or allowed such map or plan when finished to be incorrect or false such owner operator or superintendent thus offending shall be guilty or a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding three (3) months at the discretion of the court

Section 1008 The maps or plans of the several coal mines or collieries in each district and which are placed in the custody of the inspector shall be the property of the Commonwealth and shall remain in the care of inspector of the district in which the said collieries are situated to be transferred by him to his successor in office and in no case shall a copy of the same be made without the consent of the owner operator or superintendent

Section 1009 The inspector's map or plan of any particular colliery shall be open for inspection in the presence of the inspector to any miner or miners of that colliery whenever said miner or miners shall have cause to fear that his or their working place or places are becoming dangerous by reason of their proximity to other workings which may be supposed to contain water or dangerous gases Said map shall also be open to the inspection and examination of any citizen interested during business hours

Section 1010 It shall be obligatory on the owners of adjoining coal properties to leave or cause to be left a pillar of coal in each seam or vein of coal worked by them along the line of adjoining property of such width that taken in connection with the pillar to be left by the adjoining property owner will be a sufficient barrier for the safety of the employes of either mine in case the other should be abandoned and allowed to fill with water such width of pillar to be determined by the engineers of the adjoining property owners together with the inspector of the district in which the mine is situated Such width of pillar as shall have been agreed upon by the adjoining property owners and the mine inspector of the district shall be placed on the inspector's map without delay

The surveys of the face of the workings along such pillar shall be made in duplicate and must practically agree A copy of such duplicate surveys certified to must be filed with the owners of the adjoining properties and with the inspector of the district in which the mine or property is situated

Section 1011 At the request of the mine inspector the owner operator or superintendent of any coal mine shall furnish him with a geological cross section o fsuch coal seams in such mine as he may require

ARTICLE XI

Shafts Slopes Openings and Outlets

Section 1101 It shall not be lawful for the owner operator or superintendent of any mine to employ any person or persons in such mine or permit any person or persons to be in such mine for the purpose of working therein unless there are in connection with every seam of coal and from every lift thereof worked in such mine not less than two openings or outlets separated by a stratum of not less than sixty (60) feet in breadth underground and one hundred and fifty (150) feet in breadth at the surface at which openings or outlets safe and distinct means of ingress or egress are at all times available for the person or persons employed in said mine This section shall not apply to opening a new mine or to opening any new lift of a mine while being worked for the purpose of making a connection between said two outlets so long as not more than twenty (20) persons are employed at one time in such mine or new lift of a mine At least half of this number must be employed at making the second outlet Neither shall this section apply to any mine or part of a mine in which the second outlet has been rendered unavailable by reason of the final r . .ing of pillars previous to abandonment so long as not more than twenty (20) persons are employed therein at any one time The cage or cages and other means of egress shall at all times be available for the persons employed where there is no second outlet

Section 1102 The owner operator or superintendent of any mine to which there is only one shaft slope or outlet may petition the Court of Common Pleas in and for the county in which said mine is situated which said court is hereby empowered to act in the premises setting forth that in consequence of intervening lands between the working of his mine and the only practicable point at which to make or bring to the surface from the working of his mine he is unable to make an additional shaft slope or outlet in accordance with the requirements of this act whereupon the court may make an order of reference and appoint three disinterested persons residents of a county viewers one or more of whom shall be a practical mining engineer all of whom after being sworn to a faithful discharge of their duties shall view and examine the premises and determine as to whether the owner should have the privilege of making an additional outlet through or upon any intervening lands as the case may require and report in writing to the court which report shall be entered and filed of record

Section 1103 If the finding of the viewers or any two of them is in favor of the owner of such coal mine or colliery he may make an additional shaft slope or outlet through or upon intervening lands as may be determined upon and provided for by the award If the finding of the viewers is against the owner or if no award be made by reason of any default or neglect on the part of the owner he shall be bound to comply with the provisions of this act in the same manner as if this section had not been enacted In case the said owner operator or superintendent desires to and claims that he ought to make an additional opening under through or upon any adjoining or intervening lands to meet the requirements of this act for the ingress and egress of the men employed in his or their mine he or they shall make a statement of the facts in the petition with a survey setting forth the point of commencement and the point of termination of the proposed outlet which he or they their engineers agents or employes may enter upon said intervening lands and survey and mark as he or they shall find it proper to adopt for such additional outlet doing as little damage as possible to the property explored and the viewers shall state in their report what damage will be sustained by the owner or owners of the intervening lands by the opening construction and use of the outlet and if the report is not appealed from it shall be confirmed or rejected by said court as to right and justice shall appertain and any further and all proceedings in relation thereto shall be in conformity with like proceedings as in the case of a lateral railroad across or under intervening lands under the act in relation to lateral railroads approved the fifth day of May Anno Domini one thousand eight hundred thirty-two (Pamphlet Laws five hundred one) and the supplements thereto so far as the provisions of the same are applicable hereto and the notices to the owner of intervening lands of the intention to apply for the privilege of making an outlet and meeting of the viewers shall be given and the costs of the case shall be paid as provided in the said act of May fifth Anno Domini one thousand eight hundred thirty-two (Pamphlet Laws five hundred one) and the supplements thereto

Section 1104 The main escapement shafts or slopes shall be fitted with safe and available appliances by which persons employed in the mine may readily escape in case an accident occurs deranging the hoisting machinery at the main outlets

Section 1105 In all slopes where the angle of inclination is fifteen (15) degrees or less there must be provided a separate traveling way which shall be maintained in a safe condition for travel and kept free from steam and dangerous gases

Section 1106 The top of each slope if dangerous or

any intermediate lift thereof shall be securely fenced off by railing or by vertical or flat gates

Section 1107 Every abandoned slope shaft airhole and drift shall be properly fenced around or across its entrance

Section 1108 All underground entrances to any places not in actual course of working or extension shall be properly fenced across the whole width of such entrances so as to prevent person from inadvertently entering the same

Section 1109 The owner operator or superintendent of any coal mine or colliery which is worked by shaft or slope shall provide and maintain a telephone or suitable appliance by or through which conversation can be held by and between persons at the bottom and at the top of the shaft or slope and also an efficient means of signaling from the bottom of such shaft or slope to the engineer in charge of the hoisting engines The owner operator or superintendent of every coal mine or colliery shall provide and maintain a telephone by or through which conversations can be had between person on the outside of the mines and the principal centers of operations in the mines

Section 1110 The owner operator or superintendent of all mines shall see that the surface landing and all other landings of shafts are provided with gates so hung and adjusted that they will close automatically It shall be unlawful for any man employed as a footman at a shaft in which coal or other material is hoisted to work at this occupation unless he has provided himself with a safety headgear or helmet of a design approved by the Department of Mines which headgear or helmet must be worn by him at all times while on duty

Section 1111 Every cage or gun-boat used for lowering or hoisting persons in any shaft or slope shall be provided with handrails safety catches and a proper protector so constructed that persons while on such cage or gun-boat shall not be struck by anything which may fall or roll down said shaft or slope

Section 1112 Over all shafts which are being sunk or shall hereafter be sunk a safe and substantial structure shall be erected to sustain the sheaves or pulleys at a height of not less than twenty (20) feet above the tipping place and the top of such shaft shall be arranged in such manner that no material can fall into the shaft while the bucket is being emptied

Section 1113 The said structure shall be erected as soon as a substantial foundation is obtained and in no case shall a shaft be sunk to a depth of more than fifty (50) feet without such structure

Section 1114 If provision is made to land the bucket upon a truck the said truck shall be constructed in such manner that material cannot fall into the shaft All rock and coal from shafts as they are being sunk shall not be raised except in a bucket or on a cage and such bucket or cage must be connected to the rope or chain by a safety hook clevis or other safe attachment

Section 1115 Such shafts shall be provided with guides and guide attachments applied in such manner as to prevent the bucket from swinging while descending or ascending therein and such guides and guide attachments shall be maintained at a distance of not more than seventy-five (75) feet from the bottom of such shaft until its sinking shall have been completed but this section shall not apply to shafts one hundred (100) feet or less in depth

Section 1116 Where the strata are not safe every shaft shall be securely cased lines or otherwise made secure

Section 1117 The following rules shall be observed as far as practicable in every shaft to which this act applies

First After each and every blast the chargeman must see that all loose material is swept down from the timbers before the workmen descend to their work

Second After a suspension of work and also after firing a blast in a shaft where explosive gases are evolved the person in charge must have the said shaft examined and tested with a safety lamp before the workmen are allowed to descend

Third Not more than four persons shall be lowered or hoisted in any shaft on a bucket at the same time and no person shall ride on a loaded bucket

Fourth Whenever persons are employed on platforms in shafts the person in charge must see that the said platforms are properly and safely constructed

Fifth While shafts are being sunk all blasts therein must be exploded by an electric battery

ARTICLE XII

Ventilation

Section 1201 The owner operator or superintendent of every mine shall provide and maintain a constant and adequate supply of pure air for the same as hereinafter provided

Section 1202 It shall not be lawful to use a furnace for the purpose of ventilating any mine wherein explosive gases are generated

Section 1203 The quantities of air in circulation shall be ascertained with an anemometer or other efficient instrument Such measurements shall be made by the inside foreman or his assistant once every week at the inlet and outlet airways also at or near the face of each gangway and at the nearest cross-heading to the face of the inside and outside chamber or breast where men are employed Such air measurements shall be entered in the colliery report book Cross-headings between chambers or breasts shall not be driven more than sixty (60) feet from the face of each chamber or breast A report of these air measurements shall be sent to the inspector before the twelfth day of each month for the preceding month together with a statement of the number of persons employed in each district

Section 1204 The minimum quantity of air produced shall not be less than two hundred (200) cubic feet per minute for each and every person employed in any mine and as much more as the circumstances may require

Section 1205 The ventilating currents shall be conducted and circulated to and along the face of each and every working place throughout the entire mine in sufficient quantities to dilute render harmless and sweep away smoke and noxious or dangerous gases to such an extent that all working places and traveling roads shall be in a safe and fit state to work and travel therein

Section 1206 All worked-out or abandoned parts of a mine in operation so far as practicable shall be kept free of dangerous bodies of gases or water and if found impracticable to keep the entire mine free from an accumulation of gases or water the mine inspector must be immediately notified

All accessible parts of an abandoned portion of a mine in which explosive gases have been found shall be carefully examined by the mine foreman or his assistants at least once a week and any dangerous condition found existing therein shall be immediately removed A report of said examination shall be recorded in a book kept at the colliery for the purpose and signed by the person making the same

Section 1207 Every mine employing more than seventy-five (75) persons must be divided into two or more districts Each district shall be provided with a separate split of pure air and the ventilation shall be so arranged that not more than seventy-five (75) persons shall be employed at the same time in any one current or split of air

The inlet and return air passages for any particular district must be separated by a pillar of coal or stone if the thickness and dip of the vein will permit except where it is necessary to cut through said dividing pillar for the purpose of ventilation traffic or drainage

Section 1208 All air passages shall be of sufficient area to allow the free passage of not less than two hundred (200) cubic feet of air per minute for every person working therein and in no case in mines generating explosive gases shall the velocity exceed four hundred and fifty (450) lineal feet per minute in any opening through which the air currents pass if gauze safety lamps are used except in the main inlet or outlet airways

Section 1209 All cross-cuts connecting the main inlet and outlet air passages of every district when it becomes

necessary to close them permanently shall be substantially closed with brick or other suitable building material laid in mortar or cement whenever practicable

Section 1210 All doors used in assisting or in any way affecting the ventilation shall be so hung and adjusted that they will close automatically

Section 1211 All main doors shall have an attendant whose constant duty it shall be to open them for transportation and travel and prevent them from standing open longer than is necessary for persons or cars to pass through unless a self-acting door is used which is approved by the inspector of the district

Section 1212 All main doors shall be so placed that when one door is open another which has the same effect upon the same current shall be and remain closed and thus prevent any temporary stoppage of the air current

Section 1213 An extra main door shall be so placed and kept standing open as to be out of reach of accident and so fixed that it can be at once closed in the event of an accident to the doors in use

Section 1214 The frame work of such main doors shall be substantially secured in stone or brick laid in mortar or cement unless otherwise permitted in writing by the inspector

Section 1215 All permanent air bridges shall be substantially built of fireproof material and of such strength as the circumstances may require Temporary air bridges or overcasts may be built of other suitable material upon permission from the mine inspector

Section 1216 All ventilators used at mines shall be provided with recording instruments by which the speed of the ventilators or the ventilating pressure shall be registered for each hour and such data shall be preserved at the colliery for future references for a period of three months

Section 1217 An accumulation of gas in mines shall not be removed by brushing When such accumulations occur they must be removed by sufficient air currents only

Section 1218 No auxiliary or booster fan shall be allowed in any mine unless a request in writing be made by the superintendent of such mine to the mine inspector of the district and permission granted by him to install such fan

Section 1219 Auxiliary fans driven by electric power shall not be used in gaseous mines unless the motors of such fans are enclosed in explosion proof casings approved by the United States Bureau of Mines All such fans must be located so that there shall be maintained at all times a positive separation of inlet and outlet air currents

Section 1220 All main fans used to ventilate gaseous mines shall be operated continuously when necessary for the safety of the men employed therein and when the Mine Inspector so orders During any period in which repairs are being made to any such fan or fans or for any reason any such fans are stopped no person or persons shall be allowed in any gaseous part of said mine except for the purpose of making examinations and observations of gaseous conditions All such examinations shall be made with an approved safety lamp

Section 1221 Whenever a mine suspends operations temporarily and is being maintained in readiness for operation the the mine shall be examined at least once a week in the same manner as if in operation and a report of such examination shall be made in the colliery report book and signed by the person making the examination

Section 1222 When non-gaseous (Class A) mines in which mining has been suspended and fans stopped during such idle periods before such mine or mines resume mining all such fans shall be put in operation at least twelve (12) hours before work is resumed An examination of all working places haulage roads traveling roads etc shall be made before the men are allowed to enter the mine

Section 1223 When any main ventilating fans have been stopped they shall prior to the resumption of work in the mine be operated a sufficient length of time to provide a supply of air adequate enough to dilute render harmless and sweep away all smoke and noxious gases and an examination shall be made of all haulage roads traveling roads working places and other places in which accumulations of gas or smoke might endanger the safety of the workmen before the men are allowed to enter the mine

Section 1224 All inlet and outlet airways shall be kept free from all obstructions and in fit state to be traveled and inspected at all times

Section 1225 Any person or persons who shall neglect or fail to comply with the provisions of this article or who shall make any false report in regard to air measurements shall be guilty of an offense against this act

ARTICLE XIII

Underground Buildings

Section 1301 All Buildings inside of any anthracite coal mine in Pennsylvania including engine-houses pumphouses stables et cetera shall be constructed of incombustible material and no temporary buildings of any character in any mine shall be constructed unless they are constructed of incombustible material

Section 1302 Any owner operator or superintendent of a coal mine failing to comply with this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of one hundred dollars ($100.00) or undergo imprisonment in the county jail for a period of ten (10) days or both at the discretion of the court

ARTICLE XIV

Classification of Mines or Sections Thereof with Reference to Combustible Gas

Section 1401 All anthracite mines or sections thereof shall be classed as A B or C as hereinafter provided

Section 1402 A Class A mine or section thereof shall be considered one in which seven one-hundredths (7/100) of one per cent of combustible gas or less is found Such mine or section thereof shall be considered non-gaseous

Section 1403 A Class B mine or section thereof shall be considered one in which more than seven one-hundredths (7/100) of one per cent and less than five-tenths (5/10) of one per cent of combustible gas is found

Section 1404 A Class C mine or section thereof shall be considered one in which five-tenths (5/10) of one per cent or more of combustible gas is found

Section 1405 Examinations to determine the classification of mines or sections thereof shall be made by the operator or his representative every six months at the faces of the first and last working places on a split and the average of the tests shall be the determining factor Tests shall be made by use of a methane detector approved by the United States Bureau of Mines or by chemical analysis

Section 1406 The ventilation must have been stopped or short-circuited for at least fifteen minutes when the aforesaid examinations are made and the results recorded and a copy of the same shall be sent to the inspector of the district within ten days after such examination

Section 1407 The classification of a section of a mine as "A" "B" or "C" does not of necessity place the whole mine in that class

Section 1408 If one-fourth (¼) of an inch gas cap can be seen on the flame of an approved safety lamp it shall be assumed that the air contains at least one and one-half (1½) per cent of combustible gas

Section 1409 No mine or section thereof shall be considered as belonging to a less hazardous class than the one to which it formerly belonged without permission from the inspector of the district

ARTICLE XV

Use of Electricity

Section 1501 All electrical apparatus and conductors shall be so installed and protected as to reduce danger from shock or fire to a minimum

Section 1502 No higher voltage than medium (650) shall be taken underground except for transmission or for application to transformers or other apparatus in which the whole of the high voltage circuit is stationar

Section 1503 When high voltage cables are taken into the mine through bore holes shafts slopes and other traveling-ways to an underground station from which point low or medium voltage may be conveyed said cables shall be so constructed as to reduce the hazards of accidental shock to a minimum

Section 1504 In gaseous mines (C class) high voltage transmission cables shall be installed in the intake airways or in bore holes provided such bore holes are in or connected to intake airway unless specific permission to install high voltage cables has been given by the inspector in writing and in response to a specific written request

High voltage motors and transformers if used in a mine shall be installed only in underground stations ventilated by intake air which has not passed through a gaseous district

Section 1505 Gloves and mats of rubber or other suitable insulating material shall be provided and used by persons when making repairs to live parts of any electrical apparatus or when live parts of electrical apparatus have to be handled for the purpose of adjustment Provided That this section shall not apply to electric signal circuits

Section 1506 Instructions shall be posed in every generating transforming and motor room containing directions as to the restoration of persons suffering from electric shock

Section 1507 In underground stations where switchboards are installed there shall be a passageway in front of the switchboard not less than three (3) feet in the clear The rear of said switchboard must be fenced off so that there is no passageway in the rear or if this be impracticable any such passageway must be three (3) feet in the clear

When medium voltage is used insulating floors or mats shall be provided where live metal work is on the front of the board When high voltage is used unless installed in a locked room to which only authorized persons are admitted all live metal parts on the front of the main switchboard within seven (7) feet of the floor or platform shall be guarded so as to prevent persons from coming in contact with such live parts The floor back of the board shall be made of incombustible material Provided however that this section does not apply to switchboards now in service or extensions thereof

Section 1508 Fire buckets filled with clear dry sand or other standard extinguishers for electrical fires shall be kept in underground stations ready for immediate use in extinguishing fires

Section 1509 Medium or low pressure conductors may not be bare in gaseous portions (C class) of the mines This rule is not to include trolley wire except where hereinafter provided

Section 1510 At all landings and partings where men are required to work regularly or pass under trolley or other bare power wires which are placed less than six and one-half (6½) feet above the top of the rail a suitable protection shall be provided This protection may be afforded by channeling the roof placing boards along the wires which shall extend below them or the use of other approved devices that afford protection

Section 1511 All underground power wires and cables in hoisting shafts or manway compartments shall be highly insulated and substantially fixed in position On main haulage roads all cables and other wires except trolley wires and D C feeder wires when mounted on the same supports shall be kept at least twelve (12) inches away from any part of the mine car or locomotive

Section 1512 Trailing cables in use shall be examined daily by the machine operator for abrasions and other defects and he shall report any defect to the mine foreman or his assistant and it shall be immediately remedied or the cable put out of service

Section 1513 All points at which a circuit other than a signal circuit has to be made or broken shall be provided with proper switches The use of hooks or other makeshifts are prohibited except that connection for gathering locomotives or locomotives and machines used in driving headings or chambers may be made to the trolley wire by means of suitable hooks

Section 1514 In any gaseous portion of a mine (B and C class) a coal-cutting machine shall not be brought beyond the last cross-cut next the working face until the machine man shall have made an inspection for gas or until such examination shall have been made by some other competennt person If any explosive gas is found in the place the machine shall not be taken in

Section 1515 No coal-cutting machine shall be continued in operation in a gaseous portion of a mine (C class) for a longer period than half an hour without an examination being made for gas and if gas is found the current shall at once be switched off and the machine and the trailing cable shall worthwith be disconnected from the power supply

Section 1516 The person in charge of a coal-cutting machine loading machine or drilling machine shall not leave the machine while it is working and shall before leaving the working place see that the current is cut off from the trailing cables In any gaseous portion of a mine (C class) if an electric spark or arc be produced by the cable or rails the defect shall be immediately reported to the mine foreman or his assistant and the condition remedied without delay

Section 1517 In any gaseous portion of a mine (C class) any gangway airway or other working which is served by cars being pushed to the face of it must not have any trolley wire therein closer than one hundred and fifty (150) feet from its face No modification of this rule shall be allowed unless the mine inspector of the district be first consulted and his permission obtained to make such modification A trailing cable is permitted in all such cases

No electric haulage motor shall be taken to the face of any working place in any gaseous portion of a mine (B or C class) in the absence of the men working in such place until it is first examined by a competent person and found to be safe

Section 1518 In no case shall the potential used in the trolley system be higher than low voltage Provided That this section shall not apply to trolley systems now in service or extensions thereof

Section 1519 No electrical equipment shall be operated in that part of any mine in which more than one and one-half (1½) per cent of combustible gas can be detected and all work must be stopped except such as may be necessary to reduce the percentage content to one and one-half or less

Section 1520 In gaseous mines (B class) open lights and electric lamps are permissible provided a flame safety lamp approved by the Department of Mine is used for testing purposes Such safety lamps shall be as far as practicable kept near the roof of the working face

It shall not be assumed that a mine or portion thereof is gaseous because of the partial or exclusive use of electric cap lamps

Section 1521 In each part of all gaseous mines (C class) no light other than a locked safety lamp or a locked safety lamp and electric cap lamp both of a type which shall be first approved by the Department of Mines shall be allowed or used in such part Whenever safety lamps or electric cap lamps are required in any mine or part thereof they shall be the property of the owner of said mine and a competent person who shall be appointed for the purpose shall examine every safety lamp and electric cap lamp before it is taken into the workings for use and he shall ascertain that all safety lamps are clean safe and securely locked and safety lamps and electric cap lamps shall not be used until they have been so examined and found safe and in the case of safety lamps clean and securely locked

Section 1522 No one except a duly authorized person shall have in his possession a key or any other contrivance for the purpose of unlocking any safety lamp in any gaseous mine where locked safety lamp or electric cap lamps are used It shall be unlawful for any person or persons working in gaseous mines (C class) or portion of a gaseous mine (C class) which is worked by locked safety lamps or locked safety lamps and electric cap

lamps to carry into the mine matches smokers' articles or any other material or articles mhich may cause fire To prevent such articles being carried into a dangerous mine or section thereof the mine foreman when he sees fit shall cause a search of the men for such articles

Section 1523 In ay gaseous portion of a mine (C class) except such parts as are ventilated by pure intake air incandescent lamps shall be protected by gas tight fittings of strong glass

Section 1524 All shot firing in gaseous mines or sections of mines (C class) shall be done by the use of an electric battery approved by the Bureau of Mines and furnished free of charge by the owner or operator of such mine No black powders shall be used in such mines

Section 1525 No shot firing unit shall be connected to the shot firing leads until all other connections preparatory to the firing of shots have been completed and all persons have moved to a place of safety

Section 1526 In any gaseous portion of a mine (C class) the potential used for signaling purposes shall not exceed twenty-four (24) volts and bare wires shall not be used for signal circuits except in intake air currents

Section 1527 Where electric transformers are located on the outside and mounted on steel structures there shall be provided proper walkways or platforms so that examinations or inspections of the same can be made All transformers within eight (8) feet of the ground shall be protected by fencing such fencing to be of a height that will prevent persons from inadvertently coming in contact with same

Section 1528 At all surface plants of collieries and in all mines where electric power is used adequate switches shall be provided at the points where it may be necessary to turn power on or off Such switches except high voltage air break and disconnecting switches and those on D C feeder or on trolley circuits shall be so arranged that they can be operated only from and without the box when the latter is completely closed

Section 1529 Any person or persons failing to comply with the provisions of this article shall be guilty of an offense against this act and upon conviction shall be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) or undergo imprisonment for thirty (30) days in the county jail or both at the discretion of the court

ARTICLE XVI

Inquests

Section 1601 If whenever death occurs from an accident in or about an anthracite coal mine of this Commonwealth and after an examination of such accident the mine inspector finds an inquest should be held he shall notify the coroner to hold such inquest without delay and if no inquest be held by the coroner within forty-eight (48) hours after such notice the inspector shall institute a further and fuller examination of such accident and for this purpose he shall have power to compel the attendance of witnesses at such examination and to administer oaths and affirmations to persons testifying thereat The inspector shall make a record of all such investigations and accidents which record shall be preserved in his office The cost of such investigations shall be paid by the Department of Mines in like manner as other costs are now paid

Section 1602 An inquest held by the coroner upon the body of a person killed by explosion or other accident shall be adjourned by the coroner if the inspector of mines be not present to watch the proceedings and the coroner in such case shall notify the inspector in writing of such adjourned inquest and the time and place of holding the same at least three (3) days previous thereto

Section 1603 Due notice of an intended inquest to be held by the coroner shall be given by the coroner to the inspector and at any such inquest the mine inspector and any representaive of a party in interest shall have the right to examine witnesses and read the law governing the case to the coroner's jury

Section 1604 If at any inquest over the body or bodies of persons whose death was caused by an accident in or about a mine or colliery the inspector cannot be present to watch the proceedings the coroner may proceed with such inquest and if it is shown by the evidence given at the inquest that the accident was caused by neglect or by any defect in or about the mine or colliery which in the judgment of the jury requires a remedy the coroner shall send notice in writing to said inspector of such neglect or default

Section 1605 No person who is interested personally nor a person employed in the mine or at a colliery in or at which loss of life has occurred by accident shall be qualified to serve on a jury empaneled on the inquest and a constable or other officer shall not summon such a person so disqualified as a juror but the coroner shall empanel a majority of the jury from miners who are qualified to judge of the nature of the accident

ARTICLE XVII

Medical Rooms and First Aid Treatment

Section 1701 It shall be unlawful to operate any anthracite mine in the State of Pennsylvania employing more than five persons unless said mine is provided with a sufficient quantity of medical supplies bandages linens splints woolen and water-proof blankets The mine foreman or his assistance shall keep a record showing the required articles on hand Said articles shall be stored in rooms erected at a convenient place in the mine and on the surface which rooms shall not be less than eight by twelve feet and sufficiently furnished lighted clean and ventilated so that therein medical treatment may be given injured employes in case of emergency The furnishings shall be sufficient to accommodate two or more persons in a reclining and sitting posture In mines where five (5) men or less are employed there shall be kept at such mines first aid kits so that first aid to the injured may be rendered in case of necessity

Section 1702 The neglect or refusal to perform the duties required to be performed by this article or the violation of any of the requirements hereof shall be deemed a misdemeanor and shall upon conviction thereof in the Court of Quarter Sessions of the county wherein the misdemeanor was committed be punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment in the county jail for a period not exceeding six months (6) or both at the discretion of the court

ARTICLE XVIII

Regulating Weights of Explosives

Section 1801 On and after the passage of this act each and every keg or box of explosives used manufactured or sold in or around the anthracite coal mines of this Commonwealth shall have clearly stamped upon it the name of the person firm or corporation manufacturing said explosives the percentage strength of such explosives and also the number of pounds of explosives contained in said keg or box

Section 1802 Any manufacturer or dealer in said explosives making or selling or causing to be made or sold any keg or box of said explosives containing less weight than shall be shown as stamped upon the keg or box shall be subject to a penalty of five dollars ($5.00) for each and every keg or box of said explosives manufactured or sold which does not contain the respective weights as set forth in the foregoing section

Section 1803 It shall not be lawful for any other person firm or corporation except the person firm or corporation whose name shall be stamped on said keg or box to use any such stamped keg or box for the purpose of containing explosives

Section 1804 Any person firm or corporation violating the provisions of section one thousand eight hundred three of this article shall be subject to a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00)

ARTICLE XIX

Recovery of Bodies of Entombed Workmen

Section 1901 Whenever any workman or workmen shall heretofore have been or shall hereafter be enclosed

entombed or buried in any anthracite coal mine in this Commonwealth it shall be the duty of the court sitting in equity in the county wherein such workman or workmen are enclosed entombed or buried upon the petition of any of the relatives of those enclosed or buried to make an order of court for the petitioner to take testimony in order that the court may ascertain whether such workman or workmen or the body or bodies of such workman or workmen can be recovered or taken out of said mine

Section 1902 If after full hearing it shall appear to the court that such undertaking is feasible or practicable said court may forthwith issue a peremptory mandamus to the owner or owners lessee or lessees operator or operators of such coal company to forthwith proceed to work for and recover and take out the body or bodies of such workman or workmen and said court shall have full authority to enforce such peremptory mandamus in the manner already provided for the enforcement of such process

ARTICLE XX

Records of Coal Loaded by Miners

Section 2001 At every anthracite coal mine in this Commonwealth where coal is mined and paid for by the car a record of all cars of coal mined shall be kept at the miners' chutes or at the most convenient and practical of said chutes where said coal is loaded in cars which record shall be the final basis in computing the miners' earnings per car without any deduction for any slate or other refuse that may be loaded on said car or cars in the usual and natural course of mining and loading coal and which record shall be open at all times for the inspection of all miners

Section 2002 Any individual firm or corporation violating any of the provisions of section two thousand one shall be guilty of a misdemeanor and upon conviction shall for each offense be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) Provided That nothing contained in this article shall affect any existing contract

Section 2003 Any person who wilfully shall from any loaded coal car in or about any mine breaker or yard in this Commonwealth take remove sever carry away obliterate or destroy any ticket card tin-slip or other device or sign used to indicate or identify the person or persons to whom credit or pay is or shall be due for the mining of the coal in said car or for the loading of said car for the purpose of depriving such person or persons from getting credit or pay for said car or for the purpose of defrauding such person in any manner shall be deemed guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine not exceeding one hundred dollars ($100.00) or to undergo imprisonment not exceeding one (1) year either or both at the discretion of the court and the jury trying the case may infer such intent from the fact of taking removing carrying away severing or destroying in any manner of such ticket card in-slip or other device or sign as aforesaid

ARTICLE XXI

Wash Houses

Section 2101 It shall be the duty of the owner operator or superintendent of each mine or colliery at the request in writing of twenty (20) or more men employed in any of the mines to provide a suitable building not an engine or boiler house which shall be convenient to the principal entrance of such mine for the use of the persons employed for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom The said building shall be maintained in good order be properly lighted and heated and supplied with pure cold and warm water and shall be provided with facilities for persons to wash It shall be the duty of the owner operator or superintendent of each mine or colliery to maintain proper attendents continuously at each and every wash house in order to maintain the wash house in a clean and sanitary condition at all times If any person or persons shall neglect or fail to comply with the provisions of this article or maliciously injure or destroy or cause to be injured or destroyed the said building or any part thereof or any of the appliances or fittings used for supplying light heat and water therein or any act tending to the injury or destruction thereof he or they shall be deemed guilty of an offense against this act

ARTICLE XXII

Ambulances and Stretchers

Section 2201 The owner operator or superintendent of every mine or colliery except as hereinafter provided shall provide and keep at such mine or colliery a motor ambulance and also at least two (2) stretchers for the purpose of conveying to their places of abode any person or persons who may be injured while in the discharge of his or their work at such mine or colliery

Section 2202 The said motor ambulance shall be constructed upon good substantial and easy springs It shall be covered and closed and shall have windows on the sides or ends It shall be of sufficient size to convey at least two (2) injured persons with two (2) attendants at one time and shall be provided with spring mattresses or other comfortable bedding to be placed on roller frames together with sufficient covering and protection for the convenient movement of the injured It shall also be provided with seats for the attendants The stretchers shall be constructed in such manner as to afford the greatest ease and comfort in the carriage of injured persons The motor ambulance shall at all times be properly heated

Section 2203 Whenever any person or persons employed in or about a mine or colliery shall receive such injury by accident or otherwise while so employed as would render him or them unable to walk to his or their place of abode the owner operator or superintendent of such mine or colliery shall immediately cause such person or persons to be removed in said motor ambulance to his or their place of abode or to a hospital as the case may require Provided however That were two or more mines or colliers are located within four miles of each other or a motor ambulance is located within four miles of each colliery but one motor ambulance as aforesaid shall be required if said mines or collieries have ready and quick means of communication one with the other by telegraph or telephone

Section 2204 A motor ambulance as aforesaid shall not be required at any mine or colliery at which less than twenty (20) persons are employed

Section 2205 In case the distance from any mine or colliery to the place of abode of the person injured is such as to permit his conveyance to his home or to a hospital more quickly and conveniently by railway such mode of conveyance shall be permitted but in such case the conveyance must be under cover and the comfort of the injured person must be provided for

Section 2206 There shall be furnished free of charge by the State Highway Department a registration certificate and two number tags for every such motor ambulance

ARTICLE XXIII

Employment of Boys and Females

Section 2301 No woman or girl of any age shall be employed or permitted to be in any mine for the purpose of employment therein nor shall a woman or girl of any age be employed or permitted to be in or about the outside structures or workings of a mine or colliery for the purpose of employment Provided however That this prohibition shall not affect the employment of a female of not less than sixteen (16) years of age in an office or in the performance of clerical work at a colliery

Section 2302 No minor under sixteen (16) years of age shall be employed or permitted to work in about or in connection with any breaker or any outside part of any mine or colliery No minor under eighteen (18) years of age shall be employed to be permitted to work inside any coal mine No minor under eighteen (18) years of age shall be employed or permitted to work about or in connection with the outside part of any mine or col-

liery in the operation of hoisting machines at oiling or cleaning machinery in motion at switch-tending and gate-tending at track repairing or in any other dangerous occupation

Section 2303 Before any person under twenty-one (21) years of age shall be permitted to work in or about any mine or colliery he shall first file with the employer a statement properly sworn to before a magistrate or other proper officer setting forth the date and place of birth and post office address Such statements shall be filed in the colliery office and they shall be available at all times for inspection by the mine inspector of the district or other authorized inspectors or officers charged with the enforcement of this act

Section 2304 Any person who shall violate any of the provisions of this article shall upon conviction thereof be sentenced to pay a fine of not less than ten dollars ($10.00) nor more than two hundred dollars ($200.00) or to undergo an imprisonment of not more than ten (10) days or both at the discretion of the court

ARTICLE XXIV

Soliciting Money or Other Valuables from Employes

Section 2401 On and after the passage of this act any mine superintendent mine foreman or assistant foreman or any other person or persons who shall receive or solicit any sum of money or other valuable consideration from any of his or their employes for the purpose of continuing in his or their employ or for the purpose of procuring employment shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00) or undergo an imprisonment of not less than six (6) months or both at the discretion of the court

ARTICLE XXV

Duties of Outside Foremen

Section 2501 The owner operator or superintendent of a colliery shall place a competent person to be called an "outside foreman" in charge of the breaker and outside work of such colliery who shall direct and see that the provisions of this act are complied with in respect to the breaker outside machinery ropes cages and all other things pertaining to the outside work unless otherwise provided for in this act

Section 2502 Whenever an outside foreman cannot personally carry out the provisions of this act so far as they pertain to him the owner operator or superintendent shall authorize him to employ a sufficient number of competent persons to act as his assistants who shall be subject to his orders

Section 2503 In all coal breakers where the coal dust is so dense as to be injurious to the health of persons employed therein the owner operator or superintendent of said breaker shall upon the request of the inspector immediately adopt measures for the removal of the dust

Section 2504 It shall be the duty of the outside foreman of a colliery or his assistant to inspect and examine personally all machinery in breakers and in all other places where machinery is used for the preparation or storage of coal He shall see that all dangerous machinery rolls pulleys screens belts walks etc are properly protected by coverings railings or fencing so as to prevent persons from inadvertently walking against or falling upon the same

Section 2505 All hoisting ropes safety catches main links and chains shall be carefully examined each day they are used by a competent person delegated by the outside foreman to make such examination A record of any defects found therein by which life or limb may be endangered shall be made in a book and signed by the person making it and said book shall be kept in the colliery office where it shall be available for inspection by the inspector of the district

Section 2506 It shall be the duty of the outside foreman to have all iron hoisting chains main links sockets and slope couplings that are used to lower men into and hoist them from the mines annealed at least once every four (4) months and as much oftener as may be found necessary A record of such annealment shall be kept in a book and signed by the person in charge of the work Provided That this shall not apply to hoisting chains main links sockets and slope couplings that are made of modern heat treated steel

Section 2507 It shall be the duty of the outside foreman to have the motor ambulance kept in good working condition and to this end he shall have it inspected by a competent mechanic once every month and any defects found shall be immediately remedied A record of such motor ambulance inspection together with its condition shall be made in a book and signed by the person making the inspection

Section 2508 It shall be the duty of the outside foreman to keep in the colliery office all employment certificates of minors at which place they shall be open for inspection by the mine inspector of the district or by any other person authorized by law to inspect such certificates

Section 2509 It shall be the duty of the outside foreman to have all cages by which persons are hoisted or lowered in shafts tested for safety as often as once every three (3) months Whenever such test shows that a cage drops nine (9) inches or more or that other dangerous defects exist such cage shall not be further used until all defects therein found have been remedied

Section 2510 If at any time it is found by an employe that any part of the machinery in any breaker or about any colliery has become dangerous he shall immediately notify the foreman whose duty it shall be to have such defect or dangerous condition remedied without delay

Section 2511 The outside foreman shall see that a suitable safety device is installed on the railroad tracks that lead to the breaker and maintained in good working order to protect the loaders who may be loading railroad cars from the coal pockets All railroad car runners shall be provided with safety belts to prevent their falling off such cars

Section 2512 The outside foreman shall before the tenth day of each month send to the mine inspector of the district for the preceding month a report of the condition of all hoisting cages safety catches ropes main links chains breaker machinery motor ambulances or other machinery designating the condition of each by using the words "good" "fair" or "bad" as the case may be This report shall be signed by the outside foreman Such reports shall be made on forms furnished by the Department of Mines

ARTICLE XXVI

Breakers and Machinery

Section 2601 No inflammable structure shall be located over the entrance of any mine opening connecting the surface with the underground workings and no breaker or other inflammable structure for the preparation or storage of coal shall be located nearer than two hundred (200) feet to any mine opening provided that this section shall not apply to breakers and other structures that are now erected

Section 2602 The sides of stairs trestles and dangerous plank walls in and around the collieries shall be provided with hand and guard railings to prevent persons from falling over their sides This section shall not forbid the temporary removal of a fence guard-rail or covering for the purpose of repairs or other operations if proper precautions are used and the fence guard rail or covering is replaced immediately thereafter

Section 2603 All persons employed to operate machinery in and about the breaker other than that used to lower and hoist persons into and out of the mines shall be sober and competent persons not less than eighteen (18) years of age

Section 2604 A signal apparatus shall be established at important points in every breaker so that in case of an accident the engineer can be promptly notified to stop the machinery

Section 2605 No person under eighteen (18) years of age shall be appointed to oil the machinery and no person shall oil dangerous parts of such machinery while it is in motion

Section 2606 No person shall play with loiter around or interfere with any machinery in or about any mine or colliery

Section 2607 The main link of the chain connecting the rope to the cage gun-boat or car in any shaft or slope shall be made of the best quality of iron or of heat treated steel Bridle chains made of the same quality of iron or heat treated steel shall be attached to the main link rope or rope socket from the cross head of the cage gun-boat or car when persons are being lowered or hoisted thereon

Section 2608 An efficient brake shall be attached to every drum that is used for lowering or hoisting persons or material in any mine

Section 2609 Flanges or horns of sufficient dimensions to prevent the rope from slipping off the said drums shall be provided and properly attached to the drum and all machines used for lowering or hoisting persons in mines shall be provided with an indicator to show the position of the cage car or gun-boat in the shaft or slope

Section 2610 It shall be the duty of the owner operator or superintendent of any or all coal breakers to have them properly heated and lighted in order to prevent injury to the health of persons employed therein

ARTICLE XXVII

Hoisting Engineers

Section 2701 No person engaged as hoisting engineer at or about the anthracite coal mines of this Commonwealth part of whose duties it to lower men and boys into and hoist them and coal from the said mines shall be engaged for a longer period than eight (8) hours out of each day of twenty-four (24) hours

Section 2702 An engineer placed in charge of an engine whereby persons are hoisted or lowered in any mine shall be a sober and competent person of not less than twenty-on (21) years of age

Section 2703 Every engineer shall work his engine slowly and with great care when any person is being lowered or hoisted in a shaft or slope and no one shall interfere with him while in the performance of this duty

Section 2704 An engineer who has charge of the hoisting machinery by which persons are lowered or hoisted in a mine shall be in constant attendance for that purpose during the whole time any person or persons are below ground

Section 2705 Any person persons firm partnership corporation or their agents managers or superintendents violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100.00)

ARTICLE XXVIII

Boilers and Connections

Section 2801 All boilers used for generating steam in and about mines and collieries shall be kept in good order and the owner operator or superintendent shall have them examined and inspected by a qualified inspector properly certified by the Commonwealth as often as once in six (6) months and oftener if necessary The result of such examination under oath shall be certified in writing to the inspector for the district within thirty (30) days thereafter

Section 2802 It shall not be lawful to place any boiler or boilers for the purpose of generating steam under or nearer than one hundred (100) feet to any coal breaker or other structure in which persons are employed in the preparation of coal Provided That this section shall not apply to boilers or breakers already erected or to boilers used for heating purposes only

Section 2803 Each nest of boilers shall be provided with a safety valve of sufficient area for the steam to escape and with weights or springs properly adjusted

Section 2804 Every boiler house shall be provided with a steam gauge properly connected with the boilers to indicate the steam pressure and another steam gauge shall be attached to the steam pipe in the engine house and they shall be placed in such position that the engineer or fireman can readily examine them and see what pressure is carried Such steam gauges shall be kept in good order tested and adjusted as often as once in every six (6) months and their condition reported to the inspector in the same manner as the report of boiler inspection

Section 2805 Every fireman in charge of a boiler or boilers for the generation of steam shall keep constant watch over the same He shall see that the steam pressure does not at any time exceed the limit allowed by the outside foreman or superintendent He shall frequently try the safety valve and shall not increase the weight on the same He shall maintain a proper depth of water in each boiler and if anything should happen to prevent this he shall report the same without delay to the foreman for the time being in charge and take such other action as may under the particular circumstances be necessary for the protection of life and preservation of property

ARTICLE XXIX

Props and Timbers

Section 2901 It shall be the duty of the owner operator superintendent or mine foreman of any mine to furnish to miners all props cap pieces ties rails timbers and other materials necessary for the safe mining of coal suitably prepared and delivered to the workmen as near to their working places as they can be conveyed in ordinary mine cars free of charge and where the mine car cannot reach the foot of a working place such material shall be conveyed there by other means

Section 2902 Every workman in want of props ties rails or timbers shall notify the mine foreman or his assistant of the fact at least one day in advance giving the length of the props or timber required and in case of danger from loose roof or sides he shall not continue to cut or load coal until the said props and timber have been properly furnished and the place made secure

Section 2903 No person or persons working in any coal mine or colliery shall cut any props or timbers while the same are in position to support the roof or sides When it becomes necessary to remove any of the said props or timbers for any purpose it may be done by using prop or post pullers or by blasting

ARTICLE XXX

Returns and Notices

Section 3001 Notices of death or serious injuries resulting from accidents in or about mines or collieries shall be made to the inspector of mines in writing and shall specify the name age occupation of the person killed or injured and also the nature and character of the accident and of the injury caused thereby

Sertion 3002 The owner operator or superintendent of a mine or colliery shall without delay give notice in writing to the inspector of the district in which said mine or colliery is situated in any or all of the following cases

First Where any working is commenced for the purpose of opening a new slope or mine to which this act applies

Second Where any mine is abandoned or the workings thereof discontinued

Third Where the working of any mine is recommenced after any abandonment or discontinuance for a period exceeding two (2) months

Fourth Before any new coal breaker is completed and work commenced therein for the purpose of preparing coal for market

Fifth Where the pillars of a mine are to be removed or robbed

Sixth Where a squeeze or crush or any other cause or change may seem to affect the safety of persons employed in any mine or where fire occurs or a dangerous body of gas is found in any mine

Section 3003 On or before the second day of each month the owner operator or superintendent of every mine or colliery shall send to the mine inspector of the district for the preceding month an estimate of the number of days worked tons produced and the number of men employed

Section 3004 On or before the first day of February in each year the owner operator or superintendent of every mine or colliery shall send to the inspector of the district a correct report specifying with respect to the year ending December thirty-first previously the name of the operator and officials of the mine with their post-office addresses the quantity of coal mined the amount of powder or other explosives consumed and the number of persons employed above and below ground in or about such colliery classifying the persons so employed The report shall be in such form as may be from time to time prescribed by the Secretary of Mines Blank forms for such report shall be furnished by the Commonwealth

ARTICLE XXXI

General Rules

Section 3101 The owner operator and superintendent of a mine or colliery shall use every precaution to insure the safety of the workmen in all cases whether provided for in this act or not and shall have supervision direction and control of the mine foreman and all other mine employes

Section 3102 Whenever a place is likely to contain a dangerous accumulation of water the working approaching such place shall not exceed twelve (12) feet in width and there shall be constantly kept at a distance of not less than twenty (20) feet in advance at least one (1) bore hole near the center of the working and sufficient flank bore holes on each side

Section 3103 Not more than ten (10) persons shall be hoisted or lowered at any one time in any shaft or slope and whenever five (5) persons shall arrive at the bottom of any shaft or slope in which persons are regularly hoisted or lowered they shall be furnished with an empty car or cage and be hoisted except however in mines where there is provided a traveling way having an average pitch of fifteen (15) degrees or less and not more than one thousand (1000) feet in length This however shall not prohibit the hoisting or lowering of twenty (20) persons at one time on slopes where two (2) or more loaded cars are regulaly hoisted Provided That not less than thirty (30) workmen working therein make such a request in writing to the inspector of the district and if in his judgment the hoisting appliances in every respect are of sufficient strength he may comply with the request of the workmen And provided further That in any coal mine or colliery where the hoisting appliances are not of sufficient strength to hoist or lower the number of persons named he shall have the power to reduce the number of persons to be hoisted or lowered

Section 3104 When high explosives other than gunpowder are used in any mine the manner of storing keeping moving charging and firing or in any manner using such explosives shall be in accordance with special rules as furnished by the manufacturers of the same The said rules shall be endorsed with his or their official signatures and shall be approved by the owner operator or superintendent of the mine in which such explosives are used

Section 3105 Every passageway used by persons in any mine and also used for transportation of coal or other material shall be made of sufficient width to permit persons to pass moving cars with safety but if found impracticable to make any passageway of sufficient width then holes of ample dimensions and not more than one hundred and fifty (150) feet apart shall be made on one side of said passageway The said passageway and safety holes shall be kept free from obstructions and shall be well drained the roof and sides of the same shall be made secure

Section 3106 When locomotives are used in haulage ways in any mine their speed shall not exceed six (6) miles per hour and a red light shall be provided and attached to the front end of every train of cars pushed by the locomotive in any such haulage ways No locomotive shall be permitted to be used in any mine or colliery unless it is manned by two or more men

There shall also be provided a red light to be attached to the rear of every train of cars that is pulled by a locomotive in the main haulage ways of any mine

Section 3107 Any person or persons who shall knowingly or wilfully damage or without proper authority remove or render useless any fencing means of signaling apparatus instrument or machine or shall throw open or obstruct any airways or open a ventilating door and not have the same closed or enter a place in or about a mine against caution or handle without proper authority or disturb any machinery or cars or do any other act or thing whereby the lives or health of persons or the security of the property in or about a mine or colliery is endangered shall be guilty of an offense against this act

Section 3108 When cars are run on gravity roads by brakes or sprags the runner shall ride only on the rear end of the last car and when said cars are run by sprags a space of not less than two (2) feet from the body of the car shall be made on one or both sides of the track wherever it may be necessary for the runner to pass along the side of the moving car or cars and said space or passageway shall always be kept free from obstructions

Section 3109 Safety holes shall be made at the bottom of all slopes and planes and be kept free from obstruction to enable the footman to escape readily in case of danger Such safety holes shall be properly heated in cold weather

Section 3110 Safety blocks or some other device for the purpose of preventing cars from falling into a shaft or running away on a slope plane or all other inclined tracks on which it may be necessary to block cars shall be placed at or near the head of every shaft slope plane or inclined track and said safety blocks or other device must be maintained in good working order

Section 3111 No person shall travel on any gravity plane while cars are being hoisted or lowered thereon Whenever ten (10) persons arrive at the bottom or top of any plane on which it is necessary for men to travel traffic thereon shall be suspended for a period of time long enough to permit them to reach the top or bottom of said plane

Section 3112 No mine cars shall be used in any mine unless the bumpers are of sufficient length and width to keep the bodies of said cars separated by not less than twelve (12) inches when the cars stand on a straight level road and the bumpers touch each other

Section 3113 For the purpose of making known the rules and the provisions of this act to all persons employed in or about such mine or colliery to which this act applies an abstract of the act and rules shall be posted up in legible characters in some conspicuous place or places at or near the mine or colliery where they may be conveniently read by the persons employed and so often as the same become obliterated or destroyed the owner operator or superintendent shall cause them to be renewed with all reasonable dispatch Any person who pulls down injures or defaces such abstract of the act or rules when posted up in pursuance of the provisions of this act shall be guilty of an offense against this act

Section 3114 Holes drilled for blasting purposes shall be stemmed to the mouth of the holes and in case of a misfire no stemming or charge shall be removed from such hole but another hole shall be drilled at least eighteen (18) inches from and parallel to the original hole Provided however That where an efficient sealing device is used stemming to the mouth of the hole shall not be necessary and in case of misfire in such sealed holes a second charge may be inserted to explode or destroy the original charge

Section 3115 A gangway or other working place from which chambers are driven or long wall mining is done in a low coal seam shall have a traveling way on one side of same at least three (3) feet wide and five (5) feet high Chambers or other places driven from such gangways shall not be more than three hundred (300) feet long unless provided with a traveling way at least three (3) feet wide and three and one-half (3½) feet high

Section 3116 It shall not be lawful for any mine foreman or superintendent of any mine or colliery to employ any person who is not competent to understand the regulations of any mine evolving combustible gas Provided That this rule shall not apply to a section of a mine free from combustible gas

Section 3117 Any superintendent or mine foreman who

prevents the footman from giving an empty car or cage to the number of men designated in section three thousand one hundred three shall be guilty of an offense against the provisions of this article and upon conviction shall be sentenced to pay a fine of fifty dollars ($50.00) for each offense An empty trip shall be hoisted in any shaft or slope where the engine has been standing idle for one hour or more before men are hoisted or lowered in said shafts or slops and no person or persons shall ascend any shaft or slope when working on the night turn until one trip shall first be hoisted therein

Section 3118 When compressed air lines are located in close proximity to electric currents there shall be placed in such air lines at suitable places a safety section of rubber hose of not less than twelve (12) inches in length and of sufficient strength to withstand the air pressure contained in the pipe line Such safety device must be approved by the inspector of the district

Section 3119 In all stripping work which may be in connection with other sections of a mine and in which large charges of high explosives are being used sufficient warning must be given to the mine officials so that all men in the mine may be removed from the danger zone before such blasts are fired in any such strippings

ARTICLE XXXII

Definition of Terms

Section 3201 In this act unless the context otherwise requires the term "anthracite coal mine or colliery" includes every operation and work both under ground and above ground used or to be used for the purpose of mining and preparing coal and not included in the bituminous boundaries

Section 3202 The term "workings" includes all the excavated parts of a mine those abandoned as well as the places actually at work

Section 3203 The term "mine" includes all underground workings and excavations and shafts tunnels and other ways and openings also all such shafts slopes tunnels and other openings in course of being sunk or driven together with all roads appliances machinery and material connected with the same below the surface

Section 3204 The term "shaft" means a vertical opening through the strata and which is or may be used for the purpose of ventilation or drainage or for hoisting men or material in connection with the mining of coal

Section 3205 The term "slope" means any inclined way or opening used for the same purpose as a shaft

Section 3206 The term "breaker" means the structure containing the machinery used for the preparation of coal

Section 3207 The term "coal stripping" means an open type of mine from which the soil and all other material overlying the coal seam has been removed Any seam of coal whose thickness is less than three and one-half (3½) feet shall be considered a low coal seam

Section 3208 The terms "owner" and "operator" mean any person or body corporate who is the immediate proprietor or lessee or occupier of any coal mine or colliery or any part thereof The term "owner" does not include a person or body corporate which merely receives a royalty rent or fine from a coal mine or colliery or part thereof or is merely the proprietor of the mine subject to any lease grant or license for the working or operating thereof or is merely the owner of the soil and not interested in the minerals of the mine or any part threof But any "contractor" for the working of a mine or colliery or part or district thereof shall be subject to this act as an operator or owner in like manner as if he were the owner

Section 3209 The term "superintendent" means the person who shall have on behalf of the owner general supervision of one or more mines or colleries

Section 3210 The term "mine foreman" means the person who shall have on behalf of the owner operator or superintendent charge of a mine with regard to the ventilation mining timbering and transportation of coal and the safety of the persons employed in the mine

Section 3211 The term "coal miner" means a person qualified by law to act as such and who cuts or blasts coal or rock at the face of a gangway airway breast or pillar or other working place in a mine and performs such other work as may be necessary in such working place for the extraction of coal

Section 3212 The term "booster fan" means a fan used to deliver the entire volume of one or more splits of air into the workings of the high resistance circuits

Section 3213 The term "auxiliary fan" means a fan used to deliver only a portion of the volume of the air in a split to the working face through tubing of some type

Section 3214 The term "non-gaseous mine or section thereof" means one in which not more than seven one-hundredths (7/100) of one percent of combustible gas can be found in the manner described in article fourteen of this act

Section 3215 The term "section of a mine" means any portion of such a mine that is being ventilated by one split of air

Section 3216 The term "person" means and includes any individual partnership association or corporation and any employe agent director or officer thereof

Definition of electrical terms

Section 3217 (a) Potential The terms "potential" and "voltage" are synonymous and mean electrical pressure

(b) Difference of Potential The term "difference of potential" means the difference of electrical pressure existig between any two points of an electrical system or between any piece of electrical apparatus and the earth as determined by a voltmeter

(c) Where the conditions of supply of electricity are such that normally the difference in potential between any points of the circuit cannot exceed three hundred and twenty-five (325) volts the supply shall be deemed a low voltage

(d) Where the conditions of the supply of electricity are such that the difference of potential between any two points in the circuit may at any time exceed three hundred and twenty-five (325) volts but cannot exceed six hundred and fifty (650) volts the supply shall be deemed a medium voltage

(e) Where the conditions of supply of electricity are such that the difference of potential between any two points in the circuit at any time exceeds six hundred and fifty (650) volts the supply shall be deemed a high voltage

(f) Grounding any part of an electrical system shall consist of so connecting such part to the earth as will insure at all times a proper path for the immediate discharge of electrical energy

(g) Underground stations as herein considered are places where electrical machinery including transformers are permanently installed

ARTICLE XXXIII

Arbitration

Section 3301 Whenever an inspector finds any mine or colliery or part thereof or any matter thing or practice connected with such mine which in any respect thereof is not covered or provided against by any provision of this act or by any rule to be dangerous or defective or which in his judgment tends to bodily injure a person he shall give notice thereof in writing to the owner operator or superintendent of such mine or colliery stating in such notice the particular matter or defect requiring remedy and may demand that the same be remedied but the owner operator or superintendent of said mine or colliery shall have the right to refer the demand of the inspector to a board of arbitration and the matter shall then be arbitrated within forty-eight (48) hours of the time such complaint or demand is made and the party against whom the award is given shall pay all costs attending the case The said board of arbitration shall be composed of three (3) persons one of whom shall be chosen by the inspector one by the said owner operator or superintendent and a third by the two thus selected and the decision of a majority of such board shall be final and binding in the matter

ARTICLE XXXIV

Injunctions

Section 3401 Upon application of the inspector of mines of the proper district acting in behalf of the Commonwealth any of the courts of law or equity having jurisdiction where the mine or colliery proceeded against is situated whether any proceedings have or have not been taken shall prohibit by injunction or otherwise the working of any mine or colliery in which any person is employed or is permitted to be for the purpose of working in contravention of the provisions of this act and may award such costs in the matter of the injunction or other proceedings as the court may think just but this section shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this act Written notice of the intention to apply for such injunction in respect to any mine or colliery shall be made to the owner operator or superintendent of such mine or colliery not less than twenty-four (24) hours before the application is made

ARTICLE XXXV

Penalties

Section 3501 Any person or persons who shall neglect or fail to comply with any of the provisions of Articles five (V) seven (VII) nine (IX) ten (X) eleven (XI) twelve (XII) fourteen (XIV) fifteen (XV) sixteen (XVI) twenty-one (XXI) twenty-two (XXII) twenty five (XXV) twenty-six (XXVI) twenty-eight (XXVIII) twenty-nine (XXIX) thirty (XXX) or thirty-one (XXXI) of this act shall be guilty of an offense against this act

Such offenses against this act are declared to be misdemeanors

Section 3502 Any judge of the Court of Quarter Sessions of the peace of the county in which a mine or colliery at which an offense against this act as hereinafter stated has occurred is situated is hereby authorized and required upon the presentation to him of the affidavit of any citizen of the Commonwealth setting forth that the owner operator or superintendent or any other person employed in or about such mine or colliery has been negligently guilty of an offense against the provisions of this act whereby a dangerous accident has resulted or might have resulted to any person or persons employed in such mine or colliery to issue a warrant to the sheriff of said county directing him to cause such person or persons to be arrested and brought before said judge who shall hear and determine the guilt or innocence of the person or persons so charged and if convicted he or they shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) in all cases not otherwise provided for in this act or to undergo an imprisonment in the county jail for a period not exceeding three (3) months or both at the discretion of the court Provided That any defendant may waive trial before a judge as herein provided and at any time at or before the time of such trial demand a trial by a jury in the Court of Quarter Sessions in which case he may enter into a recognizance before said judge with such surety or sureties and in such sum as said judge may approve conditioned for his appearance at the next Court of Quarter Sessions to answer the charge against him and abide the orders of the court in the premises meanwhile to be of good behavior and keep the peace or in default of such recognizance to be committed to the county jail to await such trial

Section 3503 If any person shall feel himself aggrieved by such conviction and sentenced before a judge as aforesaid he may appeal therefrom subject to the following conditions namely the appellant shall within seven (7) days after the decree has been made give notice to the prosecutor of his intention to appear and within the same time enter into a recognizance with such surety or sureties and in such sum as shall be approved by said judge conditioned to appear and try such appeal before the next Court of Quarter Sessions of the peace and to abide the judgment of the court thereon and to pay all such costs and penalties as may be there awarded and upon compliance with such conditions the judge shall release the appellant from custody pending the appeal

Section 3504 Nothing in this act shall prevent any person from being indicted or liable under any other act to any higher penalty or punishment than is herein provided and if the court before which any such proceeding is had shall be of the opinion that proceedings ought to be taken against such persons under any other act or otherwise it may adjourn the case to enable such proceedings to be taken

Section 3505 All fines imposed under this act shall be paid into the county treasury for the use of the county

Section 3506 No conviction or acquittal under this act in any complaint shall be received in evidence upon the trial of any action for damages arising from the negligence of any owner operator or superintendent or employe of any mine or colliery

Section 3507 For any violation of duty by the mine inspector prescribed by this act he shall be deemed guilty of a misdemeanor and upon conviction be sentenced to pay a fine of not more than three hundred dollars ($300.00) or be imprisoned for a period not exceeding three (3) months either or both at the discretion of the court

Section 3508 The mine foreman and assistant mine foreman and any person placed in charge of the works or any part thereof shall be the agents of the owners and operators and such owners and operators shall employ them and in discharge them at will

ARTICLE XXXVI

Effective Date

Section 3601 This act shall become effective immediately upon its final enactment Provided however That a period of six (6) months shall be allowed for mine owners operators or superintendents to adapt their mines to comply with the changes made in the existing law by this act and that this time may be extended by the Secretary of Mines for a further period not exceeding six (6) months upon sufficient cause being shown by the owners operators or superintendents of their inability to comply with the provisions of this act within the time herein specified

ARTICLE XXXVII

Repealer

Section 3701 Repeals The following acts and parts of acts of assembly are hereby repealed as respectively indicated

The act approved the ninth day of May one thousand eight hundred eighty-nine (Pamphlet Laws one hundred fifty-four) entitled "An act to provide for the recovery of the bodies of workmen enclosed buried or entombed in coal mines" insofar as it relates to anthracite mines

The act approved the second day of June one thousand eight hundred ninety-one (Pamphlet Laws one hundred seventy-six) entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and its amendments

The act approved the fifteenth day of June one thousand eight hundred ninety-seven (Pamphlet Laws one hundred fifty-seven) entitled "An act for the better protection of employes in and about the coal mines by preventing mine superintendents mine foremen and assistants from receiving or soliciting any sums of money or other valuable cosideration from men while in their employ and providing a penalty for violation of the same" insofar as it relates to anthracite mines

The act approved the twenty-ninth day of May one thousand nine hundred one (Pamphlet Laws three hundred forty-two) entitled "An act relating to anthracite mines and providing for the care and life and attention of employes injured in and about said mines" and its amendments

The act approved the twenty-eighth day of May one thousand nine hundred seven (Pamphlet Laws two hundred seventy) entitled "An act making the removing obliterating or destroying tickets cards tin-slip or other device used to indicate or to identify persons loading coal in cars from mine-cars a misdemeanor and providing penalty therefor" insofar as it relates to anthracite mines

The act approved the twenty-ninth day of April one

thousand nine hundred eleven (Pamphlet Laws one hundred two) entitled "An act to provide for the safety of persons employed in and about the anthracite coal-mines of this Commonwealth and to limit the hours of labor of hoisting-engineers employed at or about the same and fixing a penalty for the violation of this act"

The act approved the fifteenth day of June one thousand nine hundred eleven (Pamphlet Laws nine hundred seventy-nine) entitled 'An act to safeguard life in the coal mies of the Commonwealth of Pennsylvania and to protect and preserve the property connected therewith by providing that all inside buildings shall be constructed of incombustible material and providing for failure to comply with the terms of this act and making a violation thereof by mine superintendents as misdemeanor" insofar as it relates to anthracite mines

The act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand thirty-eight) entitled "An act requiring any individual firm or corporation mining anthracite coal in this Commonwealth where coal is mined and paid for by the car to keep a record of all coal mined at the miners' chutes where said coal is loaded in cars providing that said record shall be the final basis in computing the miners' earnings per car without any deduction for any slate or refuse that may be loaded in said car or cars in the usual and natural course of mining coal providing further that said record shall be open for the inspection of all miners and providing penalties for failure to comply with the provisions of this act"

The act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines"

All other acts or parts of acts inconsistent herewith are hereby repealed

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I just want to call the attention of the Republican members of the House to the fact that this is the Mine Code.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Habbyshaw,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer,	Hess,	O'Connor,	Thomas,
Bradley,	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshak,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—1.

Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2202, (Senate Bill No. 654), as follows:

An Act fixing the salary and compensation of the stenographer to the President of the Senate the clerk to the President Pro Tempore of the Senate the reading clerk of the House of Representatives and the Parliamentarian of the House of Representatives and authorizing the Speaker of the House of Representatives to appoint a secretary and fixing his salary

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the salary of the stenographer to the President of the Senate is hereby fixed at one thousand six hundred twenty dollars ($1,620) per annum the salary of the clerk to the President Pro Tempore of the Senate is hereby fixed at two thousand four hundred dollars ($2,400) per annum the compensation of the reading clerk of the House of Representatives is hereby fixed at two thousand five hundred dollars ($2,500) for each regular session and twelve dollars and fifty cents ($12.50) per diem for each special and extraordinary session and the salary of the Parliamentarian of the House of Representatives is hereby fixed at three thousand six hundred dallors $3,600) per annum The Speaker of the House of Representatives is hereby authorized to appoint a secretary at an annual salary of two thousand four hundred dollars ($2,400) per annum

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer,	Hess,	O'Connor,	Thomas,
Bradley,	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Chervenak,	Horting,	Pearson,	VanAlisburg,
Caesar,	Huntley,	Perry,	Van Sickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
			Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2430, (Senate Bill No. 776), as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions eliminating the office of business manager in State institutions under the Department of Welfare authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects making further provision for bid performance bonds of bidders for State contracts extending the scope of the work of the State Park Commission further regulating purchases made directly by departments boards and commissions requiring counties to pay compensation and expenses of special attorneys in criminal cases authorizing the Governor to grant commissions to State pilots providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth providing for the promulgation of rules and regulations by and enlarging the powers of the Department of Forests and Waters and the Water and Power Resources Board further regulating the maximum price that may be paid for land acquired for State forestry purposes prescribing the membership and powers and duties of the State Park Commission creating and prescribing the powers and duties of Regional State Park Boards eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor the Pennsylvania Game Commission eliminating the Public Service Commission of the Commonwealth of Pennsylvania and extending the provisions of the Code to its successor the Pennsylvania Public Utility Commission transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue the State Employes' Retirement Board from the Department of State to the Treasury Department and the State Board of Undertakers from the Department of Public Instruction to the Department of Health eliminating the State Aeronautics Commission the Pennsylvania Alcohol Permit Board and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives and the Anatomical Board conferring police powers upon persons commissioned to police State parks changing qualifications of certain members of the Anthracite Mine Inspectors' Examining Board authorizing the Department of Forests and Waters to set aside certain State lands for park purposes authorizing the Department of Property and Supplies with the approval of the Governor to convey or lease State lands and buildings to The General State Authority for the erection and construction

alteration and repair of new buildings and existing buildings including an office building on the Capitol grounds and authorizing the Department of Property and Supplies with the approval of the Governor to acquire such projects from The General State Authority by lease authorizing demolition of buildings and structures no longer useful and beyond repair conforming various provisions of the code to existing law and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 201 202 203 210 221 222 301 303 401 402 419 424 427 431 445 448 507 508 511 522 701 709 712 906 907 1310 1311 1402 1802 1804 1806 2110 2112 2304 2307 2311 2312 2315 2318 2319 2402 2403 2404 2405 2406 2407 2408 2409 and 2414 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers College abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commisions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretray of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies and Department of Revenue and by the following independent administratvie boards and commissions [Board of Game Commissioners] Pennsylvania Game Commission Board of Fish Commissioners and the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of Justice
- Board of Pardons
- Board of Commissioners on Uniform State Laws

In the Treasury Department
- Board of Finance and Revenue
- State Employes' Retirement Board
- [State Aeronautics Commission]

In the Department of Internal Affairs
- Board of Property

In the Department of Public Instruction
- State Council of Education
- Pennsylvania State Board of Censors
- Public School Employes' Retirement Board
- Pennsylvania Historical Commission
- Board of Trustees of Thaddeus Stevens Industrial School
- Board of Trustees of Pennsylvania State Oral School for the Deaf
- Board of Trustees of Pennsylvania Soldiers' Orphan School
- Board of Trustees of West Chester State Teachers' College
- Board of Trustees of Millersville State Teachers' College
- Board of Trustees of Kutztown State Teachers College
- Board of Trustees of East Stroudsburg State Teachers' College
- Board of Trustees of Mansfield State Teachers' College
- Board of Trustees of Bloomsburg State Teachers' College
- Board of Trustees of Shippensburg State Teachers' College
- Board of Trustees of Lock Haven State Teachers' College
- Board of Trustees of Indiana State Teachers' College
- Board of Trustees of California State Teachers' College
- Board of Trustees of Slippery Rock State Teachers' College
- Board of Trustees of Edinboro State Teachers' College
- Board of Trustees of Clarion, State Teachers' College
- Board of Trustees of Cheyney Training School for Teachers
- State Board of Medical Education and Licensure
- State Board of Pharmacy
- State Dental Council and Examining Board
- State Board of Optometrical Examiners
- State Board of Osteopathic Examiners
- Osteopathic Surgeons' Examining Board
- State Board of Examiners for the Registration of Nurses
- [State Board of Undertakers]
- State Board of Veterinary Medical Examiners
- State Board for the Examination of Public Accountants
- State Board of Examiners of Architects
- Anthracite Mine Inspectors' Examining Board
- Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
- State Registration Board for Professional Engineers

In the Department of Military Affairs
- Armory Board of the State of Pennsylvania
- Board of Trustees of Pennsylvania Soldiers' and Sailers' Home
- [State Athletic Commission]

In the Department of Banking
- Board to License Private Bankers
- Pennsylvania Securities Commission

In the Department of Agriculture
- State Farm Product Show Commission

In the Department of Forests and Waters
- Water and Power Resources Board
- Geographic Board
- Lake Erie and Ohio River Canal Board
- Pennsylvania State Park and Harbor Commission of Erie
- Washington Crossing Park Commission
- Valley Forge Park Commission
- Fort Washington Park Commission

In the Department of Mines
- Anthracite Mine Inspectors
- Bituminous Mine Inspectors

In the Department of Highways
- State Bridge Commission

In the Department of Health
- Sanitary Water Board
- [Anatomical Board]

State Board of Undertakers
In the Department of Labor and Industry
Workmen's Compensation Board
Workman's Compensation Referees
State Workmen's Insurance Board
The Industrial Board
In the Department of Welfare
State Council for the Blind
[Pennsylvania Alcohol Permit Board]
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Fairview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
[Board of Trustees of Cumberland Valley State Institution for Mental Defectives]
Board of Trustees of Selinsgrove State Colony for Epileptics
In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Revenue
State Athletic Commission

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 203 Advisory Boards and Commissions The following advisory boards and commissions are placed in and made parts of the respective administrative departments as follows

In the Department of Military Affairs
State Military Reservation Commission
State Veterans Commission
In the Department of Forests and Waters
State Forest Commission
State Parks Commission
Bushy Run Battlefield Commission
Regional State Park Boards
In the Department of Health
Advisory Health Board
In the Department of Labor and Industry
Industrial Board
In the Department of Welfare
State Welfare Commission
In the Department of Property and Supplies
General Galusha Pennypacker Monument Commission

Section 210 Compensation of Members of Administrative Boards and Commissions (a) Annual salaries shall be payable in equal semi-monthly installments as follows

To the Commissioner of Fisheries six thousand dollars
To the Chairman of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission ten thousand five hundred dollars as provided by law
To the members of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission other than the chairman each ten thousand dollars as provided by law

(b) The members of the [Board of Game Commissioners] Pennsylvania Game Commission and of the Board of Fish Commissioners other than the Commissioner of Fisheries shall not receive any compensation

(c) Except as in this act otherwise provided the members of departmental administrative boards and commissions and of advisory boards and commissions shall serve without compensation

Section 221 Office Hours All administrative offices of the State Government shall be open for the transaction of public business at least eight hours each day except Saturdays Sundays and legal holidays [On Saturdays when not legal holidays such offices shall be open for business for at least three hours] The hours when such offices shall open and close shall from time to time be determined by the Executive Board

Section 222 Work-Hours and Vacations Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission if employed for continuous service shall work during such hours as the head of the department or the board or commission shall require but not less than [thirty-eight] thirty-five hours per week Such employe shall be entitled during each calendar year to fifteen days' leave of absence with full pay and in special and meritorious cases where to limit the annual leave to fifteen days in any one calendar year would work peculiar hardships the extent of such leave with pay may in the discretion of the head of the department or of the board or commission be extended but any such extension shall not be for more than fifteen days except with the approval of the Executive Board in the case of employes of departments or of independent administrative boards or commissions and in the case of employes of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the granted leave regardless of his or her continuation thereafter upon the rolls of the department board or commission The annual leave of absence with pay shall be exclusive of Saturdays Sundays and legal holidays

Section 301 [Board of Game Commissioners The Board of Game Commissioners shall consist of eight competent citizens of this Commonwealth no two of whom shall be from the same senatorial district The board shall annually elect a president and a vice-president from among its members It shall also appoint to serve at its pleasure and with the approval of the Governor fix the compensation of an executive secretary who need not be a member of the board and who shall attend to the administrative work of the board

Five members of the board shall constitute a quorum

Members of the board shall be appointed to serve for terms of six years] Pennsylvania Game Commission The Pennsylvania Game Commission shall consist of eight competent citizens of this Commonwealth who shall be so appointed that they shall fairly represent the several geographical sections of the Commonwealth and shall be well informed on the subject of wild life conservation and restoration The commission shall annually elect a president and a vice-president from among its members It shall also appoint to serve at its pleasure and with the approval of the Governor fix the compensation of an executive director who shall attend to the administrative work of the commission No member of the commission nor anyone who has served as a member thereof within one year shall be eligible for appointment as executive directors

Five members of the commission shall constitute a quorum

The members of the Board of Game Commissioners in office on the effective date of this act shall constitute the Pennsylvania Game Commission and shall hold their offices as members of the Pennsylvania Game Commissions until their successors are appointed as provided by law The original members of the commission shall be appointed for such terms as are prescribed by law and subsequent appointments of commissioners shall be for terms of eight years and shall be staggered as provided by law

Section 303 [The Public Service Commission of the Commonwealth of Pennsylvania The Public Service Commission of the Commonwealth of Pennsylvania shall consist of seven members who shall have the qualifications and be appointed as now provided by law

A member designated by the Governor as now provided by law shall be the chairman of the commission during such member's term of office When present the chairman shall preside at all meetings but in his absence the member who has served on the Commission for the longest period of time shall preside and shall exercise for the time being all of the powers of the chairman In addition to the authority now conferred by law the chairman shall have power as often as he may deem the work of the commission requires (a) to designate the time and place for the conducting of investigations inquiries and hearings (b) to assign cases to a commissioner or commissioners for hearing investigation inquiry study or other similar purpose (c) to assign cases to special agents or examiners for the taking and receiving of evidence and (d) to direct and designate officers and employes of the commission to make investigations inspections inquiries studies and other like assignments for report to the commission

The commission may appoint a secretary to hold office at its pleasure Such secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine He shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall possess for the time so designated the powers of the secretary of the commission

The terms of the members of the commission shall be ten years which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents

The offices of counsel of marshall and of investigator of accidents as they exist under The Public Service Company Law are hereby retained appointments thereto to be made as now provided by law The compensation of counsel marshal and investigator of accidents shall be fixed by the commission with the approval of the Governor] Pennsylvania Public Utility Commission The Pennsylvania Public Utility Commission shall consist of five members who shall have the qualifications and be appointed in the manner and for such terms as now provided by law

A member designated by the Governor as now provided by law shall be the chairman of the commission during such member's term of office

The commission may appoint a secretary to hold office at its pleasure as now provided by law

Section 401 Boards fo Trustees of State Institutions The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members and the head of the department having supervision over the institution ex officio

The terms of the members of each such board shall be four years and until their successors are qualified

Five members of any such board shall constitute a quorum

Each such board shall annually elect a president and vice-president from among its members and a secretary and treasurer who need not be members of the board The secretary and treasurer may be the same person This section shall apply to

Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldier's Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers College
Board of Trusteees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
[Board of Trustees of Cumberland Valley State Institution of Mental Defectives]
Board of Trustees of Selinsgrove State Colony for Epileptics

Section 402 State Employes' Retirement Board The State Employes' Retirement Board shall consist of the [Secretary of the Commonwealth] State Treasurer who shall be chairman thereof the [State Treasurer] Secretary of the Commonwealth one member who shall be appointed by the Governor and two members of the State Employes' Retirement Association who shall be elected from among their number in a manner to be approved by the board

A vacancy occurring during a term shall be filled for the unexpired term by the appointment or selection of a successor in the same manner as his or her predecessor was appointed or elected

The member of the board appointed by the Governor shall serve until his successor is appointed The members

elected by the State Employes' Retirement Association shall be elected for terms of three years

The members of the board elected by the State Employes' Retirement Association shall not suffer any loss of salary or wages through serving on the board

Section 419 State Board of Undertakers The State Board of Undertakers shall consist of the [Superintendent of Public Instruction] Secretary of Health ex officio and five persons who shall be practicing undertakers The terms of members of the board shall be [six years] for such periods of time as is now provided by law

Three members of the board shall constitute a quorum The board shall select from among their number a chairman and shall elect a secretary who need not be a member of the board

Each member of the board other than the [Superintendent of Public Instruction] Secretary of Health shall receive fifteen dollars per diem when actually engaged in the transaction of official business

The secretary of the board shall receive such reasonable compensation as the board may determine with the approval of the [Superintendent of Public Instruction] Secretary of Health

Section 424 Anthracite Mine Inspectors' Examining Board The Anthracite Mine Inspectors' Examining Board shall consist of the Superintendent of Public Instruction ex officio the Secretary of Mines two mining engineers who shall have had at least five years' experience in the anthracite mines of Pennsylvania and three members who shall be coal miners [in actual practice and] who shall have had at least five years' practical experience in the anthracite mines of Pennsylvania

All members of the board shall be at least thirty years of age

The Secretary of Mines shall be chairman of the board

The board shall elect a secretary who need not be a member of the board

Each member of the board other than the Superintendent of Public Instruction and the Secretary of Mines shall receive fifteen dollars per diem while actually engaged in the performance of the work of the board and the secretary shall receive such reasonable compensation as shall be determined by the board with the approval of the Superintendent of Public Instruction Provided That the Secretary of Mines shall have the right to determine from time to time the maximum number of days for which the members of the board entitled thereto shall receive compensation

Section 427 State Athletic Commission The State Athletic Commission shall consist of three members who shall be appointed for terms of two years and the [Adjutant General] Secretary of Revenue ex officio

Each member of the commission except the [Adjutant General] Secretary of Revenue shall receive a salary of five thousand dollars per annum

Two members of the commission shall constitute a quorum and the concurrence of at least two members of the commission shall be necessary to render valid any action by the commission

The commission may appoint such number of deputies as shall be approved by the Executive Board whose compensation shall be fixed by the commission with the approval of the Governor

The commission may with the approval of the [Adjutant General] Secretary of Revenue appoint a secretary who shall receive a salary to be fixed by the commission with the approval of the Governor

Section 431 Water and Power Resources Board The Water and Power Resources Board shall consist of five members four of whom shall be the Secretary of Forests and Waters the Secretary of Health the Commissioner of Fisheries and a member of [The Public Service Commission of the Commonwealth of Pennsylvania] the Pennsylvania Public Utility Commission to be designated by the Governor The fifth member shall be an engineer and shall receive [compensation for his services at such rate per diem as shall be fixed by the other members of the board but such compensation shall not exceed] salary of three thousand dollars per annum

The Secretary of Forests and Waters shall be chairman of the Board

Three members of the board shall constitute a quorum

Any investigation hearing or other proceeding which the board has power to undertake or hold may be undertaken or held by or before any member of the Board or by or before any official of the board designated by the board for such purpose provided all actions and orders shall be approved by a majority thereof

The board shall have authority to make and adopt rules and regulations for its procedure acts and orders not inconsistent with this act

Interim permits and orders may be issued and made by the chairman of the board or by any official of the board designated for such purpose by the board but such interim permits and orders shall be subject to subsequent approval or confirmation by the board

Section 445 [Pennsylvania Alcohol Permit Board The Pennsylvania Alcohol Permit Board shall consist of the Secretary of Welfare the Secretary of Health and the Attorney General]

[Two members of the board shall constitute a quorum

The board shall select from among its members a chairman and may elect a secretary who need not be a member of the board

None of the regular employes of the Department of Welfare shall be authorized or permitted to engage or assist in the work of the board]

The Industrial Board The Industrial Board shall consist of the Secretary of Labor and Industry and four additional members one of whom shall be an employer of labor one a wage earner and one a woman The Secretary of Labor and Industry shall be the chairman of the board

Three members of the board shall be a quorum

The members of the Industrial Board other than the chairman shall receive fifteen dollars per day while in the performance of their official duties

Section 448 Advisory Boards and Commissions The advisory boards and commissions within the several administrative departments shall be constituted as follows

(a) The State Military Reservation Commission shall consist of the Governor the Major General commanding the National Guard of Pennsylvania any Major General who commands has commanded or shall hereafter command the National Guard of Pennsylvania any Major General who from the service subsequent to the first day of January one thousand nine hundred and thirty-three regardless of such retirement the Adjutant General the Brigadier General commanding brigades the Chief of Staff of the Twenty-eighth Division and two other members to be appointed by the Governor

The commission shall elect from among its members a chairman and a secretary

(b) The State Veterans' Commission shall consist of the Adjutant General ex-officio and five members all of whom shall have served in the armed forces of the United States while a state of war existed between the United States of America and another sovereign power and shall be members in good and regular standing of a Pennsylvania branch post lodge or club of a recognized national veterans organization active in this Commonwealth

Three members of the commission shall constitute a quorum

The commission shall select from its number a chairman and a secretary

(c) The State Forest Commission shall consist of four persons and the Secretary of Forests and Waters ex-officio who shall be chairman thereof

(d) The State Parks Commission shall consist of the Secretary of Forests and Waters the Secretary of Highways the Executive Director of the Pennsylvania Game Commission the Commissioner of Fisheries the Chairman of the several Regional State Park Boards and the chairman of the Pennsylvania Historical Commission [and four other citizens]

[Four] A majority of the members of the commission shall constitute a quorum

The State Parks Commission shall annually elect from among its members a chairman and vice-chairman

(e) Bushy Run Battlefield Commission The Bushy Run Battlefield Commission shall consist of the Secretary of

Forests and Waters and the chairman and Secretary of the Pennsylvania Historical Commission ex-officio and six other members residing in the vicinity of the Bushy Run Battlefield State Park and having a knowledge of and interest in the history of the locality wherein said park is situated

The members of the commission shall annually elect a chairman and a secretary

Five members of the commission shall constitute a quorum

(f) The Advisory Health Board shall consist of the Secretary of Health and six members a majority of whom shall be physicians graduates of legally constituted medical colleges and of at least ten years' experience in the practice of their profession and one of whom shall be a civil engineer The Secretary of Health shall be chairman of the board

Three members of the board together with the Secretary of Health shall constitute a quorum

[(g) The Industrial Board shall consist of the Secretary of Labor and Industry and four additional members one of whom shall be an employer of labor one a wage earner and one a woman The Secretary of Labor and Industry shall be a chairman of the board

Three members of the board shall be a quorum

The members of the Industrial Board other than the chairman shall receive fifteen dollars per day while in the performance of their official duties]

(g) The State Welfare Commission shall consist of the Secretary of Welfare ex-officio and eight other members The Secretary of Welfare shall be chairman of the board The Secretary of Welfare and four other members of the board shall constitute a quorum

(h) The General Galusha Pennypacker Monument Commission shall consist of the Secretary of Property and Supplies the president of the Pennsylvania Academy of Fine Arts of Philadelphia and three other persons The Commission shall annually elect a president and secretary

Three members of the commission shall constitute a quorum

(i) The Regional State Park Boards shall consist of the Secretary of Forests and Waters and five other members three of whom shall reside in the region where the particular board of which they are members functions

Each Regional State Park Board shall annually elect from its membership a chairman and a vice-chairman

The Secretary of Forests and Waters shall appoint a secretary for each Regional State Park Board

Four members of a Regional State Park Board shall constitute a quorum

Section 507 Purchases It shall be unlawful for any administrative department other than the Department of Property and Supplies or for any independent administrative board or commission or for any departmental administrative body board or commission or for any advisory board or commission to purchase or contract for the purchase of any stationery paper printing binding ruling lithographing engraving envelopes or other printing or binding supplies or any fuel supplies furniture furnishings or equipment except

(a) Any departments boards or commissions which by law are authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by them or out of the moneys appropriated to them by the General Assembly Provided That every such department board and commission shall make its purchases through the Department of Property and Supplies as purchasing agency and all such purchases shall conform to the effective supplies contracts of the Department of Property and Supplies unless in any case the Board of Commissioners of Public Grounds and Buildings shall specificially authorize a departure from such effective supplies contracts

(b) Any department board or commission having charge of a State institution which may purchase perishable foodstuffs [and fuel] for such institution directly and may purchase any article directly if it can after competitive bidding purchase the same f o b the institution for a price [equal to or] less than the Department of Property and Supplies can furnish it f o b the institution but all articles purchased directly hereunder shall conform to the specification contained in the effective supply contracts of the Department of Property and Supplies or if the article be not included in the effective supply contracts then to the standard specification if any adopted by the Department of Property and Supplies for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification

In all other cases such departments boards or commissions shall make purchases through the Department of Property and Supplies as purchasing agency and all purchases made by the Department of Property and Supplies as purchasing agency hereunder shall conform to the specifications contained in the effective supply contracts of the department or if the article be not included in the effective supply contracts then to the standard specifications if any adopted by the department for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supply contracts or specifications

(c) Any department board or commission which shall have been authorized in writing by the Department of Property and Supplies to make purchases in the field not exceeding a specified amount but records of all such purchases shall be transmitted periodically to the Department of Property and Supplies in such form as it may require In so far as practicable purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies and shall be in accordance with applicable specifications in such contracts otherwise such purchases shall be made from the lowest of at least two bidders

Section 508 Erection Repairs or Alterations of and Additions to Buildings (a) No administrative department except the Department of Property and Supplies and no administrative board or commission shall except as in this act otherwise specifically provided erect or construct or contract for the erection or construction of any new building or make or contract for making any alterations or additions to an existing building involving an expenditure of more than [ten thousand dollars ($10,000)] four thousand dollars ($4,000) and in any case in which any other department or any board or commission is by this act authorized to erect or construct buildings or make alterations or additions such erection or construction shall be under the [general] complete supervision and shall be the responsibility of the Department of Property and Supplies

[(b) All repairs to or alterations of existing buildings of the Commonwealth involving expenditures of more than one thousand dollars ($1,000) shall be subject to inspection by and the general supervision of the Department of Property and Supplies which shall be notified thereof at least ten days prior to the execution of the contract or if the work is not to be done under contract then at least ten days prior to the commencement of the work and all plans and specifications for repairs to or alterations of buildings under the control of the departmental administrative boards and commission shall be subject to approval by the departments with which such boards or commissions are respectively connected]

(b) The Department of Property and Supplies shall make at least once every two fiscal years a survey of all buildings equipment land improvements connected with and comprising each State institution After making and survey the Department of Property and Supplies shall prepare a report setting forth in detail the results of the survey including the needs of such institution with respect to the maintenance of and repairs improvements laterations and additions to its buildings lands and equipment The Department of Property and Supplies shall file a copy of such report with the Governor and the department or departmental administrative board having supervision or control of the institution Such reports shall be used so far as practical as a guide in formulating the biennial budgetary requests for appropriations for the maintenance of any repairs improvements alterations and additions to the buildings lands and equipment of State institutions

(c) All plans and specifications for new buildings and for alterations or additions to existing buildings shall be subject to the approval of the Department of Property and Supplies and in addition thereto shall also be subject to the approval of the department board or commission using or intending to use the building being erected or constructed or to which an alteration or addition is being made [and in] with respect to the type and general character of the proposed building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared In the case of buildings used by or for the use of departmental administrative boards or commissions the plans and specifications shall also be approved with respect to the above mentioned matters by the department with which the board of commission is connected

(d) Buildings may be erected or constructed or alterations or additions made wholly or partially by the labor of employes or inmates or patients of State institutions if in the judgment of the agency responsible for the management of such institutions and of the Department of Property and Supplies the work can be properly and safely done by such employes inmates or patients In such cases the Department of Property and Supplies [or such agency of the State Government] or outside supervising engineer or engineering concern as it may approve shall have full and direct [supervision] responsibility for the management of the work and [in all cases the Department of Property and Supplies shall have the right to inspect and generally supervise the work] the department board or commission using or intending to use the building shall have complete charge of such employes inmates or patients

(e) In order to procure the erection and construction of new buildings or alterations repairs or additions to existing buildings of the Commonwealth by The General State Authority the Department of Property and Supplies shall have power and authority with the approval of the Governor and in the case of such buildings not on the capitol grounds with the approval of the department board or commission having control of the same to grant assign and convey with or without consideration to The General State Authority any lands or buildings or both now owned by the Commonwealth of Pennsylvania or hereafter acquired by it together with any other improvements easements or rights-of-way in or on such lands which may be required by The General State Authority for this purpose or to lease to The General State Authority for a term not exceeding ninety-nine years at a nominal or such other rental as may be determined any or all such lands and buildings and improvements easements or rights-of-way including but without limiting the generality of the foregoing that portion of the Capitol Park grounds at Harrisburg bounded on the north by North Street on the east by Fisher Plaza on the south by North Drive and on the west by Commonwealth Avenue for the purpose of having The General State Authority to erect and construct thereon an office building for the use of the Commonwealth

(f) The Department of Property and Supplies shall have power and authority with the approval of the Governor to enter into contracts with The General State Authority to lease as lesee from the Authority any or all of the projects undertaken for the Commonwealth by the Authority for a term with respect to each such project not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of such projects the Department of Property and Supplies shall have power and authority with the approval of the Governor to lease as lessee any or all of the projects completed by the Authority for a term with respect to each project leased not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority

(g) Whenever any building or structure on any land owned by the Commonwealth shall become so obsolete and dilapidated as to make it impractical to repair the same and shall be no longer of use to the Commonwealth the Department of Property and Supplies with the approval of the Governor shall have power to demolish or authorize the demolition of such building or structure whenever requested to do so by the department board commission or agency having control or possession of such building or structure

Section 511 Sale and Transfer of Surplus Products All departments boards and commissions may sell for the best price obtainable but not less than the current market price for similar products any surplus products of the soil meats live stock timber or other materials raised or grown upon or taken from property of the Commonwealth administered by such departments boards or commissions or their by-products respectively Transfers may be made of such products by and between State institutions under the control and management of such departments boards or commissions

As used in this section "surplus" shall mean products meats live stock timber or other materials or their by-products respectively which cannot conveniently and economically be used in connection with the proper maintenance of the institution park or other property administered by the department board or commission involved but under no circumstances shall live trees be cut for sale unless and until the Department of Forests and Waters has approved the cutting of such trees and no sales or transfers shall be made under this section by any departmental administrative board or commission without the approval of the department with which such board or commission is connected

The proceeds of the sale of any products of the soil meats live stock timber or other materials sold by any department board or commission under the provisions of this section shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund unless the expenses of such department board or commission are paid wholly or mainly out of a special fund in which case such proceeds shall be credited to the proper special fund Any questions arising hereunder shall be determined by the Governor and his decision shall be certified to the Department of Revenue and the Treasury Department

Every department board or commission which sells or transfers any product of the soil meats live stock timber or other materials under the provisions of this section shall keep an accurate record of the dates quantities and prices of all sales or transfers which records shall at all times be subject to audit by the Department of the Auditor General

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made under this section

Section 522 Wage Specifications in Contract for Public Works The specifications upon which contracts are entered into by the Commonwealth for the construction alteration or repair of any public work shall as far as possible contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed in such public work and such laborers or mechanics shall be paid not less than such minimum wage or wages and shall not be required to refund directly or indirectly any part of such wage or wages The contractor shall submit to the Commonwealth certified detailed payrolls giving names classifications hours worked rates per hour and total paid on each pay day The contractor shall also certify that he is not receiving or requiring or will not receive or require directly or indirectly from any employe any refund of any such minimum wage or wages

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications Every officer or person designated as inspector of the work to be performed under any such contract or to aid in the enforcing of the fulfillment thereof shall upon observation or investigation report to the department board or commission which made the contract award all violations of minimum wage stipulations together with the name of each laborer or mechanic who

has been paid less than that prescribed by the specifications and the day or days of such violation All such penalties shall be withheld and deducted for the use of the Commonwealth from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor whether the violation of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors

Section 701 The Governor The Governor shall have the power and it shall be his duty

(a) To take care that the laws of the Commonwealth shall be faithfully executed

(b) To act as Commander-in-Chief of the Army and Navy of the Commonwealth and of the Militia except when they shall be called into active service by the United States Government

(c) To cause to be published through the Department of Property and Supplies from time to time for the information of the public bulletins of the work of the State Government

(d) To prescribe and require the installation of a uniform system or systems of bookkeeping accounting and reporting for the several administrative departments boards and commissions except for the Department of the Auditor General and the Treasury Department but before prescribing and requiring such installation the Governor shall consult with the Department of the Auditor General

(e) To prescribe forms for accounts and financial records reports and statements for the several administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department but before prescribing such forms the Governor shall consult with the Department of the Auditor General

(f) To approve or disapprove all investments by departments boards or commissions of funds administered by such departments boards or commissions

(g) To submit to the General Assembly a State budget

(h) After each biennial appropriation to the Department of Property and Supplies (1) for the purchase of stationery paper printing binding ruling lithographing color printing engraving paper envelopes and other printing and binding supplies (2) for fuel supplies furniture furnishings repairs alterations and improvements (3) for automobiles and (4) for rentals of branch offices after making proper deductions for the needs of the legislative and judicial departments to allocate and from time to time to re-allocate to the several administrative departments boards and commissions such portions of such appropriations as will fairly represent the needs of the departments boards and commissions for the biennium taking into consideration the right of any such department board or commission to pay its necessary expenses or purchase furniture materials or supplies out of fees or other moneys received by or moneys specifically appropriated to it

Every administrative department board or commission shall be limited to its right to make requisition upon the Department of Property and Supplies to the amount allocated to it unless the Governor shall subsequently permit the Department of Property and Supplies to honor requisitions in excess of such amount

(i) To do all other acts make all appointments fill all vacancies exercise all the powers vested in him and perform all the duties imposed upon him as provided and required by the Constitution and laws of this Commonwealth

(j) To grant to pilots engaged in the aeronautical work of the Department of Revenue commissions of such grades as the Governor may prescribe

Section 709 Executive Board The Executive Board shall have the power

(a) To standardize the qualifications for employment and all titles salaries and wages of persons employed by the administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the service is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments other than the Department of the Auditor General and the Treasury Department and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given to approve or disapprove recommendations of department heads or of independent administrative boards or commissions for the bonding of officers or employes of their departments or members or officers or employes of departmental administrative boards or commissions or officers or employes of independent administrative boards or commissions to fix the amounts of the bonds of all such members officers or employes required to give bond and to require any bond or bonds to be executed by a surety or sureties even though the Commonwealth may have established its own indemnity fund as elsewhere in this act provided

(h) To approve or disapprove the establishment of branch offices outside of the Capital city by or for administrative departments boards or commissions

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth and State officers and employes arising out of the operation of State automobiles by such officers and employes

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies acting either on its own behalf or as purchasing agency for any other department except the Department of the Auditor General and the Treasury Department or for any board or commission and to make rules and regulations for the use of State automobiles by State officers and employes except the Department of the Auditor General and the Treasury Department

(k) To approve or disapprove requests for and to direct the disposal of files of correspondence reports records or other papers which are not needed for the current or anticipated future operations of any administrative department board or commission

Section 712 The Pennsylvania State Police Force The various members of the Pennsylvania State Police are hereby authorized and empowered

(a) To make arrests without warrant for all violations of the law which they may witness and to serve and execute warrants issued by the proper local authorities They shall have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class and upon constables of the Commonwealth

(b) To act as game protectors and as forest fish or fire wardens and for the better performance of such duties

(1) Seize all guns boats decoys traps dogs game fish shooting paraphernalia or hunting or fishing appliances or devices used taken or had in possession contrary to the laws of this State Any article so seized shall be held subject to such disposition as the Commissioner of Fisheries

of the [Secretary of the Board of Game commissioners] Executive Director of the Pennsylvania Game Commission or the Secretary of Forests and Waters may respectively determine

(2) Seize and take possession of all birds animals or fish which have been taken caught or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to any law of this State

(3) Search without warrant any boat conveyance vehicle or receptacle when there is good reason to believe that any law has been violated the enforcement or administration of which is imposed on or vested in the Board of Fish Commissioners or the [Board of Game Commissioners] Pennsylvania Game Commission or in the Department of Forests and Waters

(4) Serve subpoenas issued for any examination investigation or trial had pursuant to any law as aforesaid

(5) Purchase game or fish for the purpose of securing evidence

Section 906 Deputy Attorneys General In addition to such deputy attorneys general as may be appointed to assist in the conduct of the regular work of the department the Attorney General with the approval of the Governor shall have power

(a) To appoint and fix the compensation of such special deputy attorneys general as may be required to represent and advise the Workmen's Compensation Board and any other departments boards and commissions which may require the services of counsel to such an extent as to render it reasonably necessary to assign deputy attorneys general exclusively to their work Provided That the office of counsel to the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission shall be retained such counsel to be appointed by the Attorney General as now provided by law The Attorney General as now provided by law may also from time to time with the approval of the Governor appoint such assistant counsel to the [Public Service Commission] Pennsylvania Public Utility Commission as may be required for the proper conduct of its work The compensation of the counsel and assistant counsel of the [Public Service Commission] Pennsylvania Public Utility Commission shall be fixed by the commission with the approval of the Governor as now provided by law

(b) From time to time appoint and fix the compensation of special deputy attorneys general and special attorneys to represent the Commonwealth or any department board or commission thereof in special work or in particular cases

(c) To appoint and fix the compensation of deputy attorneys general to represent the Commonwealth and the several departments boards and commissions thereof in all legal matters arising in any city or county other than the State capital except as otherwise provided in this act Provided That the same deputy attorney general may be assigned to two or more cities or counties in the discretion of the Attorney General

Section 907 Special Attorneys in Criminal Cases When the president judge in the district having jurisdiction of any criminal proceedings before any court of oyer and terminer general jail delivery or quarter sessions in this Commonwealth shall request the Attorney General to do so in writing setting forth that in his judgment the case is a proper one for the Commonwealth's intervention the Attorney General is hereby authorized and empowered to retain an demploy a special attorney or attorneys as he may deem necessary properly to represent the Commonwealth in such proceedings and to investigate charges and prosecute the alleged offenders against the law Any attorney so retained and employed shall supersede the district attorney of the county in which the case or cases may arise and shall investigate prepare and bring to trial the case or cases to which he may be assigned He shall take the oath of office required by law to be taken by district attorneys and shall be clothed with all the powers and subject to all the liabilities imposed upon them by law The compensation for services rendered and necessary expenses incurred by such attorney or attorneys shall be fixed by the Attorney General and shall be paid by the county in which the case arose

Section 1310 Professional Examining Board The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them Provided however That all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and to any other inconsistent provisions in this act contained The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania The Osteopathic Surgeons' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners for Registration of Nurses shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

[The State Board of Undertakers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board]

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Anthracite Mine Inspectors' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Mine Inspectors' Examining Board created by the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred and fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" and the amendments and supplements thereto

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

Section 1311 Boards of Trustees of State Institutions Within the Department The boards of trustees of the several State Normal Schools or Teachers Colleges the Board of Trustees of the Cheyney Training School for Teachers the Board of Trustees of Pennsylvania State Oral School for the Deaf [the Board of Trustees of Home for Training in Speech of Deaf Children] the Board of Trustees of Pennsylvania Soldiers' Orphan School and the Board of Trustees of Thaddeus Stevens Industrial School shall

have general direction and control of the property and management of their respective institutions Each of the said boards of trustees shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a president principal or superintendent of the institution who shall subject to the authority of the board administer the institution and if deemed advisable a business manager

(b) On nomination by the president principal or superintendent from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Superintendent of Public Instruction to make such by-laws rules and regulations for the management of the institution as it may deem advisable

Section 1402 Pennsylvania National Guard The Department of Military Affairs has the power and its duty shall be

(a) To keep in its custody all books and accounts and military property of the Commonwealth issued by it pertaining to the Pennsylvania National Guard

(b) To distribute all orders from the Commander-in-Chief and perform such other duties as the Commander-in-Chief shall direct

(c) To make returns periodically as required of the Pennsylvania National Guard and report of their arms uniforms accoutrements and ammunition according to such forms as may be prescribed by the Secretary of War of the United States and to forward a copy thereof to the Secretary of War of the United States

(d) To pay the troops and make all other disbursements authorized by law by requisition presented to the Auditor General in the usual way

(e) To supply to all officers of the Pennsylvania National Guard such copies of drill regulations manuals of rifle practice service manuals and military publication forms and books prescribed for use of the United States Army as the Governor as Commander-in-Chief may designate

(f) To supply to all organizations of the Pennsylvania National Guard all necessary military stores arms and equipment

(g) With the approval of the Governor as Commander-in-Chief to sell or exchange from time to time such military stores belonging to the Commonwealth as are found to be unserviceable or in state of decay or which it may be deemed for the best interests of the Commonwealth to sell or exchange but if the department is unable to obtain a bid for the property it may be demolished or destroyed The destruction of the property shall be witnessed by three disinterested officers of the Pennsylvania National Guard and their certificate shall constitute proper authority to issue a voucher for marking off the property All moneys received for stores so sold shall be paid into the State Treasury through the Department of Revenue

(h) To audit and adjust all claims incident to the organization training discipline maintenance and service of the Pennsylvania National Guard other than fixed allowances and to pay such claims when audited and adjusted out all claims paid thereunder shall be subject to audit by the Department of the Auditor General

(i) Subject to the approval of the Governor as Commander-in-Chief to procure and issue from time to time to the Pennsylvania National Guard such flags standards and guidons as may be necessary which shall however as far as practical be similar in style to those of the United States Army

(j) Appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries to persons or damages to property arising out of accident or negligence and incident to the organization training discipline maintenance and service of the Pennsylvania National Guard and upon the recommendation of the board so appointed to adjust and pay such claims for damages Provided however That each such claim shall be in an amount not exceeding two hundred and fifty dollars ($250) And provided further however That all claims paid hereunder shall be subject to audit by the Department of the Auditor General

Section 1802 Forest Powers and Duties The Department of Forests and Waters shall have the power and its duty shall be

(a) With the approval of the State Forest Commission to acquire in the name of the Commonwealth by purchase gift lease or condemnation and hold as State forests subject to the conditions of any such lease and subject to such reservations if any of mineral rights stumpage rights rights of way or other encumbrances as the department and the State Forest Commission deem to be consistent with such holding any lands which in the judgment of the department the Commonwealth should hold manage control protect maintain utilize and regulate as State forest [Provided That the] The purchase price of any such lands shall not exceed ten dollars per acre [and that the] except the price paid for interior holdings and farms and marginal farms along State forest lands which shall not exceed twenty dollars per acre The amount expended for the acquisition of lands for State forest purposes in any biennial appropriation period shall not exceed the appropriation for that purpose for such period

(b) To purchase and hold as State forest unseated vacant or unappropriated lands lands advertised for sale for taxes and land sold for taxes as may now or hereafter be provided by law

(c) To hold manage control protect maintain utilize develop and regulate the occupancy and use of all lands heretofore or hereafter acquired owned leased and maintained as State forests together with the resources thereof

(d) To divide the State into such convenient forest districts as it deems economical and effective to administer protect develop utilize and regulate the occupancy and use of the lands and resources of the State forests to protect all forest land in the State from forest fires fungi insects and other enemies to promote and develop forestry and knowledge of forestry throughout the State to advise and assist landowners in the planting of forest and shade trees to obtain and publish information respecting forest lands and forestry in the State to assist in Arbor Day work and promote and advance any other activity in local forestry which the department may deem helpful to the public interest and to execute the rules and regulations of the department for the protection of forests from fire and depredation It may also assign district foresters to take active charge of such forests districts and also foresters forest rangers and other help for the administration of such forest districts as the Secretary of Forests and Waters may deem necessary for the accomplishment throughout the State of the purposes for which the department is established

(e) To cooperate with the authorities of townships boroughs and cities of this Commonwealth in the acquisition and administration of municipal forests as may now or hereafter be provided by law

(f) With the advice of the State Forest Commission to establish such rules and regulations not inconsistent with law for the control management protection utilization development occupancy and use of the lands and resources of the State forests as the department deems proper to conserve the interests of the Commonwealth Such rules and regulations shall be compatible with the purposes for which the State forests are created namely to provide a continuous supply of timber lumber wood and other forest products to protect the watersheds conserve the waters and regulate the flow of rivers and streams of the State and to furnish opportunities for healthful recreation to the public

The net receipts arising out of the occupancy and use of the State forests hereunder shall be paid into the State Treasury through the Department of Revenue and shall belong to and form part of the State Forests and Waters Fund

(g) Whenever it shall appear that the welfare of the Commonwealth with reference to reforesting and the betterment of the State forests with respect to control management protection utilization development and regulation of their occupancy and use will be advanced by selling or disposing of any of the timber on the State forests to dispose of such timber on terms most advantageous to the State Provided That the department is authorized and directed to set aside within the State forests unusual or historical groves of trees or natural features especially worthy of permanent preservation to make the same accessible and convenient for public use and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment And the said department is hereby empowered with the advice of the State Forest Commission to make and execute contracts or leases in the name of the Commonwealth for the mining or removal of any valuable minerals that may be found in said State forests whenever it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said minerals And provided further That any proposed contracts or leases of valuable minerals exceeding three hundred dollars in value shall have been advertised once a week for three weeks in at least two newspapers published nearest the locality indicated in advance of awarding such contract or lease Such contracts or leases may then be awarded to the highest and best bidder who shall give bond for the proper performance of the contract as the department shall designate

(h) To appoint and with the approval of the Governor fix the compensation of a chief forest fire warden and such district forest fire wardens and to appoint and fix the compensation of such local forest fire wardens and other assistants as shall be required for the prvention control and extinction of forest fires

(i) To establish and administer auxiliary forest reserves in the manner and under such terms and conditions as may now or hereafter be provided by law

(j) To distribute young forest trees as provided by law to those desiring to plant them

(k) To furnish information and issue certificates and requisition necessary for the payment of such fixed charges in lieu of taxes on State forests and auxiliary forest reserves to school districts road districts and counties as May now or hereafter be provided by law

(l) To sell or exchange State forest land as provided by law whenever it shall be to the advantage of the State forest interests Provided that such action has been authorized by resolution of the State Forest Commission unanimously adopted at a meeting at which a majority of its members are present and voting and has been approved by the Governor

(m) To set aside when in the judgment of the Department of Forests and Waters it is deemed necessary for exclusive use for parks parkways and other places of scientific scenic historic or wild life interest any State owned lands which are now or which may hereafter be under the jurisdiction of the Department of Forests and Waters

Section 1804 Waters The Department of Forests and Waters shall have the power and its duty shall be

(a) To study consider and determine upon a public policy with regard to the conservation marketing and equitable distribution of the water and power to be derived from the utilization of the water resources of the Commonwealth to the restoration development and improvement of transportation by water to the supply of water and power for municipal domestic and industrial use and to the conservation of water resources by the aid of forestation

(b) To investigate or examine dams walls wing walls wharves embankments abutments projections bridges and other water obstructions determine whether they are unsafe need repair alteration or change in their structure or location or should be removed notify owners to repair alter or change the structure or location or remove the same repair alter or change the structure or location or remove the same in emergencies without notice and at the cost of the owners and apply for injunctions to enforce compliance with or restrain the violation of the law in regard to the safety of dams or the derogatory effect of walls wing walls wharves embankments abutments projections bridges or other water obstructions upon the regiment of streams or the violation of any lawful order or notice the department of the Water and Power Resources Board in regard thereto The power of the department under this paragraph shall extend to and include all types of water obstructions regardless of the date when such obstructions were constructed and whether or not the same were constructed by express or implied permission of the Commonwealth or any agency thereof

(c) To collect such information relative to the existing conditions of the water resources of the State as in the opinion of the department shall be necessary for the utilization of waters and for the conservation purification development and equitable distribution of water and water power resources and in particular for the use of such citizens and communities as may be in need of extended facilities for these purposes

(d) To establish and maintain gauging stations on rivers and their tributaries

(e) To issue bulletins during freshet and flood conditions forcasting gauge heights and the times thereof

(f) To maintain a complete inventory of all the water resources of the Commonwealth collect all pertinent data facts and information in connection therewith classify tabulate record and preserve the same and upon the basis thereof determine with the approval of the Water and Resources Board the points at which storage reservoirs may be constructed for flood control for municipal and domestic supply hydraulic and hydoelectric power steam raising steam condensation navigation and other utilization, and generally to devise all possible ways and means to conserve and develop the water supply and water resources of the Commonwealth for the use of the people thereof

(g) To construct maintain and operate works for water storage flood control channel improvement or other hydraulic purposes

Section 1806 Parks The Department of Forests and Waters shall have the power and its duty shall be

(a) To supervise maintain improve regulate police and preserve all parks belonging to the Commonwealth except the Pennsylvania State Park at Erie Washington Crossing Park Valley Forge Park and Fort Washington Park

(b) For the purpose of promoting healthful outdoor recreation and education and making available for such use natural areas of unusual scenic beauty especially such as provide impressive views water falls gorges creeks caves or other unique and interesting features to acquire in the name of the Commonwealth by purchase gift lease or condemnation any lands which in the judgment of the department should be held controlled protected maintained and utilized as State park lands Such lands may be purchased or accepted subject to the conditions of any such lease and subject to such reservations if any of mineral rights rights of way or other encumbrances as the department may deem not inconsistent with such holdings Provided however That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes [nor shall the purchase cost exceed fifty dollars per acre]

(c) To establish such rules and regulations not inconsistent with law for the control management protection utilization development occupancy and use of the lands and resources of State parks as it may deem necessary to conserve the interests of the Commonwealth Such rules and regulations shall be compatible with the purposes for which State parks are created

(d) To see that conveniences and facilities for the transportation shelter comfort and education of people shall be so designed and constructed as to retain so far as may be the naturalistic appearance of State park areas surroundings and approaches and conceal the hand of

man as ordinarily visible in urban industrial and commercial activity

(e) To lease for a period not to exceed ten years on such terms as may be considered reasonable to any citizen or organization of this Commonwealth a portion of any State park whether owned or leased by the Commonwealth as may be suitable as a site for temporary buildings to be used for health recreational or educational purposes or for parking areas or concessions for the convenience and comfort of the public

(f) To study counsel and advise in reference to gifts of lands or money for park purposes

(g) To counsel and advise in reference to the development of park lands by concessionaries with facilities and equipment for the accommodation and education of the public

(h) To appoint and commission persons to preserve order in the State parks which persons shall have all of the following powers

(1) To make arrests without warrant for all violations of the law which they may witness and to serve and execute warrants issued by the proper authorities Provided however That in cases of offenses for violation of any of the provisions of the Vehicle Code the power to make arrests without warrant shall be limited to cases where the offense is designated a felony or a misdemeanor or in cases causing or contributing to an accident resulting in injury or death to any person

(2) To have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class

(3) To have all the powers and prerogatives conferred by law upon constables of the Commonwealth

(4) To serve subpoenas issued for any examination investigation or trial had pursuant to any law of the Commonwealth

Section 2110 Sanitary Water Board Subject to any inconsistent provisions in this act contained the Sanitary Water Board shall have the power and its duty shall be

(a) To exercise all the powers and perform all the duties vested in and imposed upon the Commissioner of Health the Governor and the Attorney General or any of them by sections four and five and sections seven to eleven inclusive of the act approved the twenty-second day of April one thousand nine hundred and five (P. L. 260) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" which reads as follows

Section 4 No person corporation or municipality shall place or permit to be placed or discharge or permit to flow into any of the waters of the State any sewage except as hereinafter provided But this act shall not apply to waters pumped or flowing from coal mines or culmeries nor prevent the discharge of sewage from any public sewer system owned and maintained by a municipality provided such sewer system was in operation and was discharging sewage into any of the waters of the State at the time of the passage of this act But this exception shall not permit the discharge of sewage from a sewer system which shall be extended subsequent to the passage of this act

For the purpose of this act sewage shall be defined as any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals

Section 5 Upon application duly made to the Commissioner of Health by the public authorities having by law the charge of the sewer system of any municipality the Governor of the State the Attorney General and the Commissioner of Health shall consider the case of such a sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the State and whenever it is their unanimous opinion that the general interests of the public health would be subserved thereby the Commissioner of Health may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the State and may stipulate in the permit the conditions on which such discharge may be permitted Such permit before being operative shall be recorded in the office of the recorder of deeds for the county wherein the outlet of the said sewer system is located Every such permit for the discharge of sewage from a sewer system shall be revocable or subject to modification and change by the Commissioner of Health on due notice after an investigation and hearing and an opportunity for all interested therein to be heard therein being served on the public authorities of the municipality owning maintaining or using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued may be stated in the permit but in no case shall it be less than one year or exceed two years and if the length of time is not specified in the permit it shall be one year On the expiration of the period of time prescribed after the service of a notice of revocation modification or change from the Commissioner of Health the right to discharge sewage into any of the waters of the State shall cease and terminate and the prohibition of this act against such discharge shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided

Section 7 The penalty for the discharge of sewage from any public sewer system into any of the waters of the State without a duly issued permit in any case in which a permit is required by this act shall be five hundred dollars and a further penalty of fifty dollars per day for each day the offense is maintained recoverable by the Commonwealth at the suit of the Commissioner of Health as debts of like amount are recoverable by law The penalty for the discharge of sewage from any public sewer system into any of the waters of the State without filing a report in any case in which a report is required to be filed shall be fifty dollars recoverable by a like suit

Section 8 All individuals private corporations and companies that are at the time of the passage of this act are discharging sewage into any of the waters of the State may continue to discharge such sewage unless in the opinion of the Commissioner of Health the discharge of such sewage may become injurious to the public health If at any time the Commissioner of Health considers that the discharge of such sewage into any waters of the State may become injurious to the public health he may order the discharge of such sewage discontinued

Section 9 Every individual private corporation or company shall discontinue the discharge of sewage into any of the waters of the State within ten days after having been so ordered by the Commissioner of Health

Section 10 Any individual private corporation or company that shall discharge sewage or permit the same to flow into the waters of the State contrary to the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of twenty-five dollars for each offense and a further fine of five dollars per day for each day the offense is maintained or by imprisonment not exceeding one month or both at the discretion of the court

Section 11 Any order or decision under this act of the Commissioner of Health or that of the Governor Attorney General and Commissioner of Health shall be subject to an appeal to any Court of Common Pleas of the county wherein the outlet of such sewer or sewer system otherwise prohibited by this act is situated and said court shall have power to hear said appeal and may affirm or set aside said order or decision or modify the same or otherwise fix the terms upon which permission shall be granted But the order or decision appealed from shall not be superseded by the appeal but shall stand until the order of the court as above

Provided That it shall require the affirmative votes of three of the members of the board to authorize the granting of a permit for discharging sewage into any of the waters of the State under section five of the said act

(b) To exercise all other powers not contrary to law formerly exercised by the Department of Health or the Commissioner of Health with regard to granting permits for the erection of sewage disposal works or plants and the construction of sewers or sewer systems

(c) To exercise all the powers not contrary to law exercised by the former Department of Fisheries the

former Commissioner of Fisheries and the former Water Supply Commission of Pennsylvania with regard to the prevention of pollution of the waters of this Commonwealth

(d) To investigate hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any [public service company] public utility over which the [Public Service Commission] of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission has jurisdiction whenever said commission shall certify such question to the board

The findings of the board upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the controversy or other proceeding in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law

(e) To make rules and regulations for the effective administration and enforcement of the laws of this Commonwealth prohibiting the pollution of the waters thereof

(f) To study investigate and from time to time report ways and means of eliminating from the streams and waters of the Commonwealth so far as practicable all substances and materials which pollute or tend to pollute the same and to determine and recommend methods of preventing pollution detrimental to the public health or to the health of animals fish or aquatic life or detrimental to the use of waters for recreational purposes The board shall have the power to investigate the character of all wastes discharged into or deposited on the banks of the streams or waters of the Commonwealth and shall make similar investigations and recommendations with regard to the matter of preventing pollution of the waters of interstate streams which touch the boundaries of the Commonwealth

(g) To call upon the Department of Health to make such inspections conduct such investigations and to do such other acts as may be necessary and proper in the exercise of the powers and the performance of the duties of the board

Section 2112 [Anatomical Board The Anatomical Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board] State Board of Underetakers The State Board of Undertakers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

Section 2304 Visitations and Inspections The Department of Welfare shall have the power and its duty shall be

(a) To make and enforce rules and regulations for the visitation examination and inspection of all supervised institutions

(b) To visit and inspect at least once in each year all State and supervised institutions to inquire and examine into their methods of instruction discipline detention imprisonment care or treatment the care treatment government or management of their inmates or those committed thereto or being imprisoned detained treated or residing therein the official conduct of their inspectors trustees managers directors or other officer or officers charged with their management by law or otherwise or having the management care custody or control thereof the buildings grounds premises and equipment thereof or connected therewith and all and every matter and thing relating to their usefulness administration and management and to the welfare of the inmates thereof or those committed thereto or being imprisoned detained treated or residing therein

For these purposes the Secretary of Welfare or other officer inspector or agent of the department shall have free and full access to the grounds premises and buildings of and to all the records books or papers of or relating to any such State or supervised institution and full opportunity to interrogate or interview any inmate thereof or any person or persons committed to or being imprisoned detained treated or residing therein and all persons connected with any such State or supervised institution as officers or charged with the management thereof by law or otherwise or in any way having the care custody control or management thereof or connected therewith as employes are hereby directed and required to give to the Secretary of Welfare or to such officer inspector or agent of the department such means facilities and opportunity for such visitation examination inquiry and interrogation as is hereby provided and required or as the department by its duly ordained rules or regulations may require

(c) Whenever upon the visitation examination and inspection of any State or supervised institution any condition is found to exist therein which in the opinion of the department is unlawful unhygienic or detrimental to the proper maintenance and discipline of such State or supervised institution or to the proper maintenance custody safety and welfare of the inmates thereof or of the persons committed thereto or being treated detained or residing therein to direct the officer or officers charged by law with or in any way having or exercising the control government or management of such State or supervised institution to correct the said objectionable condition in the manner and within the time specified by the department whereupon it shall be the duty of such officer or officers to comply with the direction of the department If such officer or officers shall fail to comply with such direction the department may request the Department of Justice to institute appropriate legal proceedings to enforce compliance therewith or the department may withhold any State money available for such institution until such officer or officers comply with such direction

(d) To cause to be visited and examined any person found by an inquisition to be insane and to authorize such visiting and examining by an officer or agent of the department or any board of visitors or by a physician and to apply to the court having jurisdiction over the committee or guardian of such insane person or to a judge of a Court of Common Pleas of the county in which the insane person is a resident or detained to make such orders for the maintenance custody or care of the insane person and for the care and disposition of the property of the insane person as the case may require

Section 2307 Recommendations The Department of Welfare shall have the power and its duty shall be from time to time to recommend and bring to the attention of the officers or other persons having the management of the State and supervised institutions such standards and methods as may be helpful in the government and administration of such institutions and for the betterment of the inmates therein whereupon it shall be the duty of such officers or other persons to adopt and put into practice such standards and methods

Section 2311 Restoration The Department of Welfare shall have the power and its duty shall be

(a) To require and supervise the transfer of inmates [of one penitentiary to another under any law providing therefor] from one State penal or correctional institution to any other State penal or correctional institution

(b) To formulate and put into operation plans for the classification of State penal or correctional institutions and also to formulate and put into operation a program for the classification of inmates so that the inmates may be grouped in those institutions which have the proper facilities

[(b)] (c) To request from any or all magistrates chiefs of police sheriffs district attorneys courts judges probation officers and all others concerned in the control apprehension trial and punishment of criminals and delinquents in this Commonwealth periodical reports as to the number and kind of crimes reported the numbers age sex color nativity and offenses of criminals and delinquents arrested tried and otherwise disposed of the sentences imposed and whether executed or suspended the number placed on probation and the reason therefor the number of probation officers and the nature of the oversight exercised over those placed on probation and for the purpose of verifying the reports so made the department shall have the power to make such further inquiry or investigation as may seem to it necessary and it shall be the duty of all such magistrates and other officers to make

such reports at such time or times and to furnish such facilities for investigation and such cooperation as the department may require

Section 2312 Inmate Labor The Department of Welfare shall have the power and its duty shall be

(a) To establish maintain and carry on industries in the Eastern State Penitentiary the Western State Penitentiary the Rockview Penitentiary the new Eastern State Penitentiary at Graterford the Pennsylvania Industrial Reformatory at Huntingdon and such other penal or correctional institutions of this Commonwealth as it may deem proper in which industries all persons sentenced to such institutions who are physically capable of such labor may be employed at labor for not to exceed eight hours each day other than Sundays and public holidays Such labor shall be for the purpose of doing printing or of manufacturing and producing supplies or for the preparation and manufacture of building material for the construction or repair of any State institution or in the work of such construction or repair or for the planting of seed trees or the performance of other work in State forests or for the purpose of industrial training or instruction or in the manufacture and production of crushed stone brick tile and culvert pipe or other material suitable for draining roads of the State or in preparation of road building and ballasting material

(b) To determine the amount kind and character of the machinery to be erected in each of the said penitentiaries reformatory or other penal or correctional institutions of the Commonwealth and the industries to be carried on therein having due regard to the location and convenience thereof with respect to other institutions to be supplied to the machinery therein and the number and character of inmates

(c) To contract to sell or sell the article manufactured or produced in the said industries carried on in the said penitentiaries reformatory or other penal or correctional institutions which cannot be used therein to the Commonwealth or to any county city borough township school district or poor district thereof or to any State institution or to any educational or charitable institution receiving aid from the Commonwealth or to the Government of the United States or any department bureau commission or agency thereof or to any other State or political subdivision thereof or to any institution receiving aid from the Government of the United States or of any other State

(d) To arrange for the employment of inmates of such institutions at such work or labor wihtin or upon the institutions at such work or labor within or upon the maintenance of the institutions or the raising of food products therefor

(e) To charge to each such institution such rate per diem as may be paid by the department to such inmate hereunder for his services for the work or labor of each inmate engaged in work or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor

Also to collect from each such institution for any manufactured supplies or products used by it the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor All amounts collected by the Department of Welfare from such institutions hereunder shall be paid through the Department of Revenue into the Manufacturing Fund in the State Treasury and all such amounts shall be considered a part of such institutions' maintenance expense

(f) To charge to each such institution in like manner for the labor of all inmates engaged in preparing materials for the construction of buildings or in doing construction work such payments to be made by the institutions out of funds available for construction work All moneys received hereunder shall be paid into the Manufacturing Fund through the Department of Revenue

(g) Through the Department of Revenue to pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institutions This clause shall not however apply to the sale of surplus foods products or products of the soil as elsewhere in this act permitted

(h) To pay out of the Manufacturing Fund [for the machinery equipment and material required or used in the carrying on of the industries in the said penitentiaries reformatory or other institutions under the provisions hereof and all salaries of superintendents managers salesmen clerks and others employed in the management of the industries and the wages as hereinafter provided for the labor of the inmates of said penitentiaries reformatory or other institutions in such industries] all expenses necessary for the proper conduct of the work of the department pertaining to the establishment maintenance and carrying on of industries in the State penal and correctional institutions including the payment of salaries wages and other compensation of superintendents managers supervisors chairmen clerks assistants and other employes engaged in the operation and management of such industries the payment of wages for the labor of inmates of such institutions the payment of rentals and other expenses for offices rooms garage space and other accommodations outside of the Capitol buildings either in or outside the City of Harrisburg the erection construction alteration or repair of buildings necessary to house such industries the payment of premiums for workmen's compensation insurance covering officers and employes and for surety bonds for such officers and employes as may be required by law to furnish such bonds the purchase and the payment of the operating cost of motor vehicles required for full-time use including premiums and liability insurance covering such motor vehicles ofr officers and employes operating them the payment of mileage charges to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use the purchase of machinery equipment furniture materials supplies and commodities the payment of charges to the Department of Property and Supplies for any purchases or service made through the Purchasing Fund and for the payment of all other necessary expenses

Estimates of the amounts to be expended from the Manufacturing Fund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations and it shall be unlawful for the Department of the Auditor General to honor any requisition for expenditures or moneys out of this appropriation in excess of the estimates approved by the Governor Subject to this provision the Department of the Auditor General shall from time to time draw warrants upon the Treasury Department for the amounts specified in such requisitions not exceeding however the amount in the Manufacturing Fund at the time of the making of any such requisitions

(i) To require that an account shall be kept by the proper officers of each said penitentiary reformatory and other correctional institution of the labor performed by inmates In such account shall be shown the time each inmate is actually engaged in work the rate of wage at which he is to be paid which shall be regulated by the department In no case shall the amount be less than ten cents for each day of labor actually performed The rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness industry and good conduct of the inmate All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund to be disbursed or held by such institution in the manner following

Three-fourths of the amount of wages payable to an inmate of such penitentiary reformatory or other institution or the entire amount if the inmate so wishes shall constitute a fund for the relief of any person or persons dependent upon such inmate and shall be paid upon the order of the board of trustees of the penitentiary reformatory or other institution in which the inmate is a prisoner to the person or persons establishing such dependency to the satisfaction of such board at such time or times as said board may order

All sums credited to any inmate and not paid to a dependent or dependents shall be paid to the inmate on his discharge from the penitentiary reformatory or other institution in which he was a prisoner Provided however

That subject to the rules and regulations of the board of trustees of the penitentiary reformatory or other institution in which such inmate is a prisoner the whole or any part of said sum may be paid to him during his imprisonment for his present needs such rules and regulations to be subject to the approval of the department

(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as the department may approve and which they are able to provide from other sources but all such work shall be performed the products thereof sold and the proceeds thereof disposed of under the rules and regulations of the department covering the same

(l) To supervise the establishment in other State institutions of industries classes in occupational therapy and other means for the employment and training of inmates or patients

Section 2315 State Institutions With regard to State institutions the department shall have the power and its duty shall be

(a) To determine the capacity of such institutions

(b) To determine and designate the type of persons to be received by such institutions the proportion of each type to be received therein and the districts from which persons shall be received by such institutions

(c) To issue requisitions upon the Auditor General for warrants to be drawn by the Auditor General upon the State Treasurer in favor of such institutions for the payment out of moneys specifically appropriated to the department for the purpose of the expenses of administering operating maintaining and developing such State institutions

(d) To require the submission to the department of any contract for repairs alterations or equipment which any such State institution desires to make and to approve or disapprove such proposed contract No such contract shall be valid without the approval of the department as evidenced by the signature of the Secretary of Welfare

(e) To fix and establish charges for all services rendered by State-owned medical and surgical hospitals

Section 2318 Boards of Trustees of State Institutions The board of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution It shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a superintendent or warden of the institution who shall subject to the authority of the board administer the institution in all its departments [and if the board shall deem it advisable a business manager]

(b) On nomination by the superintendent or warden from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Secretary of Welfare to make such by-laws rules and regulations for the management of the institution as it may deem wise

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions

Board of Trustees of Eastern State Penitentiary of Eastern State Penitentiary at Philadelphia

Board of Trustees of Western State Penitentiary of Western State Penitentiary at Pittsburgh and of the State Penitentiary at Rockview

Board of Trustees of Pennsylvania Industrial School of Pennsylvania Industrial Reformatory to be known as Pennsylvania Industrial School at Huntingdon until its completion as an institution for the reception care maintenance detention employment and training of defective delinquents and thereafter to be known as the Pennsylvania Institution for Defective Delinquents

Board of Trustees of State Industrial Home for Women of State Industrial Home for Women at Muncy

Board of Trustees of Pennsylvania Training School of Pennsylvania Training School at Morganza

Board of Trustees of Allentown State Hospital of Homeopathic State Hospital for the Insane at Allentown

Board of Trustees of Danville State Hospital of State Hospital for the Insane at Danville Pennsylvania

Board of Trustees of Farview State Hospital of State Hospital for the Criminal Insane at Farview.

Board of Trustees of Harrisburg State Hospital of Harrisburg State Hospital at Harrisburg

Board of Trustees of Norristown State Hospital of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown

Board of Trustees of Warren State Hospital of State Hospital for the Insane at Warren Pennsylvania

Board of Trustees of Wernersville State Hospital of State Asylum for the Chronic Insane of Pennsylvania at South Mountain

Board of Trustees of Torrance State Hospital of Western State Hospital for the Insane Torrance

Board of Trustees of Ashland State Hospital of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland

Board of Trustees of Blossburg State Hospital at Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg

Board of Trustees of Coaldale State Hospital of State Hospital at Coaldale Schuylkill County

Board of Trustees of Connellsville State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville

Board of Trustees of Hazleton State Hospital of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton

Board of Trustees of Nanticoke State Hospital of State Hospital of Luzerne County at Nanticoke

Board of Trustees of Philipsburg State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg

Board of Trustees of Scranton State Hospital of State Hospital of the Northern Anthracite Coal Regions of Pennsylvania at Scranton

Board of Trustees of Shamokin State Hospital of State Hospital of the Trevorton Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin

Board of Trustees of Locust Mountain State Hospital of Locust Mountain State Hospital at Shenandoah

Board of Trustees of Laurelton State Village of Pennsylvania Village for Feeble-Minded Women at Laurelton

Board of Trustees of Pennhurst State School of State Institution for the Feebleminded and Epileptic of Eastern Pennsylvania at Pennhurst

Board of Trustees of Polk State School of State Institution for the Feeble-Minded of Western Pennsylvania at Polk

Board of Trustees of Selinsgrove State Colony for Epileptics of the State Colony for Epileptics at Selinsgrove

Section 2319 [Board of Trustees of Cumberland Valley State Institution for Mental Defectives The Board of Trustees of Cumberland Valley State Institution for Mental Defectives shall when and as the legislature shall appropriate money for the purpose cooperative [cooperate] with the Department of Property and Supplies as provided in this act in the erection on the property at New Cumberland Cumberland County Pennsylvania acquired by the Commission for the Selection of a Site and the Erection of a State Institution for Inebriates of a State institution for mental defectives

Upon the completion of such institution the board of trustees shall manage and control the same as provided in the proceeding section of this act Provided That the Superintendent of such institution shall always be a physician experienced in the treatment of mental diseases and mental defectives] New Pennsylvania Industrial School Maximum Security State Prison and Western State Psychiatric Hospital Upon the erection construction and

completion of the new Pennsylvania Industrial School the Maximum Security State Prison and the Western State Psychiatric Hospital pursuant to law the Department of Welfare shall manage and control the same and shall have such powers and duties with respect thereto as are provided by law

Section 2402 Grounds Building and Monuments in General The Department of Property and Supplies shall have the power and its duty shall be

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal and the Executive Mansion and to make or supervise the making of all repairs alternations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

(b) To employ such captains sergeants of police and police officers as may be necessary to preserve good order in the Capitol grounds and buildings and fix their compensation Provided however That the number and compensation of such captains sergeants and officers shall be subject to the approval of the Governor Such captains sergeants and officers shall be known as the Capitol Police

(c) To employ such help as may be reasonably necessary for the cleaning care and preservation of the Capitol grounds and buildings and the furnishings therein for operating the mechanical plants in the Capitol buildings and the Executive Mansion and for service at the Executive Mansion

(d) To contract in writing for and rent proper and adequate offices rooms or other accommodations outside of the Capitol buildings for any department board or commisison which cannot be properly and adequately accommodated with offices rooms and accommodations in the Capitol buildings and in all cases in which the head of a department for such department or for a departmental administrative board or commission within such department or an independent administrative board or commission with the approval of the Executive Board has established or is about to establish a branch office in any city or place outside of the capital city with the approval of the Board of Commissioners of Public Grounds and Buildings to contract in writing for and rent such offices rooms and other accommodations as shall be proper and adequate for such department board or commission The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles either in or outside of the capital city at such rentals or rates as it shall deem reasonable The department may also if the General Assembly shall have appropriated funds therefor lease any lands which may be necessary for use by any department board or commission in the exercise of its powers or the performance of its duties It shall be unlawful for any other department board commission or agency of the State Government to enter into any leases but the Department of Property and Supplies shall act only as agent in executing leases for departments boards and commissions the expenses of which are paid wholly or mainly out of special funds and in such cases the rentals shall be paid out of such special funds

(e) To employ and with the approval of the Governor fix the compensation of such capable superintendents of construction engineers or inspectors as may be necessary properly to supervise building repairing altering adding to or improving State buildings in cases in which the work is not being done directly by or under contract with the Department of Property and Supplies Such superintendents engineers or inspectors shall see that the plans and specifications prepared and adopted for such new buildings or for repairs alterations additions or improvements to existing buildings shall be faithfully carried out and shall be subject to appeal to and final decision by the head of the department define determine and decide all questions of the proper interpretation of the plans and specifications which may be raised during the progress of the work

(f) Out of funds appropriated to the department therefor to purchase or condemn land with or without buildings thereon for the purpose of adding the same to any of the public lands or parks or for use as sites for or in connection with arsenals armories military reservations intermediate landing fields hospitals normal schools teachers' colleges penal or correctional institutions or other institutions of the Commonwealth whenever in the judgment of the Governor the purchase or condemnation of such land is necessary or whenever such purchase or condemnation shall have been authorized by law and an appropriation shall have been made therefor The condemnation of land hereunder shall be in the manner provided by the act approved the fifteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws nine hundred seventy-six entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain where the purchase of such property has either been authorized by law or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws and an appropriation made therefor" its amendments and supplements Except as otherwise in this act expressly provided no other department board or commission of the State Government shall hereafter exercise the right of eminent domain for any of the purposes aforesaid any other act of Assembly heretofore enacted to the contrary notwithstanding

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected Provided That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board

(h) Whenever loss or damage by fire or other casualty shall occur to any structure building equipment or other property owned by the Commonwealth and be reported to the department to make an examination thereof and in its discretion subject only to the approval of the Governor to rebuild restore or replace the property damaged or destroyed and for that purpose to have plans and specifications prepared and contracts executed and to supervise the erection construction or replacement thereof such rebuilding restoration or replacement to be in substantial accord with the original character use and purposes of the property damaged or destroyed The cost of the materials furnished and work and labor performed under such contracts shall be certified by the department to the Auditor General who shall issue his warrant against the State Insurance Fund of this Commonwealth which warrant shall be paid by the State Treasurer in the manner provided by law Provided That whenever the department shall have taken such action as will involve expenditures from said fund it shall forthwith certify the probable amount of expenditure to the State Treasurer who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into

(i) To rent to individuals firms or corporations such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approval of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year

(j) From time to time to rent to persons associations or corporations upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings the auditorium in the South Office Building Number Two when it shall not be required for the Commonwealth's use

(k) To establish standards for and supervise generally the operation of all mechanical and electrical equipment

used in connection with the operation of any State institution or other State building

Section 2403 Standards and Purchases The Department of Property and Supplies shall have the power and its duty shall be

(a) To formulate and establish standards or specifications whenever practicable for articles materials supplies furnishings and equipment used by administrative departments independent administrative departmental administrative and advisory boards and commissions but no specification shall be fixed as a standard until it shall be approved by a majority of the departments boards and commissions using the article material or supply described in the specifications

(b) To enter into contracts for supplying all stationery printing paper and fuel used in the legislative and other departments of the Government and for repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees All such contracts shall be awarded to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor the Auditor General and the State Treasurer

(c) To purchase in like manner (exclusive of the requirement as to maximum price) all other furniture materials or supplies required by the legislative and other departments of the State Government except as otherwise provided in this act

(d) To distribute stationery paper and fuel to the legislative and other departments of the government and arrange for the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees upon requisition of the Governor or of the appropriate administrative department or independent administrative board or commission or the proper officer of the General Assembly or of the judicial department as the case may be Provided That all requisitions for furniture materials or supplies required by any department administrative board commission or officer or any advisory board or commission shall be made by the administrative department with which such departmental administrative board commission or officer or such advisory board or commission is connected And provided further That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any biennial appropriation for furniture stationery materials and supplies allocated to such department board or commission by the Governor shall have been expended for such department board or commission

(e) To act as the purchasing agency for any administrative department or independent administrative or departmental administrative board or commission which by law is authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by it or out of moneys specifically appropriated to it by the General Assembly except that all departments boards and commissions requiring perishable food-stuffs [or fuels] for use in State institutions may purchase such food-stuffs [and fuel] directly and any department board or commission having charge of a State institution which is able after competitive bidding to purchase any article for a less price f o b the institution than the price at which such article can be furnished by the Department of Property and Supplies f o b the institution may purchase such article directly All purchases made by the Department of Property and Supplies as purchasing agency under this clause shall conform to schedule unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from schedule and all purchases made directly for any State institution shall conform to the specification contained in the schedules or if the article be not included in the schedules then to the standard specification if any adopted by the Department of Property and Supplies for the commodity purchased unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification

(f) To collect and furnish on request market prices and such other information as will be serviceable in purchasing to any institution receiving State funds directly or indirectly

(g) To authorize any other department or any board or commission to make direct purchases in the field not exceeding a specified amount but the department shall require records of all such purchases to be transmitted to it periodically in such form as it may prescribe In so far as practicable purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies and shall be in accordance with applicable specifications in such contracts otherwise such purchases shall be made from the lowest of at least two bidders

Section 2404 Bonds and Liability Insurance The Department of Property and Supplies shall have the power and its duty shall be

(a) To procure from a corporation or corporations authorized by law to act as sureties in the Commonwealth of Pennsylvania good and sufficient bonds which shall be approved by the Attorney General and filed with the State Treasure to meet the requirements of law in the case of all State officers and employes required by statute to give surety bonds to the Commonwealth for the faithful performance of their official duties or to account for State funds in their possesion Provided That if and when the Commonwealth shall establish its own indemnity fund such bonds shall be purchased only in such cases as the Executive Board may require

(b) To procure liability insurance covering vehicles owned by the Commonwealth and operated by State officers or employes or State officers or employes operating vehicles loaned by the Federal government and in its discretion excess fire insurance on State buildings and any other kind of insurance which it may be lawful for the Commonwealth or any department board commission or officer thereof to carry and for which an appropriation has been made to the department or to any other administrative department board or commission

The department shall pay for such insurance out of the moneys appropriated to it except that it shall not pay for insurance covering (1) officers employes or property of the departments boards and commissions whose expenses are wholly paid out of funds other than the General Fund of the State Treasury or (2) officers employes and property of departments boards and commissions receiving appropriations out of the General Fund for such purpose Insurance covering the officers employes and property of such departments boards and commissions shall be paid for out of the special funds appropriated to them or out of the moneys of the General Fund appropriated to them as the case may be

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe operating the vehicle against claims for damages for injury to person or property within such limits as the department with the approval of the Executive Board shall prescribe

Section 2405 Sale of Unserviceable Property The Department of Property and Supplies shall have the power and its duty shall be to receive from the several administrative departments and independent administrative and departmental administrative boards and commissions unserviceable personal property of this Commonwealth to issue a receipt therefor make a complete record thereof and if no other department board or commission is able to make use of the same presently then as soon as convenient to sell the same either at public auction or private sale in the city of Harrisburg or elsewhere as may be deemed advisable Except in the case of perishable property such sales shall if the department deems it feasible in view of the value of the property involved be advertised in not exceeding five newspapers of the Commonwealth once a week for three weeks such advertisements to state the time place and conditions of any such sale but if after such advertising the department is unable to obtain a bid for the property it may be demolished

or destroyed Provided That when the unserviceable property is located [at a State institution] outside the City of Harrisburg the [department] Department of Property and Supplies in its discretion may authorize [such institution] the department board or commission having possession of the same without advertising to obtain at least two bids in the locality where the property is located Such bids shall be referred to the [department] Department of Property and Supplies and if it believes that the property will not realize a higher net sale price if transported to the Capitol for sale the department may authorize the [institution] department board or commission having possession of the same to sell the property locally to the highest bidder to take a proper receipt therefor and to transmit the proceeds to the [department] Department of Property and Supplies to be by it paid into the State Treasury through the Department of Revenue And provided further That whenever any department board or commission shall deliver to the Department of Property and Supplies any unserviceable personal property and at the same time requisition the said department to furnish new property of a similar character to replace the unserviceable property delivered as aforesaid or request said department as purchasing agency to purchase new property of a similar character the Department of Property and Supplies [with the approval of the Board of Commissioners of Public Grounds and Buildings] shall endeavor to exchange the unserviceable property for or on account of the purchase price of the new property about to be purchased but such unserviceable property shall not be delivered for or on account of the purchase price of any property at a lower valuation than the price which such unserviceable property would bring if sold in the open market for cash and to the extent that advertising any such unserviceable property for sale may be necessary to establish its market value the Department of Property and Supplies is authorized and directed to advertise as hereinabove provided The Department of Property and Supplies shall obtain from the person partnership or corporation to which any personal property is delivered in exchange under the authority of this section a receipt therefor describing such personal property and specifying the value at which it was taken in exchange and such receipt shall be delivered to the Auditor General attached to the requisition for the payment of the balance of the purchase price due for the new property purchased The proceeds of sales of personal property hereunder shall be transmitted by the Department of Property and Supplies to the Department of Revenue which shall transmit it to the Treasury Department to be credited to the fund out of which the property sold was originally purchased

Section 2406 Publications The Department of Property and Supplies shall have the power and its duty shall be

(a) To edit for publication all reports bulletins and other publications of the various departments boards and commissions of the State Government

(b) With the approval of the President Pro Tempore of the Senate and the Speaker of the House to determine the size and character of the various publications to be printed for the use of the General Assembly Provided That the quantity of any new publication for the members and officers of the General Assembly shall be fixed by act or resolution And provided That the members and officers of the General Assembly shall receive not less than the same number of advance sheets of the laws bills calendars journals Pamphlet Laws department reports and other publications as is now authorized by law which shall be distributed to the members and officers of the General Assembly only on the requisition of the librarian of the Senate and the resident clerk of the House of Representatives

With the approval of the Governor to determine the need size character quantity and method of distribution of the various publications to be printed for the use of or distribution by the several departments boards commissions and other agencies engaged in the administrative work of the State Government Provided That in the case of reports made by the several departments boards or commissions the department board or commission making the report shall be consulted with regard to the need size character quantity and method of distribution of such reports

With the approval of the Governor and of the Chief Justice of the Supreme Court of Pennsylvania to determine the size character quantity and method of distribution of the various publications to be printed for the use of the judicial department

Unless specifically authorized by act or resolution no public printing and binding shall be ordered performed or furnished by the department for the General Assembly or any department board commission or other agency of the State Government until a requisition for said work or materials has been presented to the department duly signed by the chief clerk or librarian for the Senate the chief clerk or president clerk for the House of Representatives or the head or the person or persons who may be given such authority by the head of the department or the chief executive officer or other authorized representative of the board commission or other agency of the State Government making such requisition

(c) To compile and edit a State Manual which shall be published annually or biennially under such name as the department and the Governor shall determine The members and officers of the Senate and House of Representatives shall be given for distribution of said publication not less than the number that they were heretofore given of Smull's Legislative Hand Book The number to be published for the several State departments boards and commissions shall be fixed by the department with the approval of the Governor If in the judgment of the department it is deemed advisable to publish copies of said manual in addition to those herein authorized which can be sold at the cost of printing and binding the department is authorized to publish such additional copies and pay the amount realized from the sale of same to the State Treasurer through the Department of Revenue

(d) To enter into contracts for furnishing all printing used in the legislative and other departments of the government and the printing binding and distributing of the laws journals department reports and all other printing and binding lithographing cuts plates dies and supplies and material incident thereto which contracts shall be given to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor Auditor General and State Treasurer

(e) To distribute all documents upon requisition of the persons entitled to make requisition therefor by causing the same to be packed in packages or boxes addressed as required in the requisition and delivered personally at the office of the department or free at the post office express or freight office indicated in the requisition Provided That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any biennial appropriation for documents allocated to such department board or commission shall have been expended for such department board or commission

(f) To furnish blank requisition forms at cost to all persons entitled to make requisitions upon the department for documents stationery furniture or supplies of any character

(g) From time to time to solicit by advertising proposals for the purchase of all waste paper documents and other materials that have been accumulated and are no longer needed and the department is hereby authorized to make sale thereof by contract or contracts to the highest bidder upon such terms and conditions as it shall determine but the department shall have the right to reject any and all proposals for the sale The proceeds of any such sale shall be paid into the General Fund in the State Treasury through the Department of Revenue

(h) To publish advance sheets of the Pamphlet Laws and to transmit one copy thereof by mail to each depart-

ment board and commission of the State Government to each prothonotary and to each law judge of the courts and to every county and public library of this Commonwealth and to each member of the General Assembly Such copies shall be furnished without charge The department shall also mail to any person who shall pay to it the sum of five dollars on copy of each such law enacted during any legislative session All moneys received hereunder shall be paid into the General Fund in the State Treasury through the Department of Revenue

(i) To copyright in the name of the Commonwealth all publications of the Commonwealth or of any department board or commission or officer thereof including the State Reports which under existing or future laws it shall be necessary to have copyrighted and such other publications as the Secretary of Property and Supplies with the approval of the Governor shall deem it advisable to copyright

(j) To distribute to the public upon payment to the department of such sum per copy as shall cover the cost of publication any documents published by the department for the Commonwealth or any department board commission or officer thereof which shall cost more than five cents per copy to publish except documents published for the Governor and the General Assembly which shall be distributed without charge as heretofore To administer this subsection the department may publish for free distribution to applicants therefor a price-list showing the publications which the department is prepared to furnish to the public and the charges for each such document All moneys collected by the department hereunder shall be paid through the Department of Revenue into the General Fund in the State Treasury except that if the cost of publishing any document sold by the department hereunder shall have been paid out of any special fund in the State Treasury the proceeds of the sale thereof shall be paid into such special fund through the Department of Revenue

Section 2407 Automobiles The Department of Property and Supplies shall upon the effective date of this act take over and thereafter assume responsibility for the maintenance and operation of all automobiles owned by the Commonwealth or any administrative department board or commission thereof except the Department of Highways

After the effective date of this act all automobiles required for use by the administrative departments boards commissions and officers of the State Government shall be purchased by the Department of Property and Supplies but in purchasing automobiles required for the use of any department board or commission having authority to purchase automobiles out of money appropriated to it the Department of Property and Supplies shall act as purchasing agency

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth except those operated by the Department of Highways unless in any case it shall specifically authorize any department board commission or officer to make or order the making of repairs to any specified automobiles and except emergency repairs necessarily made while any automobile is away from its garage

The Department of Property and Supplies may assign to any department board or commission such automobiles as may be required by it for full-time daily use and such automobiles shall be operated by employes of such departments boards or commissions The Department shall maintain a sufficient number of automobiles not assigned to departments boards or commissions to meet the requirements of departments boards and commissions which do not require the full-time daily use of automobiles and to meet extraordinary and occasional demands of all departments boards and commissions other than the Department of Highways Such automobiles with or without chauffeurs shall be furnished to departments boards or commissions upon requisition of the heads of the respective departments or of the executive officers of the respective boards or commissions This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes

The cost of oil gasoline tires repairs parts for and repairs to automobiles permanently assigned to departments boards and commissions shall be paid out of the appropriations to such departments boards and commissions but the Department of Property and Supplies shall contract for all such oil gasoline tires repair parts and repairs except that repairs may be made by the Department of Highways and if authorized as hereinbefore provided by other departments and by boards and commissions For the use of other automobiles departments boards and commissions shall be billed by the Department of Property and Supplies upon a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine Amounts payable for the use of such automobiles shall be paid out of the appropriations to such departments boards or commissions to the Department of Property and Supplies and shall be by it paid into the General Fund of the State Tresaury through the Department of Revenue

The Department of Property and Supplies shall require every administrative department including the Department of Highways and every independent administrative and departmental administrative board or commission to report to it monthly upon forms supplied by it and with such detail as it shall require the places to and from which each automobile was operated the mileage traveled the amount of oil and gasoline purchased the names of employes of the department board or commission operating each automobile the names of the employes of the department board or commission for whom the automobiles were operated and such other information as may be necessary to enable the Department of Property and Supplies to take and keep complete records of the use and cost of operation of all State automobiles except that it shall not be necessary for the Department of the Auditor General the Treasury Department or the Pennsylvania State Police to report the places to and from which or the names of the persons by or for whom automobiles were operated

The types and numbers of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board

Section 2408 Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings Whenever the General Assembly shall have appropriated money to the Department of Property and Supplies or to any other department or to any administrative board or commission for the erection of new buildings or sewage or filtration plants other service systems or athletic fields or other structures or for alterations or additions or repairs to existing buildings or to such plants systems fields or structures to cost more than [ten thousand dollars ($10,000)] four thousand dollars ($4,000) the following procedure shall apply unless the work is to be done by State employes or by inmates or patients of a State institution or State institutions or unless the department board or commission to which the General Assembly has appropriated money for the foregoing purposes is by this act or by the act making the appropriation authorized to erect alter or enlarge buildings independently of the Department of Property and Supplies or under a different procedure

(a) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission such department board or commission shall notify the Department of Property and Sup-

plies as soon as it is ready to have plans and specifications for the work prepared

(b) Promptly after such notice in such cases or promptly after any appropriation made to it becomes available the Department of Property and Supplies shall select an architect and if necessary an engineer or both to design the work and prepare the specifications therefor but in the case of a building to be done for the use of any other department or any board or commission (unless the building is on the Capitol grounds) the selection of the architect and engineer if any shall be subject to approval by such department board or commission and in case of departmental administrative boards or commissions by the departments with which such boards or commissions are respectively connected Any architect or engineer so selected and approved shall submit promptly the name or names of his associate architect or engineers to the Department of Property and Supplies for its approval

(c) The Department of Property and Supplies shall enter into a contract with the architect [and] or engineer [if any] which shall provide a date for the completion of the plans and specifications and that the plans and specifications must meet with the approval of the department board or commission for which the building is being erected altered or enlarged (unless the building is on the Capitol grounds) and in the case of departmental administrative boards or commissions of the departments with which such boards or commissions are respectively connected to the extent of the type and general character of the building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared that the plans drawings and specifications must be approved by the Department of Property and Supplies that the exterior design of the buliding must be approved by the State Art Commission and that the plans and specifications must be approved by the Department of Labor and Industry and the Department of Health to the extent to which those departments respectively have jurisdiction to require the submission to them for approval of certain features of the building Such architect [and] or engineer [if any] in preparing plans and specifications shall consult with the department board or commission for which the building is to be erected altered or enlarged [(unless the building is on the Capitol Grounds)] but the Department of Property and Supplies shall insist upon the prompt completion of the plans and specifications within the time prescribed in the achitect's [and] or engineer's contracts unless it shall agree to an extension thereof

Every department board or commission whose approval of plans [or] and specifications is required hereunder shall within [sixty] twenty days after submission thereof by the architect or engineer approve or disapprove all sketches drawings specifications and other documents and shall inform the architect or engineer of decisions in such reasonable time as not to delay him in his work

(d) Upon the completion of the plans and specifications and their approval by all necessary State agencies the Department of Property and Supplies shall invite proposals by advertisements inserted at least three times in not less than six or more than twelve newspapers of large general circulation in different parts of the Commonwealth The first and last publications of any such advertisement shall be at least ten days apart and the department shall not advertise hereunder in more than three newspapers in the same county

(e) The department may invite proposals either for completely erecting altering or adding to any building or separately for parts of the work or both Whether it shall invite proposals for part of the work and if so for what parts shall rest within the sole discretion of the department

(f) All proposals shall be accompanied by certified or bank checks in such amounts or percentages of the amounts of the proposals as shall be specified in the advertisement and shall be publicly opened and tabulated at the time and place specified in the advertisement

(g) The department shall as soon as practicable award the contracts to the lowest responsible qualified bidder but it shall have the right to reject any or all bids to waive technical defects and to accept or reject any part of any bid if in the judgment of the department the best interests of the Commonwealth shall require it The successful bidder shall also deliver to the Commonwealth at the time of execution of the contract a surety bond having as surety a surety company authorized to transact business in this Commonwealth or two individual sureties approved by the Department of Justice in the amount of ten per centum (10%) of the contract price as surety against defective or inferior materials or workmanship which may develop during the period of one (1) year from the date of completion and acceptance of the work performed under the contract

(h) No proposal for any contract shall be considered unless accompanied by a certified or bank check as prescribed by the department at the time of advertising A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded must within ten days after such award substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work as shall have been prescribed by the department in its invitation for proposals and an additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work as prescribed by the department in its invitation for proposals conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work whether or not the material or labor enter into and become component parts of the building Such additional bond shall be held by the Department of Property and Supplies for the use of every party who whether as sub-contractor or otherwise has furnished material or supplied or performed labor in the prosecution of the work as above provided and who has not been paid therefor and among other things shall provide specifically that any such party may bring a suit thereon in the name of the Commonwealth for his their or its own use prosecute the same to final judgment for such sum or sums as may be justly due and have execution thereon Provided however That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit Each surety bond required hereunder shall have as surety a surety company authorized to transact business in this Commonwealth or two individual sureties approved by the Department of Justice

(i) No contract shall be valid or effective unless a certified copy thereof detail break-down sheet of the work and contract price of the work involved shall have been filed in the offices of the Auditor General the State Treasurer and the department board or commission for which the work is to be done promptly after the execution of the contract

(j) The enforcement of all contracts provided for by this section shall be under the control and supervision of the Department of Property and Supplies In the event that the Department of Property and Supplies and the contractor cannot agree on any of the general conditions of the contract and on the specifications such disagreement shall be subject to decision by the Department of Justice and its decision shall be final

(k) The Department of Property and Supplies shall examine all bills on account of the contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work or labor has been performed in a workmanlike manner and in accordance with the contract approve the bills and issue its requisition therefor or forward its certificate to the proper department board or commission as the case may be

(l) The Department of Property and Supplies shall

have the right to engage the services of any consulting or supervising engineer or engineers whom it may deem necessary for the proper designing of or inspection or supervision of buildings erected altered or enlarged by the department hereunder

(m) Changes in the plans or specifications or both may be made after their approval only with the consent of all of the departments boards and commissions whose approval of the original plans or specifications or both was necessary hereunder

(n) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission the Department of Property and Supplies shall award and enter into the contract as agent for the department board or commission to which the appropriation was made

Section 2409 Method of Awarding Contracts for Stationery Paper Fuel Repairs Furnishings and Supplies The Department of Property and Supplies shall [on or before the first day of February in each year] notify the Governor the several administrative departments the independent administrative departmental administrative and advisory boards and commissions the chief clerks of the Senate and House of Representatives and the proper officers of the judicial department respectively to furnish at such times as the Department of Property and Supplies may require lists of all equipment furniture and furnishings supplies repairs alterations improvements fuel and all other articles that may be needed by their respective departments boards or commissions or the Senate or the House of Representatives for [the fiscal year beginning the first day of June next following] such periods as the Department of Property and Suplies shall prescribe excepting only perishable foodstuffs [and fuel] for the State institutions and repairs or alterations which are not to be made by the Department of Property and Supplies

Upon receipt of such lists the Department of Property and Supplies shall as far as practicable consolidate and classify the articles named therein taking care that there shall be full descriptions given with make and number of goods when possible and proper maximum price fixed and shall prepare annual semi-annual or quarterly schedules thereof as deemed for the best interests of the Commonwealth Whenever deemed necessary it shall have plans designs and specifications prepared of any equipment furniture or furnishings repairs alterations and improvements paying for the preparation of the same out of the funds appropriated to the department

The department shall state in the schedules that the work or articles for which the plans designs and specifications are prepared are to be done or furnished in accordance therewith and that the plans designs or specifications will be found in its office for inspection and copies of the same shall be furnished to the successful bidders The schedules shall state that bids will be received on one or more of the items of any classification of the schedules In such schedules the form of proposal shall be given and all other information which the department shall consider necessary for the bidder In preparing the lists or schedules the department shall in all cases give preference to goods of American production or manufacture The quantities given in the schedules shall be the estimated maximum quantities that are likely to be required during the term of contract but the schedule shall in all cases provide that the goods shall be furnished in greater or less quantity and at such times as the needs of the departments boards commissions and the Senate and House shall require

The schedules shall also provide whenever practicable a per diem penalty or forfeiture after a stated time for the failure of a contractor to finish or furnish the work or materials contracted for which penalty or forfeiture shall be deducted by the Auditor General from the amount of the contractor's bill before settlement is made when so directed to do by the department

The department after conferring with the heads of the various departments boards commissions and the chief clerks of the Senate and House shall have the power to make such changes in the schedules as may be deemed proper and may standardize any or all articles therein When the schedules have been finally prepared they shall be [printed in pamphlet] prepared in such form as the department shall deem advisable and shall be the schedules of stationery paper supplies fuel equipment furniture furnishings repairs alterations improvements and other matters and things needed for the public grounds and buildings the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion

The department shall not less than six weeks prior to the termination of schedule contracts now existing or that may be made in the future advertise the opening of bids for the annual semi-annual or quarterly schedules by advertising inserted for at least three days the first and last publication to be at least ten days apart in not less than six or more than twelve newspapers of extensive general circulation in different parts of the Commonwealth not more than three of which shall be published in any one county invite sealed proposals for contracts to furnish all stationery supplies paper and fuel used by the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion and for repairing altering improving furnishing or refurnishing and all other matters or things required for the public grounds and buildings legislative halls and rooms connected therewith the rooms of the several departments boards and commissions and the buildings connected with the State Capitol and the Executive Mansion the advertisement shall contain a reference to the schedules so [printed] prepared by the department and as briefly as practicable invite bids for the furnishing of articles named in the schedules and give notice of the time and place where such bids will be received and when they will be opened

All proposals shall be delivered to the department on or before [twelve o'clock meridian] the hour designated in the proposal on the day set by the department following the date of the last advertisement and each bid shall be in duplicate one of which shall be marked "Duplicate Bid" Each bid together with the proper certified or bank check as provided for in this act shall be enclosed in an envelope securely sealed and shall be mailed or delivered to the department which shall retain all envelopes unopened until the time fixed for the opening thereof

The department shall on the date fixed for opening of bids at [twelve o'clock meridian] the hour designated in the proposal open and publish said proposals and as soon thereafter as practicable award the contracts to the lowest responsible bidded on each of the items of the several classifications of the schedules The department shall have the right to reject any or all bids The bids when opened shall be tabulated and shall be subject to examination by bidders A record of all bids shall be made by the department in a book kept for that purpose

When no proposal has been received or if for any reason the department shall reject all proposals the department shall reject all proposals the department shall advertise again for proposals giving at least fifteen days' notice of the time of receiving the same which proposals shall be opened awarded and approved in like manner as heretofore provided

[No] Except as hereinafter provided no proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check to the order of the State Treasurer in one-fourth the amount of the estimated contractor by a bond in such form and amount as may be prescribed by the department Any such bond shall be conditioned for the faithful performance of the terms of the contract if awarded and shall have as surety one surety company authorized to act as surety in this Commonwealth or two individual sureties approved by the Department of Justice

A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded may within ten days after such award substitute for said check a bond as herein prescribed otherwise said check shall be retained in lieu of a bond

The department may in its discretion permit a bidder

to file a bond for an annual period to cover proposals that may be made from time to time by such bidder during such period Such bond shall be in such amount as the department may determine and may be increased from time to time as the department may require in order to keep the same commensurate with proposals made from time to time by such bidder during such period Any such bidder to whom a contract shall have been awarded shall within ten (10) days after such award file a bond conditioned for the faithful performance of the terms of the contract

The department may in its discretion permit a bidder to file a bond to cover proposals made by and the performance of contracts awarded to any such bidder during an annual period Such bonds shall be in such amount as the department may prescribe and may be increased from time to time during the annual period by the department to keep the same commensurate with the contracts awarded to such bidder during such period

In the event that any contractor shall fail to fulfill or comply with the terms of any contract such contract shall be awarded to the next lowest responsible bidder and the department shall request the Department of Justice to bring suit against the failing contractor or his sureties to recover the loss sustained by the Commonwealth by the reletting

All contracts awarded shall be severally void unless first approved by the Governor the Auditor General and the State Treasurer and when so approved together with all checks or bonds given for their faithful performance be filed with the department which shall keep a record sof the same and shall within twenty days after the award certify copies of all said contracts to the Auditor General The bonds and certified checks of all unsuccessful bidders shall be returned to such bidders as soon as practicable after contracts have been awarded and approved but not later than sixty days after the date of opening the proposals

The enforcement of all contracts provided for by this act and of all similar contracts heretofore entered into and now in force shall be under the control and supervision of the department

The department shall receive from the contractor or contractors the articles mentioned in the schedules Articles contracted for must be furnished promptly It shall be the duty of the department to reject all articles not up to the standard required and if a contractor shall fail to exchange them for articles that meet the requirements prescribed or shall fail to deliver any article within a reasonable time the department may go into the open market and purchase articles to take the place of those adjudged to be of inferior quality or which have not been delivered and deduct the expense including any excess in price over that called for in the contract from the amount due the contractor from the Commonwealth If the amount due said contractor is not sufficient to meet such expenses and excess price paid for the articles purchased the department may proceed against the contractor or his sureties under the bond aforesaid by proper action through the Department of Justice

In all cases where a lump sum contract containing a provision for partial payments on account of materials delivered and work done is entered into by the department a percentage to be fixed by the department of the amount due as set forth in the contract shall be withheld from the contractor by the Auditor General until the department shall certify that the contract has been fully complied with

The department except in those cases where the department acts in the capacity of purchasing agent shall examine all bills on accounts of contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work of labor has been performed in accordance with the contract and approve the bill. When so approved the bills shall be audited settled and paid by the Auditor General and State Treasurer in the manner provided by law

It shall be the duty of the department when the articles named in the schedules are received from the contractors to care for them properly in storage rooms and the department shall be held responsible for their safekeeping

The Board of Commissioners of Public Grounds and Buildings shall provide suitable storage rooms for the furniture stationery supplies and fuel that may be procured

Whenever the Governor the heads of departments the executive officers of independent administrative boards and commissions the chief clerks of the Senate and House of Representatives or the proper officers of the judicial department shall require any portion of the stationery supplies fuel furniture furnishings repairs alterations improvements and other matters or things appearing in the schedules for which contracts have been awarded by the board a requisition giving number and description of the item needed shall be made on the department which shall cause the article to be delivered taking a proper receipt therefor

Whenever any administrative department or any independent administrative or departmental administrative board or commission shall call upon the department to purchase for it as purchasing agency any article named in the schedules if the department has such article on hand it may deliver the same to such department board or commission and forthwith [as purchasing agency for such department board or commission purchase another article to replace the article so delivered such replacement] bill such department board or commission for the cost of the same such bill to be paid for out of the appropriation available to the department board or commission for the purchase of the article

In the event that requisitions are made upon the department for any article of furniture furnishings stationery supplies fuel or any other matter or thing the want of which was not anticipated at the time of the making of the schedules the department may in its discretion invite proposals from at least two responsible bidders unless the article can be procured from only one source and when one proposal shall be invited such proposal or proposals together with such requisition or requisitions shall be submitted to the Board of Commissioners of Public Grounds and Buildings for approval or disapproval [at its next meeting] Provided however That the department may in its discretion purchase in the open market without inviting any proposal any such article costing less than fifty dollars but all such purchases shall be reported to the Board of Commissioners of Public Grounds and Buildings at its next meeting

Whenever any contract for the furnishing of materials for use in the construction or maintenance of highways exceeds five hundred dollars ($500.00) in amount and includes the performance of labor or the use of other materials in the delivery of such material to the site of the work or in the incorporation thereof into the completed structure the Department of Property and Supplies shall require the contractor to furnish an additional bond conditioned for the payment of labor and materials in the same manner as is required by paragraph (h) of section two thousand four hundred and eight of the Administrative Code to which this act is an amendment

Section 2414 State Art Commission Subject to any inconsistent provisions in this act contained the State Art Commission shall have the power and its duty shall be to examine and approve or disapprove the [exterior] design and proposed location of all public monuments memorials buildings or other structures except in cities of the first or second class in accordance with the act approved the first day of May one thousand nine hundred and nineteen (Pamphlet Laws one hundred three) entitled "An act creating a State Art Commission in the Board of Commissioners of Public Grounds and Buildings requiring the approval of the commission of the design and location of all public monuments memorials buildings or other structures and certain private structures proposed to be erected anywhere in this Commonwealth outside in cities of the first and second classes" and any amendments thereto

Section 2 That article twenty-six of the said act is hereby amended to read as follows

ARTICLE XXVI

Powers and Duties of the [Board of Game Commissioners] Pennsylvania Game Commission and Its Enforcement Officers

Section 2601 Powers and Duties in General The [Board of Game Commissioners] Pennsylvania Game Commission shall subject to any inconsistent provisions in this act contained [continue to] exercise the powers and perform the duties by law vested in and imposed upon the said [board] commission

Section 2602 Enforcement of Game Laws The [Board Game Commissioners] Pennsylvania Game Commission shall have the power and its duty shall be

(a) To protect propagate and preserve the game furbearing animals and protected birds of the Commonwealth and to enforce by proper action and proceedings the law relating to the same

(b) To appoint such number of game protectors as the Governor shall approve at such compensation as the Governor shall approve to assist the [board] commission in the proper discharge of its duties and such number of deputy game protectors as the Governor shall approve Deputy game protectors shall not receive any compensation for services rendered or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the [secretary of the board] executive director of the commission

The [secretary of the board] executive director of the commission shall be the Chief Game Protector and shall have the direction supervision and control of the other game protectors

Section 2603 Special Hunters' Licenses The [Board of Game Commissioners] Pennsylvania Game Commission shall have the power to issue special deer licenses special licenses to persons of known scientific attainment agents of public museums teachers of ornithology breeders taxidermists and fur dealers and other special licenses upon such terms and conditions and upon payment of such fees as may from time to time be provided by law

Section 2604 State Game Land Refuges and Farms The [Board of Game Commissions] Pennsylvania Game Commission shall have the power to acquire lands with or without mineral reservations by purchase lease or gift and to establish and maintain State Game Refuges and Game Farms State Game Propagation Areas and Special Preserves for the protection and propagation of game as may now or hereafter be authorized by law

Section 2605 Powers of Game Protectors Each member of the [Board of Game Commissioners] Pennsylvania Game Commission the executive [secretary] director of the [board] commission each game protector and each deputy game protector shall have the power

(a) To enforce all the laws relating to game or other wild birds or wild animals and to go upon any property outside of buildings posted or otherwise in the performance of his duty

(b) To execute all warrants and search warrants for the violation of the laws relating to game or other wild birds or wild animals

(c) To serve subpoenas issued for the examination investigation and trial of all offenses against the laws relating to game or other wild birds or wild animals

(d) To carry firearms or other weapons concealed or otherwise in the performance of their duties

(e) To arrest without warrant any person found in the act of violating any provisions of the laws relating to game or other wild birds or wild animals or in pursuit immediately following such violations or any person whom they have reason to suspect as being an unnaturalized foreign born resident when such person has in possession a firearm or a dog of any kind

(f) To call upon any citizen of this Commonwealth for assistance in making arrests

(g) To search without warrant and examine any person or any boat conveyance vehicle game bag game coat or other receptacle for game or any camp tent or cabin in the presence of any person stopping at or belonging to such camp tent or cabin or any roster when he has reason to believe and has stated to the suspected person or persons in charge his reason for believing that any of the laws relating to game or other wild birds or wild animals has been violated

(h) To secure and execute search warrants and in pursuance thereof to enter any building enclosure or car and to break open any apartment chest locker box trunk crate basket bag package or container and to examine the contents thereof

(i) At any time in any manner or for any purpose to seize and take possession of all birds or animals which have been caught taken or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to the laws of this Commonwealth (j) To seize all guns shooting or hunting paraphernalia traps dogs boats decoys or other appliances used in violation of any of the laws relating to game or other wild birds or wild animals when making an arrest or found in the execution of a search warrant

(k) To administer any oath required by the provisions or relative to any violation of any law relating to game found in a camp or in possession under control or other wild birds or wild animals and where game is found in a camp or in possession or under control of any individual or hunting party to question such person or persons under oath relative to the taking ownership or possession of the same

Section 3 That article twenty-eight of the said act is hereby amended to read as follows

ARTICLE XXVIII

Powers and Duties of the [Public Service Commission of the Commonwealth of Pennsylvania] Pennsylvania Public Utility Commission

Section 2801 Powers and Duties in General [The Public Service Commission of the Commonwealth of Pennsylvania shall subject to any inconsistent provisions in this act contained continue to exercise the powers and perform the duties by law vested in and imposed upon the said commission] The Pennsylvania Public Utility Commission shall continue to exercise the powers and perform the duties by law vested in and imposed upon such commission

[Section 2802 Public Company Law The Public Service Commision of the Commonwealth of Pennsylvania shall have the power and its duties shall be

(a) To administer and enforce the act approved the twenty-sixth day of July one thousand nine hundred and thirteen entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroads corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damage resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determination by the Courts of Common Pleas and giving the Court of Common Pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the

orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloading within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved the twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended and supplemented

(b) To certify to the Sanitary Water Board any question of fact regarding the purity of water supplied to the public by any public service company over which it has jurisdiction when any such question arises in any controversy or other proceeding before it and upon the determination of such question by the Sanitary Water Board to incorporate the findings of the board thereon in its decision upon the controversy or other proceeding out of which the question arose

Section 2803 Elevated and Underground Railways The Public Service Commission of the Commonwealth of Pennsylvania shall have the power and its duty shall be to exercise the powers and perform the duties heretofor by law vested in and imposed upon the board consisting of the Governor the Secretary of the Commonwealth and the Attorney General by the act approved the twentieth day of June one thousand nine hundred and one (Pamphlet Laws five hundred and seventy-seven) entitled "An act providing that no company hereafter formed for the purpose of construction and operation of a passenger railway either elevated or underground or partly elevated or partly underground with incidental surface rights shall be incorporated except where the same shall be located upon streets in thickly populated regions and until the necessity for such railways shall have been passed upon by a board consisting of the Governor the Secretary of the Commonwealth and the Attorney-General after notice" which reads as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no letters patent shall be issued to any company nor shall any corporation be otherwise created for the construction of an elevated or underground or partly elevated and party underground passenger railway except the same shall be located upon over under across through or along a street road or highway in a thickly populated locality where the surface travel is congested nor unless and until the necessity for the construction and operation of said railway shall have been passed on and approved by a board consisting of the Governor the Secretary of the Commonwealth and the Attorney General after thirty days' public notice published as shall be prescribed by said board]

Section 4 That at the end of Article five of the said act the following new section is hereby added

Section 524 Disposition of Useless Records Except as otherwise provided by law whenever any administrative department board or commission shall have an accumulation of files of correspondence reports records or other papers which are not needed or useful in the transaction of the current or anticipated future work of such department board or commission and which date back a period of four years and more it shall be the duty of the head of such department board or commission to submit to the Executive Board a report of that fact accompanied by a concise statement of the condition quantity and character of such papers If the Executive Board shall be of the opinion that such files of correspondence reports records or other papers or any part thereof are not needed or useful in the transaction of the current or anticipated future work of such department board or commission the head of such department board or commission shall place such files or any part thereof as the case may be in the custody of the Department of Property and Supplies and such department is hereby authorized to dispose of the same as waste paper in the manner prescribed in this act for the sale of unserviceable property Provided however That the Executive Board with the approval of the Department of Public Instruction may direct that any such files of correspondence reports records or other papers or any part thereof that are of historical interest be turned over to the Department of Public Instruction for preservation for historical purposes

Section 5 That at the end of Article Eleven of the said act the following new section is hereby added

Section 1103 State Employes' Retirement Board Subject to any inconsistent provisions in this act contained the State Employes' Retirement Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said retirement board under the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred and fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and right from taxation and judicial process and providing penalties" its amendments and supplements

Section 6 That at the end of Article Eighteen of the said act the following new sections are hereby added

Section 1822 Powers and Duties of the State Parks Commission The State Parks Commission shall have the power and its duty shall be

(a) To act as a central advisory agency for all State parks and parkways and all places of historic scientific scenic or wild life interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

(b) To formulate and recommend to the Department of Forests and Waters plans for acquisition of lands improvements construction management use and extension of parks parkways and other places of historic scientific scenic or wild life interest which are or hereafter may be under the jurisdiction of the Department of Forests and Waters and plans for the establishment of a park policy for the Commonwealth

(c) To make available in its discretion information on parks and recreational facilities and to advise as to connections and relations between State parks and other parks within the Commonwealth

(d) To assist in the preparation of State park budgets to be submitted to the General Assembly

(e) To divide the Commonwealth into not less than four (4) park regions to be governed by Regional Park Boards as herein provided for

(f) To adopt such rules and regulations not inconsistent with law for the control management protection development and use of State parks as it may deem

proper in aid of its powers and to insure a wise and orderly use of State parks and other places of interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

Section 1323 Powers and Duties of State Park Boards The Regional State Park Boards shall act as advisory agents to the State Parks Commission and to the Department of Forests and Waters and shall formulate and recommend through the assistant executive officers appointed by the Department of Forests and Waters of their respective Park Regions plans for the location acquisition development construction use and extension correlation and management of State parks parkways and places of historic scientific scenic or wild life interest which are or may hereafter be under the jurisdiction of the Department of Forests and Waters

Section 7 That at the end of Article Twenty-five of the said act the following new section is hereby added

Section 2503 State Athletic Commission The State Athletic Commission shall subject to any inconsistent provisions in this act contained continue to exercise the powers and perform the duties by law vested in such commission It shall administer the laws allowing and regulating boxing sparring and wrestling matches and exhibitions within this Commonwealth

Section 8 The members (exclusive of the ex officio member) officers and employes of the State Athletic Commission which is transferred by this act from the Department of Military Affairs to the Department of Revenue shall continue to be the members officers and employes of such commission and to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions Such members officers and employes shall retain all accrued retirement rights and their services shall be deemed to be continuous as if such commission had not been transferred as aforesaid

Section 9 The following acts and parts of acts are hereby repealed as respectively indicated

Sections four hundred forty eight hundred eight one thousand four hundred eight and two thousand three hundred twenty-one of the act to which this act is an amendment absolutely

The act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred seventy-two) entitled "An act conferring upon the Department of Welfare subject to the approval of the proper board of trustees the power of fixing and establishing charges for services rendered by any State-owned medical and surgical hospital" absolutely

Section 10 This act shall become effective immediately upon its final enactment and shall be retroactive to the first day of June one thousand nine hundred thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, this is the Administrative code to which I offered amendments the other day providing for a plan of reorganization which as you will recall, I estimated would save not less than two million dollars in the biennium, and which would have provided for a reorganization and a consolidation of the departments of the State government. The bill as it now stands with the extensive amendments which were introduced by the gentleman from Monroe, Mr. Achterman, does not in my opinion present any reduction or any economy, although I have seen press releases within the past few weeks stating that the bill did contain economies.

I want to call the attention of the members of the House, and particularly those interested in labor, to the fact that there is a provision in the bill which says that the penal and correctional institutions may not only sell the products, but the by-products. It is my understanding that labor has for years opposed the extension of the use of State institutions for the manufacture of products that might compete with labor. There is a very sound reason why some of our penal and correctional institutions should manufacture certain articles. It is of benefit to the inmates as well as to the Commonwealth. But I think that we are opposed to any extension of that beyond the mere necessities, and I think the provision in this bill permitting the sale of by-products may open the door, because you cannot tell what the by-products may be.

A second objection to the provisions of the bill is under Section 701 pertaining to the Governor and his powers and duties, which says: "(j) To grant to pilots engaged in the aeronautical work of the Department of Revenue commissions of such grades as the Governor may prescribe." I think that is going to lead to a lot of confusion. I have been given to understand that we have recently purchased two Stinson planes which are being used in the State, and that we now have some very beautifully uniformed pilots to accompany our Governor on his trips. I would like to maintain the dignity of the Executive, and I believe the great Commonwealth of Pennsylvania would be very meagre, and that we would certainly be very small to not want our Governor when he goes into other states, to maintain the dignity and the prestige of this great Commonwealth, but on the other hand I do not like to see opened up in Pennsylvania the appointment of what are commonly known as "Kentucky colonels." You know the extent to which that was done in Kentucky until they had to abolish the law down there because they had more colonels there than they had population.

We have in the National Guard a unit, which I believe it is a very good unit of aviation or aeronautics. We have a group of flyers who are commissioned, and I believe if commissions are to be issued, they ought to be in line with National Guard appointments and not distributed outside, which may cause quite some confusion, because we might get some colonels who are pilots in the Department of Revenue, and then we may go over on the other hand and get a major in the National Guard whose rank would be beneath that of a man who is practically a civilian flyer.

In this bill as it came from the Senate there was an amendment placed in the Senate that was a very valuable provision. It provided for the destruction of records, as originally drawn. The Senate saw that that might be very dangerous, because it would give to any department the power to destroy its own records, so a provisions was placed in the bill that the records would have to be more than four years old, so that no Administration could destroy its own records. But in sub-section (k) of Section 709 it gives the Governor the power "to approve or disapprove requests for and to direct the disposal of files of correspondence, reports, records or other papers which are not needed for the current or anticipated future operations of any administrative department, board or commission." In other words, while we restrict the departments from destroying any of their records to those that are more than four years old, we give the Governor the power to destroy any record, and I care not who the Governor may be. I contend that from the standpoint of the Legislature that is a very dangerous precedent and a

very dangerous provision, and one that should not be in this act.

I don't want to take the time of the House further in an academic discussion of the Administrative Code. I am intensely disappointed that after the statements that have been made on the floor of the House and the statements made by the Governor in his budget message to this House, that the mountain has labored and has brought forth a mouse. We have made here an attempt to amend the administrative code. There are some provisions that apply to Property and Supplies that are very desirable and constructive, but as an economy measure it has entirely failed to provide any economy, to meet any requirements of economy, and it still has in it some provisions that it seems to me should be corrected before this bill becomes law.

Mr. HERBERT B. COHEN. Mr. Speaker, I realize the time and effort that the gentleman from Delaware has spent in an analysis of the set-up of the State Government, and I wish to assure him that if the Governor were to sign a bill providing for a standing Committee on State Government or the study of State Government, that we would be only too glad to have Mr. Turner on that committee so that we would have the benefit of his ability in that study. However, the Administrative Code as now presented is a very important bill in that it writes into the Code all the additional functions that have been imposed upon the Commonwealth, both at this session and at other sessions, and that have been presented for enactment, and I ask the support of the membership on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—113.

Achterman,	Finnerty,	McDermott,	Sarraf,
Alexander,	Flanagan,	McFall,	Schor,
Allen,	Flannery,	McGee,	Schrope,
Arnold,	Flinchbaugh,	McShane,	Shea,
Aukerman,	Ganser,	Melchiorre,	Shepard,
Baine,	Gerard,	Moomaw,	Shoemaker,
Baker, J. J.,	Haberlen,	Mooney,	Shugarts,
Bierly,	Hagerty,	Moran,	Siegel,
Blank,	Hamilton, F. P.,	Moul,	Simon,
Bohn,	Harkins,	Munley,	Smith, James A.,
Boles,	Hays,	Murrin,	Smith, John A.,
Boltz,	Hess,	O'Brien,	Spengler,
Brancato	Hetrick,	O'Connor,	Stank,
Brigerman,	Hindman,	O'Keefe,	Thomas,
Broad,	Hirsch,	Ominsky,	Thompson,
Brown,	Holland,	O'Neill,	Toole,
Brownfield,	Holmes,	Ostroff,	Tronzo,
Chervenak,	Holstrom,	Patterson, C. S.,	Valibus,
Coakley,	Hontz,	Patterson, J. W.,	VanSickle,
Cohen, H. B.,	Horting,	Pearson,	Vogt,
Cohen, R. E.,	Kelso,	Pershing,	Wagner,
Coleman,	Kilroy,	Powers,	Weiss, S. A.,
Coolahan,	Kroll,	Preston,	Welliver,
Decker,	LaRue,	Reese,	Whalen,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Lopresti,	Robinson,	Yourishin,
Dyson,	Lovett,	Rothenberger,	Zappala,
Elpern,	Marino,	Rush,	Furman,
Falkenstein,			

NAYS—45.

Atkins,	Imbrie,	Schrock,	Trout,
Baker, F. T.,	Kane,	Schumacher,	Turner,
Boyer,	Kline,	Serrill,	VanAllsburg,
Cadwalader,	Leisey,	Sloan,	Wall,
Davies,	Longaker,	Snyder,	Watkins,
Eckels,	Matthews, J. F.,	Sollenberger,	Weidemann,
Fiss,	McDevitt,	Sproul,	Wilson,
Gillette,	McKinney,	Stackpole,	Winner,
Habbyshaw,	Muir,	Stewart,	Wood,
Hall,	Peale,	Stockham,	Woodside,
Hamilton, R. S.,	Perry,	Strode,	Yeakel,
Huntley,	Royer,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 4, 1937.

Resolved, (if the Senate concur), That House Bill No. 673, Printer's No. 319, entitled "An act regulating and prescribing the computation and running of sentences for criminal offenses", be recalled from the Governor for further consideration.

PRESENTATIONS

The SPEAKER. The Chair will now turn the gavel over to the Chief Clerk.

The CHIEF CLERK, (William P Gallagher), in the Chair.

The CHIEF CLERK. This being the time set for certain ceremonies in connection with the probable final adjournment of the Legislature, I have been called to the Chair, because we want to say a few things about the Speaker of the House and I know he does not desire to preside while we are dwelling upon his admirable qualities.

The Chair recognizes the gentleman from York, Mr. Cohen.

RESOLUTION

CONGRATULATING SPEAKER

Mr. HERBERT B. COHEN offered a resolution which was read by the Clerk as follows:

In the House of Representatives, June 4, 1937.

It is timely that the members of this House of Representatives should record, in the annals of this body, their sincere appreciation of the man who presided over and guided the destines of this Assembly. The training he received during the two special sessions of 1936 grounded him for the performance of the difficult task of this regular session. That he would perform that task well all felt assured when he was elected; that he has performed it well we now know. With all partisan battles ended nothing can be more fitting than to do honor to our Speaker who presided in so fair and impartial manner that no rightful protest was denied and no member's voice silenced when raised in the cause of justice; therefore be it

Resolved, That the members of the House of Representatives extend to their Speaker, the Honorable Roy E. Furman, their individual and collective thanks for the able and efficient manner in which he presided over this House and for the fair and impartial treatment he accorded to each member.

Resolved, That this resolution be entered on the Journal and that a copy thereof be presented to the Speaker.

On the question,

Will the House adopt the resolution?

Mr. HERBERT B. COHEN. Mr. Chief Clerk and members of the House, I know many of us desire an opportunity to pay tribute to the gentleman who has presided over this body during this session that I am going to be

very brief in my remarks. I do not intend to go into detail and discuss the honest, sincere, conscientious service that Roy Furman has given the people of the Commonwealth of Pennsylvania during his tenure of office as Speaker of this House. His actions and his activities are too well known to us to need repetition as a thrice-told tale.

We know, those of us who have been here in the past, and you who were present during the Special Session of 1936, how well he has conducted the business of the session. To indicate that there was any doubt that our Speaker in any of his deliberations had a partisan or unfair attitude would be to cast unfounded aspersions upon the Speaker of this House. He has been a true servant of the Commonwealth. He has youth, virility and the disposition to please. During the time Roy Furman has served in this House, he has served in a manner that has brought credit to the entire membership. Such service to the Commonwealth should not be stayed, such service to the Commonwealth should not be restrained from advancement, and I offer to the membership of this House the next Lieutenant Governor of the State, Roy Furman.

The CHIEF CLERK. The Chair recognizes the gentleman from Blair, Mr. Perry.

Mr. PERRY. Mr. Chief Clerk and members of the House, we stand apparently in the closing hours of the 1937 session, that has been long and in many cases contentious. Its effects, of course, will be disclosed best by history in the future. During the course of the session one has disagreed with another naturally upon some pending legislation. We have debated back and forth openly, and in some cases bitterly, but out of our disagreements and out of our contentions there have come close and real friendships among the members that perhaps will be our only compensation for the long hours and the duties of our work in legislating for a Commonwealth. It is a tribute not only to the Speaker, but it is a tribute to the sportsmanship and to the sincerity of the men and women who formed the body of this House that in the midst of their arguments there shall come only friendships that will continue throughout the years.

There is one trait that has come out of this session, which is clear, undeniable and apparent to all, and that is that this House has produced and given to the Commonwealth of Pennsylvania a Speaker whose personal charm, character and ability, whose noted honesty and fairness has enshrined him not only in our hearts, but, as the gentleman from York has said, has demonstrated to the people of Pennsylvania his worthiness to receive higher honors and higher trusts.

I have neither the intent nor the purpose of bringing to you the story of his ability as your leader as the Speaker of the House. His qualities in that regard have been demonstrated and have been self-evident since the inception of this session and since we first met in January. Instead of doing that I wish to present to you the man who appeals to me from the man's side of it rather than from the Speaker's side, a man who, when others were losing their heads all about him, kept his; a man who trusted himself when others doubted him, and made allowance for their doubting too.

In trying to think of a few remarks to say about my friend Roy Furman, I happened to remember a poem written many years ago,—I cannot recall the exact words but it was by a famous English poet when he said:

If you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated don't give way to hate,
And yet don't look too good, nor talk too wise:

If you can dream — and not make dreams your master;
If you can thing — and not make thoughts your aim;
If you can meet with Triumph and Disaster
And treat these two imposters just the same;
If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to, broken,
And stoop and build 'em with worn-out tools:

If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
And never breathe a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there's nothing in view
Except the Will which says to them: "Hold on!"

If you can talk with crowds and keep your virture,
Or walk with kings — nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute
with sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And — which is more — you'll be a Man, my son!

So, members of the House, I present the man Roy Furman, a man among men, and I second the resolution.

The CHIEF CLERK. The Chair recognizes the gentleman from Philadelphia, Mr. Ominsky.

Mr. OMINSKY. Mr. Chief Clerk and members of the House, I too arise to second the resolution presented by the gentleman from York, Mr. Cohen. I feel that the man who presided over this Assembly during this session and during the Extraordinary Session before has well earned the compliments expressed by the two gentlemen who proceded me.

Roy Furman has not only been a Speaker of courage, a Speaker of integrity, but he has been a man among men. He has been a man who came from the ranks of the membership of this House and he has demonstrated that during his entire term as Speaker. Roy Furman has a heart of gold; Roy Furman, regardless of what we may utter regarding him in an attempt to describe his actions, his attitude and his manner as Speaker of this House, such words would be inadequate and feeble. It would be but gilding the lily.

On behalf of the Philadelphia delegation, on behalf of the citizens of Philadelphia and the State of Pennsylvania, I take this opportunity of thanking our Speaker, Roy Furman, for his fairness, for his integrity and for his courage. His fairness was well demonstrated by the fact that no man during this session ever questioned or appealed from his decisions from the Chair.

I also want to congratulate his wife, who has been so patient and forebearing, who has probably missed his companionship because of his service to the Commonwealth of Pennsylvania as Speaker of this House. We know that many demands have been made upon him on

and off the Chair, and I know his inspiration at home had to forego his compaionship so that he could render this marvelous service to the Commonwealth. Therefore, in addition to congratulating him, I wish to congratulate his wife and say to her that he as Speaker deserves every bit of courtesy, consideration and advancement which we and the people of the Commonwealth of Pennsylvania may be able to bestow upon him.

I also want to second the wish and hope which was expressed by the gentleman from York, Mr. Cohen, that the next Lieutenant Governor of this State of Pennsylvania will be none other than Roy E. Furman. He deserves it; he has merited the set-up, and not only do I hope that the Democratic members of this House will support him, but also all his friends on the other side when he does run for that office.

The CHIEF CLERK. The Chair recognizes the gentleman from Allegheny, Mr. Brown.

Mr. BROWN. Mr. Chief Clerk and members of the House, as we stand here watching the dying embers of this session fade into history, there is a stillness and a sadness that comes over this Hall that has not been here since we convened in January, and it is because we are about to be mustered out of service; we are about to leave our leader. It has been a custom when armies are mustered out, that they gather out somewhere on the hillside to pay tribute, to pay homage to the leaders. And so during this stillness and sadness we come now to pay tribute to our leader: a young man, a man of ability, a man who could be approached, a man who has a keen sense of humor, a man who treats all who come, alike. There is nothing greater that we can say to Roy Furman that that we leave him with an aching heart, for we know that he has served us and that he has served the Commonwealth of Pennsylvania well.

There is a poet who said:

> "One ship sails east and the other west
> While the self-same breezes blow
> It is the set of the sails and not the gales
> That bids them where to go."

You have set your sails. Already the echoes around this room tell us that you will occupy the seat of the Lieutenant Governor of this our great Commonwealth of Pennsylvania, and we drink to you, as the ancients used to do, a totally imaginary cup, a cup filled with the rarest vintage, a vintage which in its texture could not be purchased, which kings and queens could not bestow upon you, which the Gods of Fate could not take from you. We bring this token in wishing for you good health, success, happiness and the continued love and affection of your fellowman.

The CHIEF CLERK. The Chair recognizes the gentleman from Allegheny, Mr. O'Keefe.

Mr. O'KEEFE. Mr. Chief Clerk and members of the House, I am happy at this time to express my deep feeling of appreciation for the work that has been accomplished by the Speaker of the House. Having been associated with him since 1933 I feel that he has, during that time as a member of the minority party and as the Speaker of the House, the position he now occupies, upheld in every way the traditions of that office. He has been more than fair, both as a member of the majority party and in the position of Speaker. He has been courteous to all, firm when firmness was needed, and above all fair. I believe that he has set a high standard that subsequent Speakers of this House would do well to follow, and at this time I wish to second the resolution.

The CHIEF CLERK. The Chair recognizes the gentleman from Northampton, Mr. Jirolanio.

Mr. JIROLANIO. Mr. Chief Clerk and members of the House, I could not let this opportunity go by upon this memorable occasion without giving expression to my thoughts, and I know the expressions which I am about to give are also the expressions of the younger members of this House, who with me are serving their first term. I am going to use the word "Roy" instead of the word "Mr. Speaker" or "Mr. Roy Furman" because when I use the first name of a person I know that I am then calling him not only my friend, but I am also bringing out the good qualities and the characteristics of the individual in question.

To me there is something that appeals. I am glad that no one else has thought of it so far. Being a young member of this Assembly, and I know that other members of the House serving their first term have had the same experience. We sought at times to rise on certain points of order and express our views and thoughts on matters of legislation, and there was the guiding star sitting in that Chair, who could make or break us.

I can very well remember, not only the first time when I arose, but on one other occasion when I went to Roy and said "Roy, what should I do in this particular case?" And his answer was "You go back there and I will see that you are handled right." There is the guiding star sitting in that Chair; the guiding star not only of all the younger members of this House, but the guiding star of all the members upon whose shoulders rest the burden of carrying out our duties faithfully, with integrity and honesty. I know, and we all know that there is nothing but the best in his make-up, and at this time I want to express my appreciation to Roy for the wonderful work that he has done. I also want to express the appreciation of my young colleagues not only from Northampton County but from the other countries, who have always stood with me back to back in my fights on the floor.

I hope for his continued success. I for one will vote for him for Lieutenant Governor, and I know that he will carry on that office in the same manner that he has carried on the Speakership of this House. I hope some day he will be Governor of this Commonwealth.

The CHIEF CLERK. The Chair recognizes the gentleman from Delaware, Mr. Turner.

Mr. TURNER. Mr. Chief Clerk, up to the time of the last speaker I was reminded of the story of the insane asylum where one of the inmates was hollering out of the window: "We don't want beer, we want liquor." A man walking along the street looked up and said: "Boy, they may say you're crazy, but you are talking sense now."

I don't know why my Democratic colleagues, who have never, in my experience since they have come into prominence in this House, been noted for their modesty, should only advance the subject of these ceremonies this morning to the position of Lieutenant Governor and expect the Republicans to go along. I want to say to you now in this nominating convention, which of course may be a lot of horsefeathers, because Dave Lawrence might change the

rules, but if the Democrats expect the Republicans to go along and vote for Roy Furman, they had better put him up for Governor, because he is the only one we can see in the Democratic ranks that could get any votes out of the Republicans. Those of us on this side of the House believe that we want in the Governor's Chair a man who understands something about legislation. We are tired of Executive domination, and all of the candidates we have been able to find in the Democratic party so far for Governor are now heads of departments under the Executive.

I take a great deal of pleasure in arising here this morning to second this resolution, and I think you can attest the sincerity of my statement when you realize that there sat in that Chair my beloved colleague Grover Talbot with whom so much of my legislative work was done. There sat there after him, as you know, Wilson Sarig, for whom I had high regard and great affection, because while we espoused different political causes we had found many things in common on the floor of this House, and I respected the sterling honesty of his thinking and his voting on this floor. So I would consider myself a hypocrite were I to arise even to do the courteous thing to speak of the Speaker of this House did I not feel that he measured up to the qualifications of those two men under whom I have served in this House.

I look upon the members of this House in two ways. First, is the personal side, what the man is socially, you may call it, what he does in his time outside of the House, or what he does here in the social amenities that go on in the friendships that are made, in the meetings that we have individually or in groups. And then I look upon the men in this House as to how they meet the qualifications as members of the Legislature. I can always disregard the battles here in the House because they carry with them, in my mind, so long as a man fights squarely and according to the rules, no personal animosity. But my regard for a member of the House, aside, as I said, from the social and the personal side, is my regard for him in his assumption of his duties, in his willingness to assume them, in the attention that he gives to the work, and the intelligence that he brings to the solution of the problem.

I saw the present Speaker of this House when he sat away over there in that back row that is graced now by that memorable specialist John Smith, who became jealous of my prominence in sewer legislation and went me one better. I saw him as a young man there, seeking to learn as you men have tried to learn, and I think that I was helpful to him from time to time in finding out something about the ropes and the ways and means of doing things in this House.

And then I watched him come down the aisle and become the Chairman of the Highway Committee, and then to my surprise I saw him move to the position of floor leader. I was amazed at the quickness with which he grasped the problems and the duties that were suddenly thrust upon him. And so it was no surprise to me that he was advanced by the Democratic party from floor leader to Speaker of this House, where he met his obligations with the same intelligence, with the same fine spirit, with the same vision of the duties that he had assumed.

I think if he is moved to the other side of the Capitol it will be a fine thing that they at last have gotten someone in the Senate who knows something about Parliamentary rules. I don't know why he should consider it an advancement to move from Speaker to Lieutenant Governor, but I think it would be a great contribution for this House to make to the Senate of Pennsylvania.

I cannot add anything to the beautiful phrases that have been uttered here today about the Speaker. I am sure that we on the Republican side have the same high regard for him. I have said many times in the course of the proceedings in this House that I have never looked upon the Speaker as a partisan when he was in that Chair.

I am sure that we too on his side of the House desire to extend our felicitations to the good wife of the Speaker, each of us knowing the sacrifices that our wives must make for our services here. I like to think of men like the Speaker, however, as men who contribute something to the great progress of the State and the great progress of our people. It is not given to many of us, as I said of Wilson Sarig, to write our names in history. The best that we can hope to do is to deposit a few grains of sand upon the great shores, that in the end build up and form a firm foundation beneath a solid nation, and in that respect I like to think of men like him, prefacing it with the words of the poet who said:

The day is done and the darkness
Falls from the wings of night
As a feather is wafted downward from an eagle in its flight
I see the lights of the village gleam through the mist and the rain
And a feeling of sadness comes o're me that is not akin to pain.

And I like to think of the little villages that we have in Pennsylvania. You know them, they may have but one street, but on that street are the homes of the people who make up the backbone of this Commonwealth, the worker and the small business man, the man employed in the office and in industry. Perhaps there is a picket fence or a hedge. This time of year the violets are in bloom, the honeysuckle vine is growing up to give forth its fragrance, the day is done and darkness falls. It is a time of sadness. And then from the little houses along that road there flash lights showing that there is some one there, that there are people who live and move and have their being. Down that street comes a man, and on his shoulder he carries a torch. As he goes along he lights a lantern on the street here and there, and the light springs up to prolong the day and to guard the worker on his way home. His heart is glad as he sees the light in the village and the light in the windows and knows that his loved ones are there and that he will soon be gathered around the table with them. But down the street the lamp-lighter goes on his errand. We may not long see the lamp-lighter, but we will see the glow that he has created and what he has done for the people.

So I like to think of men like Roy Furman, that like the lamp-lighter they are creating something for us and something for the future. We may not see them but we will know that they have been here.

The CHIEF CLERK. The Chair recognizes the gentleman from Monroe, Mr. Achterman.

Mr. ACHTERMAN. Mr. Chief Clerk, I arise with a great deal of fear and trepidation after listening to the words of praise, words well moulded by the speakers who have preceded me. I fear that perhaps I shall lack the ability to express the high appreciation in which I hold

our Speaker. I recall in 1936 when we first elected Roy Furman our Speaker, he was the youngest man within the memory of living man to occupy that position, perhaps that might be true as to the entire history of this House, and the manner in which he has conducted the affairs of this House since that time has well vindicated our decision.

I recall as one of the members who served in the first Special Session of 1936, the masterful way in which he maintained order in the Halls of this House and prevented a duplication of the scenes of disorder that existed in the Senate Halls. It was due solely to his firmness that that condition was avoided, and I say, Mr. Chief Clerk, that his firmness and his courage on that occasion will forever mark a bright spot in the history of this House.

We have our Speaker to thank, Mr. Chief Clerk, that we are approaching now the adjourning day after having considered such a mass of legislation so important to the people of this Commonwealth. For it was due solely to his ability and the zeal that he displayed that we are now appreaching the end.

I can say most truthfully, Mr. Chief Clerk, that he has always presided with grace and decorum. He has been fair in his treatment of us and he has been impartial in his decisions. He has worked assiduously and with a great deal of zeal and vigor. Mr. Chief Clerk, in seconding the resolution I wish to add my word of praise and appreciation to the genius that he has exercised in presiding over this House.

On the question recurring,

Will the House adopt the resolution?

It was unanimouly adopted.

The CHIEF CLERK. I take great pleasure in presenting to you the Speaker of this House.

The SPEAKER. Mr. Chief Clerk and members of the House, there have been two occasions in my life as a member of this Legislature upon which I can assure you I have been very, very happy. The first was when I was elected Speaker in the Special Session, and second when I was again elected to serve during this term. Naturally on this occasion I am happier because we have gone through a session, we have been associated together, we have worked together, and I honestly feel that the expressions of the men who have spoken today, were sincere, and that they meant what they said. This has been a long session, we have had a lot of work to do, but I want to say to the membership that if you men and women had not been sincere and did not have a real appreciation of the duties of your job, the session could not have closed with the kind of spirit with which it is closing this week.

The job of being a member of the Legislature is a hard job. You have many duties to perform; you have small tasks to perform for a great many of your constituents in addition to digesting the various bills that are presented here. These bills naturally affect the lives of not only your constituents in your districts but the lives of every individual throughout the State. The one thing that I have appreciated during this session was the fact that there has never been a single member who has refused to assist the Chair with the work of this House, regardless of how many or how heavy the tasks were that he may have been called upon to perform for his own people.

It has been that spirit of willingness and that spirit of cooperation that has helped to make this a successful term. I think we appreciate that fact. I think the thing that marks this session more than any other session that I have observed is that spirit of willingness to cooperate with each other, regardless of your policies or your views upon different problems confronting you. I belive that we are leaving this session, each and every one of us, with a little bit of sadness in our hearts because of the friendships that we have made during the work here in the past several months.

I hope that it will be possible for us all to gather together again at some future date, because it has been pleasant to work together. The battles that we have fought in this session have been fought fairly, they have been fought upon honest convictions, no one has attempted to take undue advantage, and I think that is something that cannot be said of a group as large as this ever assembled in any Legislative hall in the United States or in the history of this State.

I again want to thank the members of this House for the help and assistance that they have given to me. I sincerely appreciate it and I hope that I may in some way return to you the favors that you have granted to me. My fervent prayer for each and every one of you for the future is: May God bless you.

The SPEAKER, (Roy E. Furman), in the Chair.

RESOLUTION

CONGRATULATING CHIEF CLERK WILLIAM P. GALLAGHER

Mr. SAMUEL A. WEISS offered a resolution which was twice read by the Clerk as follows:

In the House of Representatives, June 4, 1937.

No legislative body can function efficiently unless it has the services of an able and courteous Chief Clerk. This Assembly has been extremely fortunate in finding such a man in the person of William P. Gallagher; therefore, be it

Resolved, That the Members of the House of Representatives extend their sincere thanks to their Chief Clerk, William P. Gallagher, for the kind and courteous treatment he has given them and for the efficient manner in which he has discharged the duties of his office.

On the question,

Will the House adopt the resolution?

Mr. SAMUEL A. WEISS. Mr. Chairman and members of the House, when I first came to the Assembly here in 1935, there was one character who established himself in my heart, and a sincere friendship developed. That gentleman was the Chief Clerk of this House, "Billy" Gallagher. I believe all the other members, particularly the newer members who came here in 1935, learned to love "Billy" Gallagher, principally because of his amiable, kindly demeanor to the new members, his willingness to be of service and his acts. I have never seen "Billy" Gallagher angry. One of his friends here from Luzerne County early in the afternoon said that the only time he ever saw "Billy" Gallagher angry was a few weeks ago at the Kentucky Derby when his horse went dead on him.

He is always doing something for someone. He reminds me of the story of the Irishman who always gave to others. When he was about to die, this Irishman, who by the way came from Delaware County, called his lawyer, Elwood Turner, to make his will for him.

Here is his will: I give my overdraft at the bank to my wife; she can't spend it. I give my equity in my car to my son; he will have to go to work to pay for it. Give my good will to the supply houses; they have taken some awful chances on me and are entitled to something. Give my equipment to the junkman; he had his eye on it for months.

I hope that "Billy" Gallagher doesn't have occasion to call in his lawyer to write his last will and testament for a long time. In the district in which he resides, the great anthracite region, every one, young and old, calls him "Billy." I want to say to him in behalf of the membership of this House, that you, "Billy" Gallagher, have proven yourself to be a splendid, efficient public servant and friend, a sportsman and a gentleman, and I want to say in behalf of the membership of this House that we wish you in the future every good luck and fortune and hope that you will have the pleasure of presiding as Chief Clerk in this House for many years to come.

Mr. COLEMAN. Mr. Speaker and members of the House, there is a lot that ought to be said to augment the resolution just read, embodying as it does the sentiment rooted deeply in the hearts of the General Assembly. As one, however, who came here as a freshman member in the 1935 session and was brought within range of the powers of his splendid personality I find it extremely difficult to suppress a desire to say a kind word about the Chief Clerk of this House. I recall very vividly that those of us who were freshmen members in that particular session had some hesitancy about approaching the older members of the House seeking advice. We found ourselves at times traversing the legislative highway, incompetent, penetrating the parliamentary wilderness without proper counsel, and so the one man we all turned to with unusual unanimity in order to get advice and counsel is the man who is Chief Clerk of this House.

We call him "Billy" Gallagher, not out of any spirit of undue familiarity, but rather out of a spirit of endearment, because everybody who knows "Billy" Gallagher knows him for what he is. "Billy" Gallagher was born into that stratum of life which elsewhere is called the middle class, but which here in America is so unanimous as to make of all other classes a negligible quantity. His parents were God-fearing, honest, humble citizens without pretentions, and without humility. "Billy" Gallagher's parents were neither rich nor poor, proud nor humble, and Billy grew up in the company of boys like himself who were wholesome, honest, self-respecting.

He never knew what it was to look down on any of the neighborhood youngsters and never felt it possible for any of those youngsters to look down upon him. Amid such environment and amid such surroundings "Billy" Gallagher was born and reared. It is my information from those who grew up in his neighborhood that he was called "Peck's Bad Boy" because he always had a fighting spirit and inspite of the fact that it frequently required parental intervention to suppress the desire to knock heads off in the neighborhood, "Billy" Gallagher always shared a great portion of the admiration and respect of not only the youngsters but the parents as well in that particular neighborhood. Just recently I ran across two verses which describe two different sets and two different characters of men. The first one has no application at all to "Billy" Gallagher, but I give it to you in order to emphasize the second, its significance, its meaning, its application to the man that we are honoring here today. The first one runs:

I gave a favor yesterday, a very kindly deed
And then I called to all the world, to stop and look and heed
They stopped and looked and flattered me, in words I could not trust
And when the words had passed away, my good deeds turned to dust.

I say that does not fit "Billy" Gallagher because his life has been the antithesis, the very opposite to that sort of thing. The second one more nearly fits him, if it was not actually written for him. It runs:

A very tiny courtesy I found to do today
T'was quickly done with none to see, and then I ran away.
But some one must have witnessed it, for truly I declare
As I trod back the self-same path roses were blooming there.

That is "Billy" Gallagher, always doing, always eager to serve, always magnanimous, always ready to be of service to somebody, not openly, not ostentatiously, but in a manner that shows the sort of great character that he is and the type of great big heart that he possesses.

In the 1935 Session some of you may recall that in discussing the great character of a former member of this House I mentioned Bob Ingersoll, the great agnostic, whose religious views of course I never shared, but who was called the greatest orator in America. Bob had a great affection for his brother, and when the brother died, at his graveside he said this: "He added to the sum of human joy, and if everyone for whom he has rendered some loving service were to place a blossom on his grave, he would sleep tonight in a wilderness of flowers."

Mr. Speaker, I think I could sort of paraphrase that and say if everybody for whom "Billy" Gallagher has rendered some service were to assemble here today, or any place, there is not a building in the State adequate to hold the crowd that would turn out. I think "Billy" Gallagher's life offers a lesson to each and every one of us, a life of helpfulness and a life of service, such as the poet described when he said:

"To give of his best
For the joy and the sweetness of giving
To help folks along, with hand and with song.
That is "Billy" Gallagher's code of living."

Mr. WOODSIDE. Mr. Speaker and members of the House, just as it takes a mother to make a home, so it takes a Chief Clerk to make a House of Representatives, and if you can imagine a mother with a brood of two hundred six bad boys and a couple of lovely girls, you will probably get some idea of the job which "Bill" Gallagher faces when he attempts to meet the legislative needs of this group. But "Billy" Gallagher is a big enough man to make a good mother, and he and the very efficient help in his office certainly do meet the legislative needs of this group.

I cannot add much to what has been said about his genial character, but in one way I think I have had an opportunity to know him a little differently, a little better than most of the members of this House. I worked with "Billy" Gallagher at one time and under him when he was Chief Clerk of the Senate of Pennsylvania, for at that time I

served as a page. Although you may get to know a man well in one way or another, I think that to work under a man when he is your boss, you probably get to appreciate what type of man he really is. So I had the opportunity to know "Billy" Gallagher as a person who has worked under him. Then I have gotten to know him as a person who has to go to him very, very frequently to ask favors. I have gotten to know him very well in that way. I could say for "Bill" Gallagher that I do not know any person who could do as much, as kindly, as considerately as "Bill" Gallagher does for the members of this House. He is called upon for all kinds of tasks, some of which I think must be somewhat unreasonable. There is hardly a week passes in the entire year that I haven't called "Bill" Gallagher, two, three or even six times or more, or called at his office or had them do some work or send something out to some of my constituents, or do something else for me. I know that he has always been considerate; it doesn't make any difference whether you belong to the majority or to the minority group, he is always willing to do everything that is possible to be done in order to carry out and meet your needs.

You know, they tell a story of "Bill" Gallagher about one of the page boys here who went to him and asked him what they should do in case a Republican and a Democrat called at the same time. He wanted to know whether he would go to the Democrat first, and "Bill" Gallagher told them. "No, go to the one who is nearest." But then they said he told them a little bit more; they said that wasn't all he said; he said they should be sure to be nearest the Democrat. However that is only a story, because I know "Bill" Gallagher too well. If I were a member of the majority party I would say that "Bill" Gallagher certainly shows more than a little favoritism to me because I am a member of the minority party, because I cannot imagine how he can render such service to two hundred eight members as I call upon him to render. I must be getting more than my share.

As a member of the minority party I can say that he is just as fair to me and to all the members on our side; is just as anxious to serve us, just as courteous and kind, therefore it gives me a great deal of pleasure to second the resolution and to say these few words in compliment to him and to his very efficient staff for the way they have served and met our legislative needs.

Mr. VAN SICKLE. Mr. Speaker and members of the House, I am in the opposite position to the old lady who was noted for her attendance at funerals, and for her ability to always say a kind word about the deceased.

As she stood at the coffin of the village ne'er-do-well the people of the community thought that surely here at last she was stumped, it would be impossible for her to say anything kind. But she gazed at the coffin for a long time and then slowly bobbing her head up and down she said "My, he has beautiful whiskers."

We do not have to think of the good qualities of "Bill" Gallagher. Despite the fact that during this day the Governor of the Commonwealth, the Secretary of the Commonwealth, the majority and minority floor leaders of this House of Representatives and the orators who have preceded me have said so many kind words about the qualities and traits of "Bill" Gallagher, which endeared him so much to us and which merit our gratitude, our esteem and our commendation, it is hard to pick out exactly those of which we should speak. If I may at this time, I would like to just briefly recall what may appear to you to be insignificant traits, but I believe in our every day life our attention is particularly directed to the ability of the man, the promptness and exactitude of "Bill" Gallagher, despite the great number of requests that he receives, both oral and written, by telephone and telegraph, yet each and every request is promptly fulfilled and more important than that, they are fulfilled in the terms in which they are written. I might go further and say that sometimes we may make errors in the requests for what we want, but "Billy" Gallagher even corrects those errors, so I say in the person of the Chief Clerk we have a man who has rendered faithful service to us. I now want to say to "Billy," may your days be long, may your hours be happy and may God be with you through life. I know I express the sentiments of all the members of this Legislature, and it is with the greatest of pleasure that I second this resolution.

On the question recurring,

Will the House adopt the resolution?

It was unanimously adopted.

The SPEAKER. The Chair recognizes the Chief Clerk, the Honorable William P. Gallagher.

The CHIEF CLERK. Mr. Speaker and members of the House, it is pretty hard to be put on the spot, and I feel as though I were on the spot after hearing all the nice things said about me. It sounded nice, even if possibly some of it was exaggerated.

I feel that the gentleman from Lackawanna, Mr. Coleman, has helped to bring Scranton and Wilkes-Barre closer together. Ever since Lackawanna County was carved out of Luzerne, there has been a traditional enmity between the two counties, and the larger cities of the counties always continued a more or less unfriendly rivalry. But here is a man from Scranton who gets up and says a lot of loving things about a man from Wilkes-Barre, and I see peace at last. When he spoke about participating in fist fights, boys' fights that used to take place when I lived in Plymouth, he said something about my being a fighter. I was the peacemaker, always.

I certainly want to thank all of you for the nice things you have said about me as well as the contents of the resolution. The office of the Chief Clerk is, as you possibly can imagine, a busy one, and sometimes far more busy when we are not in session than when we are. Members when here are able without difficulty to take care of matters, but when they are at home it is necessary to use the Chief Clerk's office as a clearing house for their wants.

Someone spoke about unreasonable requests. We are not so much afraid of an overwhelming number of requests as we are of unreasonable and impossible requests; if we cannot comply with requests, we try to let you know that it is impossible and usually you understand.

The Chief Clerk's office is almost an information headquarters. One day we will be asked if it rained in Lock Haven two weeks ago; another one wants to know how many Smiths have been in the Legislature since 1774, and many questions which have nothing to do with legislation are coming daily into our office. We try to take care of them all.

However, I do not want to take all credit for the man-

ner in which my office has been run, and at this time as a sort of an interlude, I want to pay special tribute to my chief assistants, Miss Barnett and Mrs. Cohen. They have helped me conduct the office like an efficient business, and they are largely responsible for whatever degree of efficiency we have been able to show. I am glad of this opportunity to say these few words for such splendid assistants who are valuable to me and, I am sure, a great aid to you, and your constituents.

I again want to thank you, and if you have requests, send them in and we will try to at any time grant and comply with them.

RESOLUTION

THANKING DIRECTOR OF LEGISLATIVE REFERENCE BUREAU

Mr. JAMES W. PATTERSON offered a resolution which was twice read, as follows:

In the House of Representatives, June 4, 1937.

Now, during the final hours of a legislative session at which progressive legislation has predominated, we bethink us of those, without whose knowledge and experience, the task before us would have been a prodigious one. A guiding hand, an occasional word of warning, and ceaseless labors in phrasing, re-phrasing, formulating and moulding the many bills that we have enacted into laws has been to a great extent the task, well and cheerfully performed, by the Director of the Legislative Reference Bureau and his subordinates.

The Bureau has prepared for introduction at the present session, at the request of members and administrative departments, 3,265 bills and resolutions, a great many of which required days and nights of painstaking study; therefore, be it

Resolved, That the House of Representatives hereby express to the Honorable John H. Fertig, Director of the Legislative Reference Bureau, its grateful appreciation of his tireless efforts, the counsel and guidance, and the accomplishments, which combine to produce the task well done, and to his force of helpers, its thanks for their cooperation and willing helpfulness; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of the House to the Director of the Legislative Reference Bureau.

On the question,

Will the House adopt the resolution?

Mr. JAMES W. PATTERSON. Mr. Speaker, as an ordinary rank and file member of the House, I feel particularly well qualified to introduce this resolution, because it is not unusual, Mr. Speaker, for a Department head and Executives in the Administration to extend to leaders in the House and members of the Rules Committee and other gentlemen of particular importance unusual courtesies, but in the Legislative Reference Bureau the same unfailing courtesy and the same intense and intelligent interest is extended to the private in the rear ranks as that which is extended to the most important members of the House.

The importance of the Legislative Reference Bureau for this House cannot be overestimated. Mr. Fertig, the Director of the Bureau, is to be found in his office not only almost every hour of the day and frequently many hours of the night and the small hours of the morning, but he sees every member; he sits down and discusses with them their particular problems; he gives them the benefit of his vast experience in Constitutional law.

Mr. Speaker, the importance of the task that Mr. Fertig so ably handles is not alone in the introduction and passage of legislation by this House, but its greater importance is that legislation is placed upon the statute books of this Commonwealth, and the record of this Administration and past administrations, in enacting perfect laws and nearly perfect laws, so far as wording goes, is in large part due to the splendid handling of that legislation by our able, capable Reference Bureau Director. His work is of such a nature that it is not in the form in which the public can see it in the pitiless light of publicity, but it is in the narrow confines of an office hidden away from the public gaze, that he has done his work in behalf of this body. His work, Mr. Speaker, and members of the House, is of tremendous importance to you and to the people of the Commonwealth.

I believe the resolution expresses the feeling of the members of this House. I believe that the Director of the Reference Bureau and his assistants merit the resolution and all that it implies for all the work they have done for the members of the House, and indirectly for the people of the Commonwealth.

On the question recurring.

Will the House adopt the resolution?

It was unanimously adopted.

RESOLUTION

THANKING PARLIAMENTARIAN

Mr. YOURISHIN offered a resolution which was twice read as follows:

In the House of Representatives, June 4, 1937.

Resolved, That the members of this House extend to the Parliamentarian of the House, S. Edward Moore, their sincere appreciation for the able, courteous and efficient manner in which he has administered the difficult duties of his office, for the many services he has performed, and for the many acts of kindness he has extended to the members of this body.

On the question,

Will the House adopt the resolution?

The SPEAKER. Besides being a good parliamentarian he is also a good speaker, and gave us a lot of good advice.

Mr. YOURISHIN. Mr. Speaker and members of the House, I feel sure that every member of this House will agree with me when I say that our efficient Parliamentarian has had one of the most difficult positions in the House. When any member had a knotty problem with reference to procedure he always went to the Parliamentarian. Yes, even the floor leaders of both parties when they got this House into a tangled-up knot, raising points of order and what not, had it not been for the efficient work of the Parliamentarian we might be here for twenty-two more weeks. The members of the House appreciate more than words can express the efficient manner in which our Parliamentarian handled the work of this House. I wish him good luck, good health and God speed.

On the question recurring,

Will the House adopt the resolution?

It was unanimously adopted.

The SPEAKER. The Chair now takes great pleasure in inviting the Parliamentarian to come up and wield the gavel.

Mr. S. EDWARD MOORE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. S. EDWARD MOORE. As I understand it, Mr. Speaker, the Parliamentarian was directed by the Committee on Rules to work out the proceedings of today's session. There was no resolution pertaining to the Parliamentarian when my report was submitted.

The SPEAKER. In reply to the question of Parliamentary inquiry the resolution is very much inorder. The gentleman will proceed.

Mr. S. EDWARD MOORE. Mr. Speaker, I deeply appreciate the expression of good will extended to me for my small part in the work of the session. If in any way I was a help to the members you all can be sure it was a pleasure and a privilege.

Durin grecent legislative sessions we have lost to a large extent that feeling of good fellowship and good will which should exist between the members. In this session of 1937 I have been particularly impressed with the high degree of good fellowship which has existed, and which is due in no small measure to the statesmanlike work of the majority and the minority floor leaders. The tone of the debate has been kept on a very high parliamentary plane. Personally I feel that is the way it should be. Further I do not think there is any place in parliamentary procedure for parliamentary trickery. We all enjoy a good fiight and I want to pay the floor leaders and you, Mr. Speaker, the tribute which you justly deserve in the conduct of the proceedings of this House. The traditions of the Chair have certainly been carried forward with dignity and decorum by our Speaker. Every member regardless of party has been heard. During my years of legislative service, I have never witnessed a more decorous body than this House, which I hope will be followed in future sessions.

The time is here for building respect for Parliamentary bodies, and the best way to do it is to have proceedings that are dignified and of which your constituents will be proud.

Thank you again and best wishes to you all.

RESOLUTIONS

THANKING CHAPLAIN

Mr. SHEPARD offered a resolution which was twice read by the Clerk as follows:

In the House of Representatives, June 4, 1937.

Resolved, That the thanks of the Members of the House of Representatives be extended to the Reverend Ephraim Z. Gallaher for his services as Chaplain of the House during this session.

On the question,

Will the House adopt the resolution?

Mr. SHEPARD. Mr. Speaker and members of this House, we have had as our Chaplain during this past session a gentleman who has conducted himself in the highest form and in the best and wisest manner. His prayers have been simple and they have been pious, and what has been perhaps greatly to the liking of the members of the House, they have been brief, but nevertheless they have been characterized by a high degree of sincerity.

May I say this further about our Chaplain, not only in his prayers has he impressed the members of this House, but in his very kindly manner and in his humility when he has gone about this House and on the outside of the Capitol, he has exemplied the highest ideals of a minister. He has not only been a minister, but he has been a gentleman.

On the question recurring.

Will the House adopt the resolution?

It was unanimously adopted.

THANKING PRESS

Mr. TROUT offered a resolution which was twice read by the Clerk as follows:

In the House of Representatives, June 4, 1937.

Resolved, That the thanks of the House of Representatives be tendered to the Press for the satisfactory manner in which they have reported the proceedings of this legislative session to the public.

On the question,

Will the House adopt the resolution?

Mr. TROUT. Mr. Speaker and members of the House, the only method whereby the members of the Newspaper Fraternity could get a resolution introduced was through someone who in a small way happens to be in the same line of work. We made a special request of the Chief Clerk that he permit us to do that, and we appreciate it very much. I certainly hope the members will adopt this resolution.

On the question recurring,

Will the House adopt the resolution?

It was unanimously adopted.

THANKING LEGISLATIVE REPORTERS

Mrs. HORTING offered a resolution which was twice read as follows:

In the House of Representatives, June 4, 1937.

Resolved, That the House of Representatives extend its appreciation to all the members of the staff of the Reporters of the Legislative Journal for the highly satisfactory and efficient way in which the debates and proceedings of this session have been reported.

On the question,

Will the House adopt the resolution?

Mrs HORTING. Mr. Speaker, it gives me a great deal of joy and satisfaction to present this resolution this afternoon. In doing so I wish to call attention to the fine work that has been performed by the able staff of reporters in this House. They have done excellent work and are certainly to be commended for the efficient manner in which they have reported the proceedings of this body. We will only be able to appreciate their efforts when we read the Legislative Journal.

I would like to say, if the Speaker does not call me out of order, that a woman's voice should have been raised in seconding every resolution that was presented here this afternoon. My association with the lady from Philadelphia, Miss Brancato, has been very happy during this session. We are not making any speeches but may I say, as the poet said:

"They talk about a woman's sphere
As though it had a limit,
There is not a place in earth or heaven;
There is not a task to mankind given;
There is not a blessing or a woe;
There is not a whispered yes or no;
There is not a life, a death, a birth,
That has a feather's weight of worth
Without a woman in it."

Perhaps we might have raised our voices many times, but we have felt, I am sure, with Longfellow's when he said:

"As unto the bow the cord is
So unto man is woman
Though she bends him, she obeys him.
Though she draws him, yet she follows
Useless each without the other."

On the question recurring,
Will the House adopt the resolution?
It was unanimously adopted.

THANKING EMPLOYES

Mr. MOOMAW offered a resolution which was twice read as follows:

In the House of Representatives, June 4, 1937.

Resolved, That the thanks of the Members of the House of Representatives be tendered to all employes of the House for the able and efficient manner in which they have attended to the duties of their respective offices and the uniform courtesy manifested by them toward all the Members of the House during this session.

On the question,
Will the House adopt the resolution?

Mr. MOOMAW. Mr. Speaker and members of the House. I believe from the remarks that were made, or from the sound at least, that the members must have felt I was going to move to take House Bill No. 500 from the table.

Mr. Speaker, it gives me great pleasure to make a few remarks in behalf of all the employes of this House, for the efficient manner in which they have served the members during this session of the Legislature. It would be impossible, to pick out any individual and place him in higher regard than any other. I think the entire staff, all of the employes of this House have rendered one hundred percent service to all the members at all times. I want to call particular attention to the page boys, and I refer them to the remarks made by the gentleman from Dauphin, Mr. Woodside. You have before you an example in Mr. Woodside, of one who formerly served as a page in the Senate and is now a member of this House. May I wish you all the best success in the world.

On the question recurring,
Will the House adopt the resolution?
It was unanimously adopted.

THANKING BUREAU OF PUBLICATIONS AND THE PUBLIC PRINTER

Mr. CLIFF S. PATTERSON offered a resolution which was twice considered and unanimously adopted as follows:

In the House of Representatives, June 4, 1937.

Whereas, The unusual labor placed upon the public Printer and the Director of the Bureau of Publications has been most successfully performed; and

Whereas, Credit is due to the said Director of the Bureau of Publications and his assistant, and the State Printer for their cooperation in keeping the files up to date; therefor be it

Resolved, That the House of Representatives hereby extends its appreciation to Mr. Finnegan, the Director of the Bureau of Publications and Mr. Vandergrift, and to the Public Printer, for their contribution to the work of the session; and be it further

Resolved, That the Chief Clerk of the House forward copies of this resolution to the said Director of the Bureau of Publications and to the Public Printer.

Mr. COLEMAN in the Chair.

Mr. CHAIRMAN. Mr. Speaker and members of the House, Pennsylvania has been fortunate in that over a long period of years she has had outstanding statesmen as presiding officers in the House of Representatives. I sometimes wonder if we thoroughly appreciate the splendid work done by the Speaker in handling the business of the House with promptness and with dispatch. Over a long period of years there have been standing in the position in which I am now standing men of honesty of purpose, and unimpeachable integrity, and we say that the man who has wielded the gavel in the session just closing has measured up to the high ideals and standards set by Speakers in the past.

Anybody endowed with the splendid qualities with which nature has endowed the Speaker of this House seeks political activity as naturally as a growing plant seeks light and air. He was endowed with a wholesome ambition, a rare gift of making and holding friends. He was endowed with the determination to make good, and his life and his meteoric rise in the political life of Pennsylvania is democratic illustration of the possibility of American boyhood in view of his firm determination to make good.

I recall that in a nominating speech in the session of 1935 a former member of the House, "Hi" Andrews, gave a splendid idea of what can be accompiished by a Speaker who does a splendid job in presiding over the House.

You may recall that "Hi" said that through the power of his personality he could weld the General Assembly into an instrument attuned not to a legislative funeral march marking the burial of the people's hopes but rather to an anthem of legislative achievement, attuned to the needs of the people and in response to their will. I say to you that the man who is now presiding over this House has done that very splendid job.

Look him over, ladies and gentlemen, the next Lieutenant Governor of the Commonwealth of Pennsylvania; thirty-six years of age; the youngest Speaker in the history of the House of Representatives; impressive in stature; attractive in personality; tireless in his determination to make good; a fine looking young fellow; the very essence of good breeding.

I recall that one philosopher put in very well on one occasion when he said that real test of a man's character is the admiration inspired among his fellowmen, and measured by that standard Roy Furman is one of God's noblemen.

Mr. Speaker, it is my pleasant assignment to present to you something more substantial than our plain, common, ordinary thanks for the splendid job you have done, and the courtesy that you have extended to the membership of the House as a presiding officer. We ask you in accepting this beautiful diamond ring not to gauge, not to measure our admiration by the intrinsic value of the gift, but rather

by the value of the spirit which animated us in presenting it to you.

Mr. SIMON. Members of the House, you have heard the bells of the engine, you saw the train and I now introduce myself as the caboose.

Mr. Chairman, I just want to say that after all the nice things said and deserved to be said about our Speaker, I am in the position of the fellow who said "I told you so." You will remember in the Special Session of 1936 I had the honor and pleasure of seconding the nomination of Roy Furman as Speaker of this House. It has been my pleasure to serve here under four other Speakers, and I predicted when I seconded the nomination that he had the qualifications of all of them, Aaron Hess, Jay Goodnough, Wilson Sarig and Grover Talbot. I am rather proud of the fact that "I told you so." The only thing I feel about this ceremony this afternoon is that it will make it a little bit tough to live up to all of these nice things, but I know he has good sense and he will not let the nice things go to his head. I want to say to you that everything that has been said about you today, Mr. Speaker, is deserved, and we can say to you what you said to us, may God bless you.

The SPEAKER. Mr. Coleman and members of the House, I want to thank each and every one of you for this splendid gift. As the speaker said in presenting it, I realize how you are giving it and why you are giving it: it is because of the good fellowship that exists among all of us.

I know of no gift that I would appreciate more than I will appreciate this beautiful ring. I wish it were possible to have the name of each member of this House engraved upon it lest I might forget some of you members here. However our associations here have been so pleasant that I never can forget any member of this House because your names are indelibly engraved in my mind and on my heart. Again I thank you from the bottom of my heart for this splendid gift.

The CHAIRMAN. The Chair recognizes the gentleman from Allegheny, Mr. Gerard.

Mr. GERARD. Mr. Speaker and members of the House, it is really a privilege for me to play a part in the ceremony this afternoon. I have been given the job of presenting a little gift from the members of the House to the one who worked so ably as the aide of the Speaker.

I believe that the setiments expressed in the resolution cover very ably anything that I might say about Eddie Moore. I didn't know Eddie Moore so well until the last two or three weeks when we had the long drawn out early morning sessions. I happened to be stopping at the Senate Hotel and Eddie stops there occasionally on his way home, and as the hour grew late he looked up at the clock and gave me the high-sign. I came to the desk and he said "Gerard, would you mind seeing that we get a little libation before we go home?" So, I say I know Eddie Moore a bit better, and I believe in giving him the gift that we have selected for him that it is in the way of a surprise to him. The committee you appointed to choose these gifts didn't know just what to do about the gifts they wanted to give, so this is in the nature of a surprise. Let me say, Eddie Moore, that in presenting this gift to you, we want you always to remember the fine sentiments that have been expressed here today. We want you to go out on the green, tee off and as you gaze out over the green and you see the fine, smiling, splendid faces of the members of this House, and when you put those golf sticks away remember that in this bag is contained the very fine sentiment that has been so ably expressed this afternoon.

Mr. S. EDWARD MOORE. I thank the membership of the House for this very fine set of Bobby Jone's clubs. I appreciate even more the sentiments that are back of this gift. As the years roll by and as I use these clubs, it will bring back pleasant memories of the 1937 session. I assure you even on the nineteenth hole, I will be thinking of you.

Mr. CHAIRMAN. The Chair recognize the gentleman from Mifflin, Mr. Alexander.

Mr. ALEXANDER. Mr. Speaker and members of the House, ladies and gentlemen, I do not know why I should have been chosen for this particular act on the program, because after the caboose has gone by what is there? Why I was chosen for this particular job is still a mystery to me. Probably it was because of the close contact I have with the members from Luzerne County. You know, when I was seated about half way down the House this year I found my good friend John Yourishin in front of me and John Bohn back of me. They immediately took up the coal situation with me, and ever since the beginning of the session I have been spitting black, but, now, knowing that the occupational disease bill was going through I will be taken care of, being affected by silicosis. I am sure it is with a great deal of pleasure that at this time I am able to present a very beautiful gift, a radio, to our good friend, "Billy" Gallagher, concerning whom you have heard so much.

"Billy" Gallagher has been everything everybody has said and there isn't any one of us that hasn't gone to "Billy" Gallagher and asked a favor but that he has said, "You are overdrawn now, but I will see what I can do for you."

If the Governor really understood the part that he has played in the operation of this House I am sure he would be over here with a gift for him. On a number of occasions it would have been impossible for the House to have assembled on Monday night had not checks been given us the Friday evening before that.

I found myself in a position several years ago where it would have been impossible to have come back on Monday had it not been for "Billy's" all-wise and all considerate consideration of us in seeing that we got those checks. He is always popular around the first of the month, and now in presenting this radio to you, Mr. Gallagher, when you turn the dial to zero and hear just a little bit of static, just a little squeak, that will indicate to you that the Republicans are at it again and trying to get control of Pennsylvania, but when you dial it up to three thousand and hear a big roar that is when the Democrats are whooping it up for Roy Furman as Lieutenant Governor of this State. We know that one of the first requests that Roy Furman will make as Lieutenant Governor is that we keep "Billy" Gallagher as Chief Clerk. Therefore, I know that if you keep this radio you can at that time be assured that you will be the Chief Clerk of the House for many years to come. On behalf of the members of the House of Representatives, Mr. Gallagher, I present to you at this time this very beautiful radio.

The CHIEF CLERK. Mr. Chairman, members of the committee and members of the House, this gift certainly is very timely. When radios were first introduced I got

one. I paid so much for it that I have hung onto it ever since. Now maybe I can get Canada. The first radio was A-No.1 when I got it but now it is A static. I am reminded of a story told during the Al Smith-Hoover campaign. An Irish woman who was very much interested in Al Smith, she had a speaker on the radio who she thought was speaking for Al Smith. She thought how wonderful it was when he proceeded to pay a wonderful tribute to the man about whom he was speaking, but when she listened further and discovered that he was referring to Herbert Hoover she went over, turned the knob and said, "I certainly shut that bird off."

I was thinking of that story in connection with the Speaker. If he would sometimes use the radio, the previous question would not need to be moved. You can shut off the radio, but you cannot shut of debate.

However, I am glad you thought of me in this way. Of course I understand it is not the intrinsic value but that it is the spirit behind the gift. Once more I thank you for your friendship and kindness to me.

Mr. COLEMAN. The Chair calls to the microphone the well known lady from Philadelphia for a double assignment; one is to accept the little token we have of the esteem in which she is held by her colleagues in the House and the other is to make a little presentation of her own.

Miss BRANCATO. Ladies and gentlemen, I want to thank you from the bottom of my heart. I want you to know that I am deeply grateful for the many kindnesses and courtesies extended to me. I thank you.

Ladies and gentlemen, I have heard much said about the Speaker of the House. I now on behalf of the membership of the House want to present to the real Speaker of the House of Furman these beautiful flowers.

And to Mrs. Horting, the other charming lady from Lancaster County, I would like to present these flowers.

Mrs. HORTING. Mr. Speaker and my colleagues, some one, I think it was Browning, said "Flowers preach to us if we will hear." I thank you for these flowers. They do preach to me of your good wishes. I thank you.

Mr. COLEMAN. We go now from the sublime to the ridiculous. We ask the members who have been singled out for this distinction, because of their sponsorship of important bills in this Legislature, to accept the gifts that the committee has purchased for them in the spirit in which they are given.

When Jack Kelly assembled his Philadelphia delegation for the purpose of selecting a man to pilot his horse racing bill through the Legislature, he thought it a splendid idea and good psychology to pick one who had the physical measurements of a jockey, so he selected the gentleman from Philadelphia, Mr. Melchiorre. The committee has purchased for him a jockey cap in the hope that the next time he discusses the bill he may wear it and create the proper atmosphere and thus enhance the chances of the bill's passage. We ask him to step forward and accept the gift.

Mr. MELCHIORRE. Mr. Speaker, ladies and gentlemen of the House, until my horse racing bill is passed we will have to go to Kentucky to try out the horses before coming into Pennsylvania and riding one on Pennsylvania soil. I thank you.

Mr. COLEMAN. At the request of the Dauphin County members of the Legislature we have purchased for the gentleman from Allegheny, Mr. Zappala, a sharp knife in the hope that the next time he cuts up the Legislative districts he will do a better job.

During the discussion of this legislative re-apportionment bill the majority floor leader bled so profusely that the committee decided they ought to purchase for him this bleeder equipment in order to enable him to submit himself for a blood transfusion. We ask the majority floor leader to step forward and accept his gift.

In the city of Philadelphia there is rather a beautiful and intimate friendship that developed some years ago and ripened considerably during this session of the Legislature. We do not think anything ought to develop that will disrupt this friendship. We find them looking after one another wherever you go, so the committee decided that we ought to purchase some sort of bell for them, just as the farmers do for their roaming cows, in order that they may know the whereabouts of each other. We ask the two gentleman from Philadelphia, Donahoe and O'Brien, to step forward.

Mr. DONOHOE. Mr. Speaker and members of the House I am really a little disappointed this afternoon. Of course when I heard all those lovely things being said about somebody in the first instance, I really thought it might mean us, but after a while I kept thinking, "Perhaps they mean Mr. Furman and Mr. Gallagher instead of O'Brien and Donohoe." There was so much said about love and affection here, I do not think that was at all necessary, Mr. Speaker and Mr. Gallagher. The only person to whom you really say "I love you" is to a woman. A man knows that by just looking at you. All the favors that we have gotten through this term, I appreciate and Mr. O'Brien appreciates all those things, but what we would like to know is this, after we get out of here and are down in Philadelphia again, can we still come back? It has really been a pleasure and thanks very much.

Mr. COLEMAN. I don't think there ever was any session of the legislature where the medical members were so very busy and had such a job fighting against legislation inimical to their profession. We are asking Doctors Sarraf, Hindman, Valibus, Boyer and Shea to come forward and receive an eye dropper so that they can use the proper medicine to enable them to see the merits in the optometrists' bill.

Mr. SARRAF. As usual, this is a catch bill. It gives a dropper, but no medicine to use, so will not be able to do much with this bill.

Mr. COLEMAN. Every session of the legislature has its warm advocate of home rule. The committee feels that the two champions of the home rule principle in this session are the gentleman from Dauphin, Mr. Woodside, and the gentleman from Monroe, Mr. Achterman. Because the impression prevailed that under legislation sponsored by the Democratic party the home rule principle was vanishing we have purchased for them two six inch rules indicating to them the fast vanishing principle in Pennsylvania. We wish them to step forward and receive their gifts.

Mr. ACHTERMAN. They have apparently lost the rule and I can agree with them that that is a sufficient size to measure.

Mr. WOODSIDE. I move that we suspend the rule.

Mr. COLEMAN. Mr. Speaker, I have a sneaking suspicion that some kind of a crooked job has been put up

here, that some of my colleagues have turned on me and stolen the rules that were supposed to have been presented to these gentlemen.

At this point in the program we want to add a little solemnity to the occasion. We feel that this is a rather serious moment. We have here a member of the House who sponsored many bills that were pickled in committee, so the committee has decided to purchase for him a crepe indicating the state in which his expired bills are resting in committee. We ask the gentleman from Allegheny, Mr. Weiss, to step forward.

Mr. SAMUEL A. WEISS. Mr. Chairman, I want to extend my warmest wishes to the members who made this possible, my good friends Jirolanio and McArdle.

Mr. COLEMAN. We have a gentleman here who has religiously followed the use of the Motor Vehicle Fund and every attempt or what he felt was an attempt on the part of this administration to delve into that sacred fund brought forth a protest from the gentleman from Lancaster, Mr. Trout, so the committee decided to purchase for him, in order to keep the highway funds intact, a small gift. We ask him to step forward and receive this bank.

When the Committee on Committees was selecting the chairmen of the various committees, we do not think they made any better choice than the chairman of the Committee on Aeronautics the gentleman from Philadelphia, Mr. Tumelty, who can get up in the air about as quickly as anybody in the House, so the committee has purchased for him a miniature airplane. We ask him to step forward and receive it.

Mr. TUMELTY. Mr. Speaker and members of the House, I sort of feel as though I got about the best gift that was given out here this afternoon. I guess there is about only one thing left to do now, and that is to get married and give it to the kids to play with.

Mr. COLEMAN. When we had the microphones installed in the House, we felt that the danger of the Reading Clerk's making mistakes in roll calls was eliminated, but we find that two members of the House, feeble of voice, make it rather difficult for the recording clerks to properly record them on legislation, so we have purchased for them, in order that there may not be a repetition of this occurrence a small megaphone. We ask Mr. Elpern and Mr. Moran to step forward.

Mr. MORAN. Mr. Chairman and members of the House, I appreciate this little megaphone. I have a bit of a cold, my voice is not so strong, and I expect to make announcements at the Senate Hotel, so this will come in handy.

Mr. COLEMAN. We have a gentleman from Philadelphia who has served very effectively as whip of the House. The committee has decided to purchase for him, a whip, although there has been no necessity to use one up to date, so that in the closing hours, if any Democratic member rebels, he may use it with telling effect.

The ex-service men in this House have had a very able champion for their needs.

When bills designed to benefit them were presented, they always found in this fellow an able advocate. His voice was ever raised in their behalf, so the committee decided to purchase for the gentleman from Allegheny a tent and a soldier. We ask him to step forward and take this gift.

Mr. TRONZO. Mr. Speaker, due to the fact that summer is upon us I can make very good use of the tent, but I refuse to accept the soldier.

Mr. COLEMAN. The presentation in this session of a bill that would permit persons bitten by dogs to recover damages indicates a fear on the part of the gentleman from Beaver, Mr. Caputo, of what has been termed man's greatest friend. We ask him to step forward and accept this dog, and because he is inanimate the danger of being bitten by him is eliminated.

The committee felt that it would be appropriate to purchase a duck for the various members of the legislature who are in the habit of ducking bills, but upon checking up with the Harrisburg stores, we found there were only twenty-two available. We felt that was an inadequate number, so we purchased one only. If any member of the Legislature feels that this would be an appropriate gift, we will be very glad to have him step forward and accept it.

The committee has information to the effect that Mrs. Longaker has presented our colleague John with a bouncing baby girl. The committee decided to purchase for him a rattle, feeling that the noise when the baby plays with it will be no different than the noisy chatter that we hear in the House occasionally, so it will not annoy our good friend, Mr. Longaker. I ask him to step forward and accept it.

Mr. LONGAKER. Mr. Speaker, the only discordant note in the arrival in our family of the baby girl came from our little boy Jack. Jack is a great believer in numbers. We now have three girls and two boys in our family. When he reported the arrival he tried to find solace in the fact that. "After having been on the minority side of the House for two terms, we can get along just the same."

Mr. COLEMAN. The presentation of such literary gems as Dear Oscar and Little Rollo by the gentleman from Delaware, Mr. Turner, gives him the undisputed right of being called the champion needler of the House. We have purchased for him a package of needles with the thought in mind that these needles are not half as sharp as the rapier-like thrusts contained in the letters criticizing the administration.

Mr. TURNER. Mr. Speaker, up until now I though all the needling was on the other side of the House, because of the jibes and thrusts that were cast at the Republicans from time to time from the other side of the House. I felt yesterday when the gentleman from Cumberland, Mr. Smith, was reading that very interesting letter and he was putting over some jibes on the Republicans, that I would like to say before this session concluded that like Johnny Longaker I have five children, only the boys in our family outnumber the girls. As father of five childrden I have learned this: when we started out, for instance, to get measles and mumps and all that sort of thing, for the first one we had a trained nurse and they put sheets all around and my wife worried to death, but about the time we got up to the fourth or fifth case, we ceased to worry about it That has taught me a little philosophy of life. It was taught me as I sit here and listen to these jibes, that it is like the mumps and measles, we have to put up with it now, but we know it will soon be over.

Mr. COLEMAN. I ask the two gentleman from Philadelphia Messrs. Ostroff and Lewis to step forward and get their gifts. We present them with what has been termed the smallest receiving set in the State of Pennsylvania,

with the additional fixtures in order to lend the proper atmosphere.

I will ask the gentleman from Mifflin, Mr. Alexander, to step forward and receive his gift, which is a kiddie car, so that when next he gets into a Congressional fight in his district he can run a little faster.

Mr. ALEXANDER. Mr. Speaker, now I know there is something wrong in the committee. Being a member of that committee and not knowing anything about this, I know there is something wrong; some one is taking things.

Mr. COLEMAN. About the greatest friend the tax collector has ever had in the state of Pennsylvania is the gentleman from Franklin, Mr. Moomaw. Mr. Moomaw, the tax collectors of the State of Pennsylvania feel that you have been an able champion of their cause and one of their greatest friends and have asked me to present you with this box of tacks.

Mr. MOOMAW. I believe, or have a suspicion, that there is an invitation back of that.

Mr. COLEMAN. We will ask Dr. Hindman to step forward and receive his gift as the champion bottle saver in the State of Pennsylvania.

Mr. HINDMAN. Mr. Speaker, ladies and gentlemen of the House, I certainly appreciate the thoughtfulness of this committee in presenting me with this gift. I am reminded, when I see this, of what a wonderful commodity milk is. I am also reminded of a gentleman from Fayette who was going up street one day carrying a quart of milk to his home. One of the Representatives in this House called attention to his friend. He said "My God, John, there goes a man up the street with a quart of milk, and I believe he hasn't a drop of whiskey in the house."

Mr. COLEMAN. Mr. Speaker, as the chairman of the committee arranging this little program I want to express to the membership of the House our thanks and appreciation for their amazing spirit of toleration and the spirit in which they accepted the various gifts. I will turn the House of Representatives back to its real presiding officer, Mr. Furman.

The SPEAKER. The Chair on behalf of the "Speaker of the House of Furman," who speaks only at home, wishes to thank the committee for the wonderful basket of flowers. I am not permitted to speak at home; I must speak in public, therefore I express to you our thanks.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct the title was publicly read as follows:

SENATE BILL No. 1355.

An Act to amend section twenty-seven of the act approved the twentieth day of July one thousand nine hundred seventeen (Pamphlet Laws one thousand one hundred forty-three) entitled "An act relating to free public non-sectarian libraries and branch libraries within this Commonwealth providing for their establishment maintenance and regulation and for the maintenance and regulation of such free public non-sectarian libraries as may have been already established by the several counties cities boroughs towns and townships and providing that all library property and all gifts devises grants or endowments for library purposes shall be exempt from taxation and providing that the several counties cities boroughs towns and townships may levy taxes condemn private property and borrow money for library purposes and imposing penalties for injurying library property and for violations of library regulations and repealing existing laws in relation to the above subjects" by exempting from collateral inheritance tax all gifts devises grants or endowments made to national libraries

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 4, 1937.

Resolved, (if the House of Representatives concur), That House Bill No. 1801, Printer's No. 1209, entitled: "An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 59). entitled 'An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons. associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act,' as amended, by changing certain routes and adding certain new routes" be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTIONS

RECALLING HOUSE BILL No. 918, FROM THE GOVERNOR

Mr. MOOMAW offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 4, 1937.

Resolved (if the Senate concur), That House Bill No. 918, Printer's No. 1111, entitled "An act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs requiring the auditors to file an annual financial report with said department conferring jurisdiction of certain cases upon justices of the peace and providing penalties", be recalled from the Governor for further consideration

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1858, FROM THE GOVERNOR

Mr. AUKERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives June 4, 1937.

Resolved (if the Senate concur), That House Bill No. 1858, Printer's No. 916, entitled "An Act to amend section two thousand five hundred fifty-three as amended of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' permitting city treasurers to give fidelity bonds as tax collectors of school districts of the second class and regulating the premiums thereof," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows, viz:

SENATE BILL No. 1430.

An Act making an appropriation to the Department of Welfare for Mother's Assistance

SENATE BILL No. 1431.

An Act making an appropriation to the Department of Welfare for old age assistance

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 1430.

An Act making an appropriation to the Department of Welfare for Mother's Assistance

SENATE BILL No. 1431.

An Act making an appropriation to the Department of Welfare for old age assistance

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess untill 9:00 p. m. Are there objections? The Chair hears none and declares a recess until 9:00 p. m.

AFTER RECESS

The House reconvened at 9:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1449.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1449, Printer's No. 1205, entitled "An Act providing for the creation incorporation organization and government of County Public Utility Administrations in counties of the second class providing for referendums to ascertain the will of the electors authorizing such Administrations to incur bonded indebtedness for the purpose of the construction of works the acquisition of property and the operation of public utilities to contract for the payment therefor or to have the price fixed by The Public Utility Commission conferring the power of eminent domain providing for the powers duties functions and immunities of such Administrations imposing certain duties and functions in connection with such Administrations upon certain county officers conferring power to enter into agreements with the United States and its instrumentalities political subdivisions and municipalities of the Commonwealth and others providing for a system of civil service and collective bargaining and providing penalties and for other purposes."

GEORGE H. EARLE

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1978.

A Supplement to the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts and authorizing the suspension of this supplement in certain cases

SENATE BILL No. 189.

An Act to amend section twenty of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing additional seasons for the taking of pickerel in the inland waters

SENATE BILL No. 314.

An Act to amend the act approved the twenty-fourth day of March one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act regulating railroad companies approved the nineteenth day of February Anno Domini one thousand eight hundred and forty-nine" so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases and modifying limitations restrictions and conditions under which such consolidation or merger may be made the effect thereof and the rights of dissenting stockholders

SENATE BILL No. 339.

An Act to amend the act approved the thirteenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws 205) entitled "An act prescribing the amount of stock and bonds which may be issued by railroad companies heretofore or hereafter consolidated and merged" by making the same applicable to the surviving company in case of a merger and by modifying the limitations restrictions and conditions affecting the issue of stock and bonds

SENATE BILL No. 758.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred fifty-three) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by further requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility and further regulating insurance policies which may be accepted as proof of financial responsibility imposing further duties upon the Secretary of Revenue and the prothonotaries and clerks of the various courts of this Commonwealth providing for appeals in certain instances imposing further duties upon owners and operators of vehicles providing exceptions imposing duties upon insurers and upon brokers agents or representatives of insurers providing for the payment of judgment in installments prescribing additional penalties and adding new sections

SENATE BILL No. 1020.

An Act to amend section two thousand six hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the employment by school auditors and for the compensation of an attorney

SENATE BILL No. 1105.

An Act concerning proxies authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof

SENATE BILL No. 1153.

A Supplement to the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of the cities of the second class" establishing a Department of Lands and Buildings in said cities providing for its officers and employes defining the powers duties and jurisdiction of said department and in certain cases transferring the same from existing departments

SENATE BILL No. 1154.

An Act to amend Article four of the act approved the seventh day of March one thousand nine hundred one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" transferring to the Department of Public Works the powers and duties relative to the removal and disposal of offal garbage and swill

SENATE BILL No. 1210.

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor to enter into contract with persons firms or corporations to erect office buildings and to lease such office buildings for the use of the Commonwealth the same to become the property of the Commonwealth upon termination of said lease

SENATE BILL No. 1266.

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto

SENATE BILL No. 1358.

An Act to amend section six of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (Pamphlet Laws 13) entitled "An act to carry into effect section five of Article fourteenth of the Constitution relative to the salaries of county officers and the payment of fees received by them into the state or county treasury in counties containing over one hundred and fifty thousand inhabitants" by providing that in counties of the first class salaries of respective county offices shall not exceed the amount fixed by the tax levying body of such county for such offices

SENATE BILL No. 1315.

An Act requiring collectors of city county borough town township school and poor district taxes to file certain reports with the Quarter Sessions Court and the Department of Internal Affairs directing such Department to prepare and furnish forms for such reports making such reports available for public inspection requiring all payments to such collectors for compensation and expenses to be by warrant or order prohibiting such collectors from deducting their compensation and expenses from public funds in their possession and making violation of the act a misdemeanor

SENATE BILL No. 1317.

An Act to amend section two of the act approved the seventh day of July one thousand nine hundred and thirty-six (Pamphlet Laws 37) entitled "An act to provide for the public sale by cities of the first class of tax anticipation certificates representing registered delinquent taxes and authorizing the appropriation for current or other purposes funds realized or estimated to be collectable from the sale thereof" by limiting appropriations to amounts realized by the sale of such certificates

SENATE BILL No. 436.

An Act to further amend section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 479) entitled as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants" by providing for the joining of additional defendants in other cases and providing

that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants

SENATE BILL No. 438.

An Act to amend section fifty-three of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six, (P. L. 568), entitled "An act relating to the commencement of actions," as amended, fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings.

SENATE BILL No 439.

An Act to amend Section four of the act approved the seventeenth day of March one thousand eight hundred and sixty-nine (Pamphlet Laws 8) entitled "An act relative to fraudulent debtors" fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service residence or appearance

SENATE BILL No. 641.

An Act declaring certain rights grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void vesting power in the Department of Forests and Waters the Water and Power Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights grants and privileges and providing the procedure in such cases

SENATE BILL No. 668.

An Act to amend Route 15176 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes

SENATE BILL No. 676.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain land located in the City of Allentown Lehigh County Pennsylvania

SENATE BILL No. 683.

An Act to further amend sections six ten and twenty-nine of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and town and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State highways Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or tollroads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of act inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by amending Route fifty-two by adding thereto borough bridges over mill races as the responsibility of the Department of Highways by providing that no assessment shall be made against the Commonwealth to assist in the reconstruction of any structure eliminating grade crossings and by further authorizing the Attorney General under certain conditions to enter into agreements with townships of the payment in installments of certain claims of the Department of Highways against such townships for construction reconstruction or maintenance of State highways

SENATE BILL No. 684.

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth Pennsylvania

SENATE BILL No. 778.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance compaies and the regulation supervision and protection of home and foreign insurance companies Lloyds association reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by amending sub-section (e) of section 206 by reducing the maximum single risk permitted and increasing the cash premium to be held in cash or securities

SENATE BILL No. 809.

An Act to amend section three of Article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments and officers regulating commitments and providing for the audit of firemen's pension funds.

SENATE BILL No. 817.

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien threof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceeding and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the Orphans' Court in all matters relating to fiduciaries concerned wth the estates of decedents"

SENATE BILL No. 820.

An Act to further amend section one of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to transfer of structures and facilities of public service companies providing for ascertainment and payment of cost procedure before Pennsylvania Public Utilities Commission and appeal.

SENATE BILL No. 853.

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime

SENATE BILL No. 881.

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

SENATE BILL No. 904.

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

SENATE BILL No. 907.

An Act to repeal certain parts of acts relating to struck juries

SENATE BILL No. 915.

An Act to amend the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1195) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" as amended providing for aid to counties holding agricultural exhibitions

SENATE BILL No. 942.

An Act to amend sub-section three of section one of the act approved the ninth day of July one thousand nine hundred and one (Pamphlet Laws 614) entitled "An act relating to the service of certain process in actions at law and the effect thereof and providing who shall be made parties to certain writs" as amended by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership possession occupancy control maintenance and use of real estate and the footways and curbs adjacent thereto in counties other than that wherein the real estate footways and curbs are located and the writ issues

SENATE BILL No. 943.

An Act authorizing and empowering any city county school district or other municipality which shall have acquired a limited title to real estate for municipal purposes to secure a title in fee simple to any such real estate and providing and regulating the procedure in such cases

SENATE BILL No. 951.

An Act providing for the service of process in civil actions on non-resident owners tenants or users of real estate located within the Commonwealth of Pennsylvania and the footways and curbs adjacent thereto or any such resident of this Commonwealth who shall subsequently become a non-resident and making the ownership possession occupancy control maintenance and use of such real estate footways and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said non-resident upon whom civil service may be served and providing for further notice to the defendants in any such action

SENATE BILL No. 952.

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) as amended entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by and increasing the term for which sequestrators may lease sequestrated property

SENATE BILL No. 953.

An Act providing for the commencement of civil actions for damages arising from any accident or injury occurring upon real estate the footways sidewalks and curbs adjacent thereto and providing for the service of process in such cases

SENATE BILL No. 957.

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County; providing for trial without jury and for the filing of agreements therefor; providing for the payment of jury fees.

SENATE BILL No. 958.

An Act to amend sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto" by further regulating the attendance of such witnesses and limiting the powers with respect thereto to judges learned in the law

SENATE BILL No. 959.

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states and imposing certain duties in magistrates aldermen and justices of the peace and the Secretary of the Commonwealth

SENATE BILL No. 960.

An Act providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in relation to persons on probation or parole and imposing certain powers and duties on the Governor and the Board of Pardons

SENATE BILL No. 968.

An Act to amend section one hundred fifty-five of the act approved the thirty-first day of March one thousand eight hundrded and sixty (Pamphlet Laws 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" extending the provisions to memorials tablets and works of art erected within buildings or on grounds

SENATE BILL No. 1004.

An Act declaring bonds issued by The General Authority legal investments for the investment of certain funds and moneys

SENATE BILL No. 1042.

An Act to amend section one thousand five hundred four of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision relating to advances out of appropriations

SENATE BILL No. 1050.

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred sixty-one) entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor" by substituting Owen J Zimmerman or his successor in title for Samuel Zimmerman

SENATE BILL No. 1051.

An Act declaring forfeitures of Commonwealth grants of public works canals rights and privileges where the conditions covenants or terms of such grants have been or shall hereafter be breached by disuse or otherwise by the owners or holders thereof authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act and ratifying any and all such pending proceedings.

SENATE BILL No. 1055.

An Act authorizing the compounding compromising and settlement by the Department of Public Instruction with the approval of the Department of the Auditor General and the Department of Justice of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions trades and occupations in the Department of Public Instruction

SENATE BILL No. 1087.

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by changing the method of issuance of licenses and making further provisions for records and returns thereof

SENATE BILL No. 1130.

An Act to further amend the act approved the fifteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 534) entitled "An act relating to motion-picture films reels or stereopticon views or slides providing a system of examination approval and regulation thereof and of the banners posters and other like advertising matter used in connection therewith creating the Board of Censors and providing penalties for the violation of the act" by prohibiting the possession of motion picture films reels or views not approved requiring permits in certain cases and increasing penalties

SENATE BILL No. 1134.

An Act to repeal the act approved the seventh day of August. one thousand nine hundred thirty-six (Pamphlet Laws one hundred two) entitled, "An act transferring money from the State School Fund to the General Fund, and requiring the State council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer."

SENATE BILL No. 1152.

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred sixty-three) entitled "An act relating to the organization jurisdiction and procedure of the Orphans' Courts the powers and duties of the judges thereof and appeals therefrom" by authorizing the Orphans' Court to conduct jury trials to determine issues awarded by it and regulating the procedure and appeals in such cases

SENATE BILL No. 1159.

An Act to amend sub-section (e) of section 206 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amend-

ing revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by providing minimum capital and financial requirements to do business for title insurance companies

SENATE BILL No. 1161.

An Act to amend section 101 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eight-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by including title insurance companies within the definition of the word "company" as used in the act

SENATE BILL No. 1171.

A Joint Resolution proposing an amendment to Article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania

SENATE BILL No. 1220.

An Act to validate conveyances purporting to be the act and deed of a corporation heretofore erroneously executed and acknowledged or executed and acknowledged by persons purporting to be agents of or trustees for a corporation which has since been dissolved

SENATE BILL No. 1223.

An Act to amend section one of the act approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares or merchandise of any kind, fixtures, machinery equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer and fixing penalties," providing for the payment of unemployment compensation contributions.

SENATE BILL No. 1224.

An Act to amend Article nine of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Court of Common Pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing that a domestic business corporation formed by merger of one or more domestic business corporations and one or more foreign business corporations shall be entitled to a credit on the bonus due the Commonwealth equal to the amount of the bonus paid under existing laws by the corporations so merging

SENATE BILL No. 1226.

An Act authorizing the Joint Commission having jurisdiction over bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New York to sell and dispose of certain real and personal property to lease real estate and to license Public Utility Companies to occupy with their facilities parts of such bridges as are within the jurisdiction of the Commission and providing for the disposal of the proceeds thereof

SENATE BILL No. 1229.

An Act to repeal section thirty of the act approved the first day of May one thousand eight hundred sixty-one (Pamphlet Laws four hundred fifty) entitled "An act relating to Allegheny County"

SENATE BILL No 1231.

An Act empowering the Department of Property and Supplies with the consent and approval of the Department of Military Affairs and the Governor to lease or rent a part or parts of the Pennsylvania Military Reservation at Indiantown Gap to the City of Harrisburg for the purpose of impounding water for a water supply and appropriating the moneys received therefrom to the Department of Military Affairs

SENATE BILL No. 1234.

An Act prohibiting during a declared emergency foreclosure entry of judgment and issuance of execution on agreements bonds and mortgages affecting real property because of failure to fully discharge municipal liens against such property where such liens pursuant to ordinance or resolution are being paid in installments

SENATE BILL No. 1235.

An Act providing for the creation division and consolidation of wards in cities of the first class and defining procedure therefor

SENATE BILL No. 1252.

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking injury or destruction of private property under the right of eminent domain where both the owner of the fee and any lessee or lessees under such owner shall claim damages

SENATE BILL No. 1258.

An Act to further amend sections five and eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" by providing for annual renewals of the registration of pharmacists and assistant pharmacists

SENATE BILL No. 1260.

An Act to amend section one thousand four hundred and thirty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing

revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation to be paid attendance officers and home and school visitors in school districts of the first class

SENATE BILL No. 1262.

An Act providing for the sale of Fort Necessity Park in Wharton Township to the government of the United States for National Military Park purposes and giving consent to the purchase of said park other lands of historical importance and with certain reservations ceding jurisdiction over such lands

SENATE BILL No. 1265.

An Act to amend clause (c) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate for the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the Court of Common Pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally reraling with the jurisdictiin poders and procedure of the Orphans' Court in all matters relating to fiduciaries concerned with the estates of decedents" as amended permitting the assignment transfer payment and delivery to a foreign appointed executor administrator trustee guardian committee or other fiduciary of any moneys and property within this Commonwealth by any debtor bailee custodian agent attorney pledgee trustee fiduciary or other individual association partnership or corporation a resident thereof owing same to or holding the same in the name or for the account of a decedent minor legal incompetent or cestui que trust a non-resident of Pennsylvania

SENATE BILL No. 1302.

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the records proceedings and evidence produced against the person committed or detained before the committing judge officer or magistrate and making such records proceedings and evidence available for inspection by the petitioner or his counsel

SENATE BILL No. 1313.

An Act to add section five hundred and fifty-three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations an dexchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing additional penalties

SENATE BILL No. 1404.

An Act to further amend sub-paragraph three of subsection (a) of section five hundred five of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political sub-divisions of the State and certain officers of such sub-divisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees o rother moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision relative to interest upon State deposits

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 673.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 673, Printer's No. 319, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. RUFFENNACH. Mr. Speaker, I move that the bill together with the communication from the Governor be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, pre-

sented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 99 and 904.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 99, Printer's No. 1215, entitled "An Act to re-enact and amend the title and the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred and thirty-six) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' by changing adding to and increasing the schedules of compensation prescribing and changing certain presumptions and rules of evidence increasing the requirements to be met by employers desiring to be self-insurers conferring certain powers and duties upon the Department of Labor and Industry imposing additional duties and liabilities upon employers and insurance carriers including the cost of administering the workmen's compensation system including the rehabilitation of employes providing for the payment of compensation for certain second injuries and for the rehabilition of injured employes and for the payment of re-opened cases after a certain lapse of time by the Commonwealth out of moneys required to be paid into the State Treasury by certain employers and insurance carriers in death cases where there are no dependents imposing new and changing certain existing penalties and generally amending clarifying and changing the provisions of said act."

House Bill No. 904, Printer's No. 1150, entitled "An Act relating to peace officers providing for the qualifications and appointment of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts."

GEORGE H. EARLE.

BILLS ON THIRD READING

Agreeably to order,

The Hiuse proceeded to the third reading and consideration of House Bill No. 2361, (Senate Bill No. 1208), entitled:

An Act to amend section twelve, as amended, of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" granting certain retirement rights to persons who have withdrawn from and returned to school service

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, F. P.,	Moul,	Stackpole,
Blank,	Hamilton, R. S.,	Muir,	Stank,
Bohn,	Harkins,	Munley,	Stewart,
Boles,	Harmuth,	Murrin,	Stockham,
Boltz,	Hays,	Nagel,	Strode,
Boose,	Hering,	O'Brien,	Terry,
Boyer,	Hess,	O'Connor,	Thomas,
Bradley,	Hetrick,	O'Keefe,	Thompson,
Brancato,	Hindman,	Ominsky,	Toole,
Brigerman,	Hirsch,	O'Neill,	Tronzo,
Broad,	Holland,	Ostroff,	Trout,
Brown,	Holmes,	Patterson, C. S.,	Tumelty,
Brownfield,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	Van Allsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
			Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2522, (Senate Bill No. 1416), entitled:

An Act to authorize counties to file suggestions for revival of certain tax liens to revive such liens where more than five years have elapsed since said liens were filed or revived and providing for the revival and collection of such liens

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Areeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2521, (Senate Bill No. 1403), entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by adding thereto section 18.1 providing that the Department of Health shall maintain a special file for the records of births of veterans of the World War and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

RECONSIDERATION OF VOTE

Mr. MOUL. Mr. Speaker, I move that the vote by which House Bill No. 2487, Senate Bill No. 1075, Printer's No. 862, on page 2 of today's calendar passed third reading be reconsidered.

Mr. WESTRICK. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Moul, vote on the third reading of this bill?

Mr. MOUL. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Cambria, Mr. Westrick, vote on the third reading of this bill?

Mr. WESTRICK. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. MOUL. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 2, page 3, line 16, by striking out the word "field"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS MADE SPECIAL ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the following bills:

House Bill No. 2453, Senate Bill No. 876.
House Bill No. 2375, Senate Bill No. 887.
House Bill No. 2454, Senate Bill No. 878.
House Bill No. 2455, Senate Bill No. 879.
House Bill No. 2409, Senate Bill No. 880.
House Bill No. 2517, Senate Bill No. 882.
House Bill No. 2378, Senate Bill No. 883.

be made special orders of business on third reading and final passage in their order immediately upon the adoption of this motion.

The motion was agreed to.

MOTION TO MAKE BILL SPECIAL ORDER

Mr. YOURISHIN. Mr. Speaker, I move that House Bill No. 2462, Senate Bill No. 744, Printer's No. 808, on page 7 of today's calendar, bills on third reading, be made a special order of business on third reading and final passage immediately after the special orders as contained in the motion of Mr. Herbert B. Cohen.

On the question,

Will the House agree to the motion?

POINT OF ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HERBERT B. COHEN. Mr. Speaker, I question whether the motion of the gentleman from Luzerne is in order, a special order of business having been made of Senate Bills Nos. 876, to 883 inclusive, with the exception of No. 881, and there is nothing in order but the taking up of these bills.

The SPEAKER. The point of order is well taken. There is nothing before the House except the consideration of the bills covered by the motion.

The Chair now lays before the House the special order of business in accordance with the motion of the gentleman from York, Mr. Herbert B. Cohen.

BILLS ON THIRD READING
SPECIAL ORDER

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2453, (Senate Bill No. 876), entitled:

An Act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligation imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker and members of the House, this is one of the series of bills which contain the Governor's idea of how relief is to be administered in Pennsylvania. The subject matter of this bill is so interwoven with the subject matter of the other bills that have just been made a special order of business that it is impossible to debate the one without trespassing upon the terms of the others. I therefore, Mr. Speaker, ask you and the members of the House to be lenient in the rule restricting members to debate on the particular bill before the House, and permit discussion on the entire relief set-up and all the bills which have been made a special order of business. I believe in so doing we can have a more intelligent discussion of the question before us, and that in the end we can save time.

I do not presume that anything I shall say here this evening will have any effect whatsoever upon the vote of any of the members of this House. I well know that I do not have that which convinces the members of this House how to vote on these measures. We all know that during the past few months in the Halls of this House, in the committee rooms, on the streets, anywhere members happened to get in a discussion of the problems which are facing the Legislature, there was a feeling on both sides of this House that a number of the features which are contained in these relief bills now before us

were not the best for the interests of the people of Pennsylvania. We all know how, when the heat was turned on, this opposition melted away.

This business of administering relief is a big and costly business. Approximately thirteen million dollars will be spent during the next biennium for the administering of relief. I say administering relief, because that thirteen million dollars will not go to the poor and the needy and the aged and the blind, but will go to those people of Pennsylvania who are administering these various relief and pension set-ups. It is a matter of good housekeeping, for deliberation and consideration by this House. These relief bills came to the Committee on Welfare just about two weeks ago, and most of them less than that, and the chairman of that committee has been very fair in endeavoring to give complete consideration to these measures, but the time did not exist, they could not have the consideration that they should have.

I was very much interested in relief matters, and when the Joint Committee to investigate these problems was appointed I was made a member by request. That committee made an investigation of these problems, and had a number of hearings. It sent a representative to visit a number of Poor Boards and to investigate how they were operating both as to institutional care and as to out door relief. That representative went into the offices of the Poor Boards and looked into their records, as to how they operated. This member also went to the various institutions and made personal inspections and made a report to the committee, but that committee has never made a report to this House, because the chairman did not call a meeting of that committee to make a report to this House.

It was discovered about a month ago or a little more, that a majority of that committee were opposed to the main features contained in the bill that is now before this body, and since that time no meeting was held, and this Legislature has not had the advice or the suggestions that would have come from the report of this Legislative Committee which made the investigation and which took considerable testimony, and whose members gave considerable thought to the problem which was before them.

We have here a group of measures or a plan, you might call it, commonly known as the Goodrich Plan, which alleges to be a unification of the various agencies of relief. Members of the House, it is not a unification; it is a centralization, but not a unification. There are still three agencies administering some sort of relief under this plan. You still have the Unemployment Insurance Boards; you will have the new Department of Public Assistance and its various agencies set up under the plan, and you will still have the county commissioners carrying on a certain amount of the functions that are now carried on by either the County Commissioners or Poor Directors, depending upon the county to which it happens to apply, so you still have three separate, independent agencies dealing with the same general problems. You have not united your agencies into one central unified organization; you still have it split into three separate and independent groups in three separate and independent branches or departments of the government. We think this is a mistake; we think the separation has been made at the wrong point. I am not sure that you can reduce it to less than three separate agencies. It might be that you can well reduce it to two, but when you reduce it to two or to three, there still comes the problem where you will separate it and apply a separate part to each agency. I think that unemployment insurance and unemployment relief are not primarily relief problems, but are primarily unemployment problems. I think that the unemployment problem should be treated as an unemployment problem and not as a relief problem. You will have this situation, here is a man who is employed, he becomes unemployed, and the Unemployment Board has his record. They will make an investigation concerning him and for a while they will be carrying him, and while they are carrying him possibly he will need unemployment relief. Then he will have to go to the Department of Public Assistance or one of the agencies working under it, and they too will have to investigate him, and they too will possibly pay him relief for the time that he is covered by the unemployment insurance. This does not seem reasonable, and therefore we feel that this plan has failed materially in not taking care of that situation. We think and feel that unemployment insurance and unemployment relief should be unified into one so that this kind of situation will not exist, as it otherwise would.

I said before that this is not a relief problem but it is primarily an unemployment problem, and your employment agency ought to be linked up with the same department or the same bureau, locally and State-wide, as is your unemployment insurance and unemployment relief, because after all the unemployment insurance will have a record primarily of everybody who is employable in the State and practically everybody who would be entitled to unemployment relief, and consequently those functions ought to be centralized into one group and not split up into two groups, one in the Unemployment Insurance and the other in the Department of Public Assistance, an independant and separate department, as it will be under this plan.

That suggestion was made by Dean Goodrich, the Chairman of the Citizen's Committee that was appointed by the Governor to investigate relief, who made the report, and whose name this plan now before us bears. That question was put to him by Representative Achterman and I am going to take your time to read just what took place. I am reading from the testimony, and I think it will be of interest to all the members of this House to listen to it. Representative Achterman put this question to Dean Goodrich:

"REPRESENTATIVE ACHTERMAN: In connection with your investigation, did your committee give any consideration to the possiblility that relief would be furnished to the classes we now know as employables, without work, to be handled by the Unemployment Insurance Board?

"DEAN GOODRICH: Yes, that is going to help us after a while, I guess. Wait a minute—did we think it ought to be handled by the Unemployment Insurance Board? It that your question?

"REPRESENTATIVE ACHTERMAN: Yes.

"DEAN GOODRICH: I confess that we did not debate that question.

"REPRESENTATIVE ACHTERMAN: You realize, of course, that the State is going to have dual investigations, and that as I understand it, is what your board is trying to get away from?

"DEAN GOODRICH: We hope that by the time the Un-

employment Insurance grants come to be paid that our other load is going to be down.

"REPRESENTATIVE ACHTERMAN: Well, then, won't one of the major reasons for your committee report have disappeared in thin air?

"DEAN GOODRICH: To the extent that the other service takes care of all of these cases, we will be out of the problem with which we are now confronted. I should hesitate to predict, and I am sure you would, that the Unemployment Insurance is going to get rid of this frightfully difficult problem of unemployment. You put a real question to me, though, I don't know whether I am prepared to finally pass on it. Let me see if I can put it?

"REPRESENTATIVE ACHTERMAN: Yes, all right.

"DEAN GOODRICH: The question of where the investigation is made for Unemployment Insurance grants fit into an unemployment relief administration, is that about it?

"REPRESENTATIVE ACHTERMAN: Yes.

"DEAN GOODRICH: You appreciate this is going to be the situation in Pennsylvania; in a comparatively short time your Unemployment Insurance Department will have been in contact with every employable individual in Pennnsylvania. Now, when one of those individuals gets out of employment after the proper length of time he becomes a beneficiary under the system. Now, he may be at that moment also in need of relief on account of payment anticipation.

"REPRESENTATIVE ACHTERMAN: Yes.

"DEAN GOODRICH: No, your department has made that investigation—I am speaking of the Unemployment Insurance Committee—and he needs the relief besides the relief that he is receiving. Now, under the system you purpose, he will have to come under this system to be again investigated. There would be a dual investigation, and that is one of the things that have been complained of at the present time. And rightfully so, yes.

"REPRESENTATIVE ACHTERMAN: If we put that over on the Unemployment Insurance Board, don't we do away with a great amount of work and vitiate the necessity of separate departments, and let the administration of old-age and mothers' pension remain where it is?

"DEAN GOODRICH: Twenty-five years of experience in discussion of public matters has taught me something, so I am going to take the refuge of any honest teacher or any honest lawyer and say that I cannot answer it. You have posed me a real one and I cannot answer it at this moment. It is an important question, and I want to answer it, if the committee will—", and then went on to another matter.

Mr. Speaker, the Goodrich Committee has spent a total estimated by some people at one hundred ten thousand dollars. They have spent I know, in salaries over $68,381 and their total expenses have amounted to, I know, $80,-972,—how much more I am not able to say with certainty, but the committee that prepared this plan now before the House did not consider the question of whether unemployment relief and unemployment insurance should be administered by the same department or be administered by the same agency.

I submit, members of the House, that if the committee appointed did not even give consideration to that question, it did not do its job, and its plan is not complete.

But I call your attention further to the fact that Dean Goodrich said that he could not answer why that could not be done. He has not to this day, as far as I know as a member of that committee, attempted to give any answers as to why it could not be done, and the truth of the whole matter is that those two departments or those two functions of government ought to be together or in the same department. In that particular, this plan is wrong, this plan is inadequate and this plan does not meet the need of efficient administration of the problems which are now before the State. The bill which we have before us at this particular moment was popularly known as the Poor Board Ripper. It is the bill which takes away from the people of the counties the right to name the people who will administer the out door poor relief in their particular counties. It is the bill which along with the others, sets up a plan whereby the out door relief as well as the unemployment relief and the companion functions old age, mothers' assistance, the blind pensions will be adminstered by a separate department set-up in Harrisburg or a local board appointed by the Governor. The people of the particular county will have nothing whatsoever to say concerning the administration of relief, because they will have nothing to say about the appointment of the officials of the Department of Public Assistance or of the State Board of Public Assistance, nor will they have a single word to say concerning the appointment of a local board or a county board which will administer the relief for that particular county.

This is wrong; I think there is no more fundamental error than the thought that the people chosen by the separate political units are all crooks and inefficient and generally incapable of handling their problems, while those who are at the top of the pile are the ones who should be permitted to do the thinking for all the people and have the interests of all the people at heart. I say, Mr. Speaker, that I do not think there is any more fallacious theory in government than that one, nor any more fallacious principle.

There is so much to be said about the ripping out of the poor boards that one hardly knows where to stop. I know the hour is late, this session is drawing to a close, the majority party have made up their minds as to how to vote on this measure, but I think we cannot pass over this measure without giving a little thought to what is being done at this time.

There are a number of members on this side of the House, some of them older and with more experience than I am; many of them more capable of presenting the views than I am, who have refrained from making speeches on this bill not because they are not seriously interested in it, not because they think it is a matter of insignificance and a matter which should not receive the attention of this House, but because they desire to get this legislation along, because they have waived their right to speak, and I want to say a few words on this Poor Board Ripper for those members as well as myself.

I call attention to a report that was made to the committee, the Joint Legislative Committee investigating relief by a Representative, who incidentally was on the Committee in the House, in which he came back and stated that in practically all instances the Poor Board was doing a good job, that institutional care was excel-

lently handled and that out door relief was well administered.

We are going to abolish these people who have administered and handled this job for many years, and who on the whole have done a very good job. We are going to set up a new agency which will have no interest particularly in the local community. The Poor Boards know the people; they are subject to a certain extent to the people of their districts. If they spend uneconomically they are in duty bound to account to the people for their spending, but they do not have to follow a general formula, they do not have to follow a general plan formulated at Harrisburg, which may not apply to their particular districts. They are able to meet emergencies. I want to call your attention to one thing that happened in Dauphin County, which I mentioned some months ago, under another Governor. The Governor of this Commonwealth took a notion that no more people should be admitted to the hospitals in this State because they were crowded. There were insane people who had to be treated and who had to be taken care of. What was to be done? Again it was the Poor Board that had to rise to meet that emergency, and it was the Poor Board that took some of the less violently insane and separated them from those who were more violently insane and took care of the situation.

I know another occasion in which the W.P.A. workers did not receive checks for a period of six weeks after they returned to work, and who met that emergency? It was the Poor Board who on the night before Christmas, when all the welfare workers and all the unemployment workers were at home, went to work late in the evening and gathered groceries so that the poor people on W.P.A. who had not received their checks could have their Christmas dinner.

There were many instances like that, time after time, where the Poor Boards have been able to meet emergency situations which cannot be met by a centralized agency. I could go on all evening citing instance after instance. I could take a lot of time telling you how the Poor Boards operate, how they are people who know their clients, and their working. I would like to take a lot of time telling you how they run their institutions, but time does not permit and I know you are getting restless and I want to pass on to other phases of this matter. Before I do so, I want to call your attention to one other thing in the Goodrich report at this time.

Mr. Speaker and members of the House, the present plan makes no provision whatsoever for any local control, makes no provision whatsoever for any say back home as to who shall be the members of the county board, which shall administer this relief. This bill goes farther than the Goodrich report. I want to read to you these few lines out of the report referring to the members of the local board. This is from the report of the Goodrich Committee: "Members of the Board would be appointed for overlapping terms of six years. Their original appointment would emanate from both State and local authority. The State Department of Assistance, after soliciting nominations from local public authorities and other groups concerned with civic problems, would draw up a list of citizens as widely representative of the social and economic interests of the community as possible, containing the names of twice as many persons as the number of members of the Board to be chosen. This list would be submitted to the County Commissioners—in the County of Philadelphia, to the City Council, which is the responsible governing body—who would select from the list of the memership of the Board. To avoid possible deadlock, power would be lodged with the State Department of Assistance to name and install the Board, only if the local appointing authority failed to act within a reasonable time fixed by law. Members of the Board would be removable by the Governor, with the consent of the State Board of Assistance, after hearing, for cause affecting honesty or competency.

Such a Board would truly reflect the informed interest and point of view of the local community."

But in this plan as now submitted and as now supported by this Administration there is absolutely no local control. The local people have absolutely nothing to say concerning the appointments, and all of this relief problem is to be handled by boards appointed in Harrisburg, according to rules and regulations made in Harrisburg. I submit to you members of the rural communities, what are your people going to say to you when you go back and say "I have voted for a plan which has abolished the poor board, which has taken away from you your right to administer out door relief in your community, and we have placed all that problem and all that power in one man down in Harrisburg, and you will no longer have anything to say on this problem."

I submit to you, members of the House, that this is only an effort to build up a centralized system of relief in order that it can be better handled politically. I hate to make that charge, I hate to make the charge that any party would set up a system of relief for the purpose of making a political foot ball out of it, but I submit, members of the House, with what has happened to these bills as they passed through the Legislature, with what has happened to these measures and what has happened in the effort the administration has made to put through this system, that is the only conclusion that not only the Republicans, but all the people of this State can arrive at. I think there has been no more perfect example of the interest to put relief into politics than appeared on the floor of this House when the amendment submitted by a member on the other side, a similar one having also been submitted by me at the same time, to provide that those people who administer relief cannot be forced by any political machine or any political organization to make payments and to pay their tribute to the Democratic or any other political party. I submit to you, members of the House, if there is any group that ought to be free from political influence it is that group which is engaged in the administration of relief, but thirteen million dollars worth of capital at five percent interest, or over one-half a million dollars, was too much of a temptation for a political machine. I submit, members of the House, that this is something which the Democratic Party is going to have to answer for to the people of Pennsylvania.

I have the greatest respect for those members on the other side who have had the courage to stand up for their convictions, who have had the courage to stand up for their honest and sincere belief in what the people back home wanted, but I submit to you, members on the

other side, that this bill is now nothing but a political measure and is designed to put politics into relief. The bill is solely intended for one purpose, and that is to enable a political machine to get control of this great relief problem and the expenditure of over one hundred thirty million dollars in the next biennium.

Mr. Speaker and members of the House, I can hear the floor-leader for the Democratic Party say, "Oh, yes, but this is a bi-partisan board, these boards are not to be represented by only one political party, that they will be free from politics." Well, members of the House, we all know how bi-partisan committees or boards can be appointed. We have had a sample of how that can be done by a political machine in making bi-partisan appointments in the case of the appointments to a commission in Philadelphia to investigate the charter. We all know that there are certain members of a political party who are really a part and parcel of the political machine on the other side, and we all know how a political machine that is so minded can make an appointment that will not be bi-partisan, although it will appear to be bi-partisan, and we all know of a poltical machine that has done that very thing in the last six weeks.

Members of the House, I know that my remarks will not convince you, I know that nothing that I or anybody else on this side, or the other side will say, will have any influence on what your vote will be. But, members of the House, those of you who will vote "no" and vote your honest belief on this measure, will be able to go back to your constituency and face them honestly and sincerely and tell them that you did what you know they wanted you to do, that you did what you honestly and sincerely believed to be right. This is a great problem; this is one of the most important problems that has faced the Commonwealth for the last few years, and I feel very badly that it has finally worked out in this unsatisfactory manner. It is a system that does not give the people the right to which they are entitled, a system which takes away from the people back home the power and the right which they have, and the result will be that a tremendous amount of money, far in excess of what we are now spending will be spent under this system which is being built up. There will not be a saving to the taxpayers back home in the final analysis. It will cost them very much more. The seven million dollars which they stated will be saved will not be saved really. What should have been done is that the old age pension should have been reduced from seventy to sixty-five years of age, and the budget would have permitted that. This system should not have been set up in this manner, but unemployment insurance, and unemployment relief should have been put into one board or one agency, the pensions into another agency, and the two should have been combined into one department. There should be some local control back home, where the people can elect their officials to look after the administration of relief and look after the money raised by taxation. It should not be administered down here where the people are unable to trace what becomes of their money, where the people do not realize the facts as to the amount of money which is being spent, where the people have nothing to say concerning the rules and regulations under which that money will be spent.

I ask the members of this House to vote honestly and sincerely and to do what you know to be the right thing, and be able to go back and face your constituency any say, "I did what I know you wanted me to do."

Mr. SHAW. Mr. Speaker and members of the House, when this House organized on the fifth day of January I was chosen Chairman of the Committee on Welfare. I realized the very deep responsibility that went with the office of being chairman of that committee. I was very fortunate in the matter of the personnel of the Committee on Welfare chosen by this House, and I wish at this time to pay my respects to the members of that committee. They worked unceasingly and very unselfishly. The Governor of the Commonwealth assured us that the matter of relief was a matter that went above party politics, and I know from the actions of the Committee on Welfare that we have followed along that line. The bills as presented to you are the composite result of the thought and labor of a large group of people throughout the Commonwealth coming from every walk in life. The Committee on Welfare presented all of their recommendations, not only the recommendations of the Goodrich Committee, as a number of them we felt were not feasible, and they were not included in the bills which came out of committee. I feel, as a member of that committee, that the enactment of these bills into law will be a big step forward in the problem of relief which the Commonwealth has to face. Having set up the Department of Assistance, this Commonwealth will then be in a position to make changes as they are deemed advisable.

My own experience with the relief problem dates from before the depression, and, I might add, not as a paid worker in any sense of the word. I feel, therefore, that I am in a position to give a rather authorative opinion on the matter of relief. In presenting these bills to you I am asking that the membership of the House enact them into law, feeling as I do that they are at any rate a vast improvement over the rather hodge podge system that now prevails. I thank you very much.

Mr. TURNER. Mr. Speaker and members of the House, this is one of the most momentous problems that was before this session of the Legislature, as this problem has been one of the most momentous ones before every session of the Legislature of Pennsylvania since the extraordinary session of 1931. As a result of the depression and of the wide-spread unemployment in Pennsylvania, a special session of the Legislature was called in the fall of 1931 to consider the question of relief. I was a member of the Legislature in 1931 and took a part in that special session, and I was one of those who helped to write that which afterwards became the Talbot Act, upon which has been based every appropriation for relief since 1931. When we went into the session of 1931 and passed the unemployment relief program, which was contained mainly in the Talbot Act, Governor Pinchot on the advice of the Attorney General said that it was unconstitutional. Nothwithstanding the position of the Executive the Legislature stood up and fought for the unemployment relief bill which was passed and which was signed by the Governor. It was later attacked in the courts and was upheld by the Supreme Court of Pennsylvania and became a law of this State. That was a departure in a sense from the time honored policy of the Commonwealth of Pennsylvania in reference to relief.

In the Talbot Act decision Mr. Justice Kephart said:

"The thing which for more than two hundred years fixed the charge (poor relief) of the Commonwealth was the fact that some of its people were unable to support themselves, were without means of support." We have always thought of the administration of poor relief as a local problem. It has always been handled by the community and paid for by taxes levied upon real estate, and for the first time the theory that persons are indigent, that is without means of support, was promulgated to meet a situation of the depression and the crisis that faced us up to 1931. The Supreme Court said, as we have said upon the floor of this House, that those who were without support by reason of unemployment caused by the depression came within that class which the State had always considered to be proper to help, that is, those who were indigent or poor in Pennsylvania.

Mr. Justice Kephart further said in that decision, in the majority decision of the court, as follows:

"Considering the subject of this case we find, at 7-E," which is the Talbot Act, "makes an appropriation for the relief of the poor. We again hold that the support of the poor, meaning such persons as have been understood as coming within that class ever since the organization of the government, persons who are without means of support, the same persons stated in the Talbot bill, at 7-E, is and has always been a direct charge upon the body politic for its own preservation and protection; and that as such, in the light of an expense it stands exactly in the same position as the preservation of law and order. The expenditure of money by the State for such purposes is in performance of a government functions or duty, and is not controlled by the Constitutional provision if the purpose is to supply food and shelter to the poor, including those who are destitute because of enforced unemployment, provided only that the money be not administered through forbidden channels."

From the very modest appropriation of ten million dollars in 1931 we have come down through the years with large expenditures on the part of the Commonwealth, in addition to the moneys received from the Federal Government, and one of these bills which is before us provides ninety-eight million dollars for the next biennium for the purpose of supporting the families of those who are unemployed. The great difference is in the policy. The difference is not as to the support of those who are unemployed, but there is a belief on the part of many, and it is a sincere and honest belief, that we have a great mass of people among us who are not only unemployed but who are without means of adequate support, and that this will continue to be a burden upon the Commonwealth, not only during the depression but during all of the future years to come. On the other hand, the Republican policy, as I view it in the sessions from 1931 on, has been that we were willing to give as far as the resources of the Commonwealth were able to give, insofar as it was possible to meet the demands of those who were actually unemployed, but we did not consider that that should become a fixed policy on the Commonwealth of Pennsylvania or upon the government of the United States. If you are to consider that this is to be a continuing policy, naturally you would look upon it with tolerance, naturally you would look upon it with a spirit of creating further obligations upon the Commonwealth and upon the Federal Government. If on the other hand you look upon it, as we have, as the necessity of meeting a particular crisis, in order that those who were in need might receive food and shelter, you would see to it that there was an attempt or an endeavor made to terminate at the earliest possible moment the burden that the taxpayers were compelled to pay for this purpose. During the session of 1935-1936, I pointed out to this House and to the people of Pennsylvania that we had gone beyond the terms and the defiitions as previously understood in the administration of poor relief. A study of the figures supplied by the SERB showed that we have gone beyond the question of unemployment relief and that we had entered into a new field, which was to extend to people the difference between that which they were able to earn and what was set up as standards of living by those in charge of the distribution of relief. I pointed out at that time that it was unconstitutional, and I contend now that it is unconstitutional. I am not here to debate the principle. I am not here to question the motives of those who fought to extend relief beyond the mere question of actual subsistence into the relm of an adequate amount to provide a standard living which, while it may be inadequate or high, as it is in many instances, nevertheless is not the question that was before us.

In the same Talbot Act decision Mr. Justice Kephart again said in the majority opinion of the court:

"But when the unemployed with ability to work have work offered to them, and they, without good reason, do not work, they are not poor people entitled to support within the poor laws of the Commonwealth. The poor authorities cannot furnish relief in any form to such persons. When work is offered to such unemployed persons, they have the means of support, and neither the State nor the poor district would be permitted thereafter to keep, maintain or support such persons in idleness or laziness, or further, some other object equally as vicious. This would be true even if the families of such persons suffer because the one responsible for their maintenance refuses to work. It is the duty of every citizen, particularly public officials, to aid those entrusted with furnishing this relief, to see that it is not given to those not entitled to receive it. If the poor officers violate their duty by furnishing support to unemployed persons, the state authorities may, through any agency, stop payments for such use. The purpose of the State relief is to furnish maintenance to poor persons, including those who through enforced unemployment have no means of support, and not to those who have such means."

Now, Mr. Speaker, I realize, as my colleague from Dauphin has stated that the minds of the members of this House are set upon this problem. I am not here to address you because I desire to make a speech. I have plenty of opportunities for that and I am laboring under a great amount of difficulty tonight which would keep me in my seat were I not charged, as I have been, with a responsibility.

A parlimentary body must have debate if it is to exist, that is the reason for its existence. The people of Pennsylvania have no other means of knowing the problems that are before the Legislature except as they are interpreted by the gentlemen of the press or as they are interpreted by us here on the floor of the House, and again passed on by the press to the people of Pennsylvania. I think that in this great problem the people of Pennsyl-

vania should know all about what we are doing; they should have an opportunity to consider these problems and to know whither we are taking them.

In Senate Bill No. 883, in Sub-section D of Section 9, eligibility for assistance, appear these same words, which are clearly beyond the accepted definition of poor relief as interpreted by the courts: "Other persons who have resided in Pennsylvania for at least one year immediately preceding the date of application for assistance and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living."

Who is to determine what is a decent and healthful standard of living? A standard of living to which many of us might feel we are entitled, and which we think we require, might be inadequate to other people, or might be beyond the realm of reason to other people. The board it is true, is going to set up the standard, but that is a flexible sandard, dependent upon the determination of the board, and not a standard within the definition of the law. It does not say that they are to be people who are poor; it does not say that they are to be people who are indigent; it does not say that they are people who are without means means of support. It says that assistance is to be rendered to enable them to maintain for themselves and their dependents a decent and healthful standard of living. Let me remind you, as I said before, that I am not here to debate the principle or the question as to whether the State has an obligation to maintain people on a certain standard of living. We are here charged under our oath as members of the Legislature to enact laws that do not violate the constitution of Pennsylvania. The Constitution of Pennsylvania says nothing about relief. If you will read the decision of our court, you will see that they say that it has been time honored. When this decision was written in the Talbot Case in 1932, poor relief was then over two hundred years old in Pennsylvania. Hence the court said in the decision, parts of which I have read, that it was a matter that was considered outside and beyond the Constitution, as a fundamental obligation of the State, and therefore not considered at the time of the writing of the Constitution and not necessary to be placed within the provisions of the Constitution. But in view of the clear statement of Justice Kephart, now Chief Justice of the Supreme Court, that the State nor the local authorities have any right to pay money to those who are without means of support, those who are unemployed, how can we pass a bill which creates a class for eligibility that says we are going to give them assistance to maintain a decent and healthful standard of living. Therefore I say to you that this provision of this bill is absolutely unconstitutional, and that we have no right here as representatives of the people of Pennsylvania, to fasten upon the people of Pennsylvania a policy which the people of Pennsylvania have had no opportunity to decide. As much as we talked about it in 1935 and 1936, little heed was paid to it, either by the press or the members of the Legislature. They went right on and the SERB paid out money to people who were unemployed, in violation of the provisions of the Constitution. Now, we might say if this were an emergency, if this were only for a short period of time, we might be justified in doing it, because the emergency would create a condition that might justify the Legislature in transcending the provisions of the Constitution or at least the dictum of the courts and the decisions of the courts in reference to the constitutional provisions. But we are charging the Commonwealth of Pennsylvania with a policy which once fastened upon this Commonwealth, I predict to you, will not be cast off from the backs of the taxpayers of Pennsylvania, but will in increasing amounts be added to the taxes of the taxpayers of Pennsylvania, and will never be disposed of by any legislative body or any executive with political ideas, and will only be disposed of by an uprising of the voters of the Commonwealth, when they understand what has been placed upon them, and they will arise to throw it off.

We are going to create here a great department. I do not intend to go into that question, but if you will sit down and carefully read House Bill 1177, the General Appropriation Bill, if you will at the end of this session take the mass of legislation which the departments have dumped in here and which you have passed, providing for all kinds of regulations, for all kinds of inspection, providing that the departments shall create rules and regulations for the government of the people of Pennsylvania, if you will but study the history of all democracy you will note that the battle must be one between the legislative branch and the executive branch to curtail beurocracy. Beurocracy is at once the strength and weakness of democracy. Beurocracy generally starts with a small germ, with a small idea, and growing and expanding causes it to seek power, and as it gets the power to do something it comes back for more money to carry out the objects of the acts of the Legislature. It says to the Legislature, "You charged us with its doing, now give us the money to do it." Then having received the money to carry that on, it is back at the next session of the Legislature saying, "We cannot perform this adequately with this money, you have to give us more power and more money."

I have the greatest respect for the men who head many of our bureaus. I know that they are earnest and zealous. I do know, as one Governor once said to me, if the departments were run upon the advice of their head, each one of them would consume all of the money in the General Fund in his own department. That is not because they are dishonest; that is not because they wish to do something wrong, but like any business man they become very enthusastic and they want to make a record. They ask for more power and more money, and it continues on in that vicious circle until democracy breaks down. There is no excuse now to create another department, with its large number of employes, with its vast appropriation for administration, greater than the administration appropriation of any other two departments, and I think that I can safely say greater than the appropriation of any other three departments of the Commonwealth. We are fastening this department upon the government of Pennsylvania and upon the structure of the Commonwealth of Pennsylvania. Are we going to do it illegally or are we going to do it by carrying out a constitutional provision? The other provisions, eligibility for instance, are those which we carried along under the laws in the past, which have been fixed by our courts, which were perfectly proper and we so consider them. We have appropriated moneys for the blind, mothers' assistance,

old age pensions, to the extent which they have been warranted in the past and have been approved in the past by adequate enactment of laws by the Legislature of Pennsylvania. But here is the greater part of the one hundred and thirty-seven million dollars of the appropriation to the Department of Assistance, ninety-eight million dollars goes for relief, most of which I agree, will be given to those who are without employment, but a great part of which will go to maintain and assist those who are in need of a decent and healthful standard of living, as determined by the department.

In the newspapers last week there was a statement in big headlines by the Governor, "Crushed revolt." Every member of this House, every member of the Senate knows that a majority of the members of both of these bodies were opposed to the Goodrich plan as it was introduced, and they were not going to fasten this department upon the people, as they felt there were other ways of working this out. Leaving out the question of ripping out the poor boards, but purely on the question of the creation of this department, if the members of this Legislature had been left to themselves, if they had not been subjected to high pressure from every angle in the Commonwealth of Pennsylvania, both at home and on the Executive side, if the members of the Legislature were left to their own devices they would never pass this program. It was only in the last few days when, as newspaper men properly interpreted it to the people of Pennsylvania, owing to the great pressure from the Executive, the members, one by one, succumbed to the program which the Executive said he was going to put across, and which he is now putting across, and I predict to you, as I said before, you are going to fasten by your action, against your own intelligence, upon the people of Pennsylvania a department that will be continually subject to pressure from group after group, and those who are politically minded, those who are seeking political advantage, the demagogues and others, will be continuously saying to a large group of our citizens, that we have now written into the statute books that those who are in need of assistance, those who are entitled to a decent standard of living and a healthful standard of living, and that will be sixteen dollars a week now, as it is under WPA, and twenty dollars tomorrow, and twenty-five dollars the next day, until we create and build up a group of people who will never know what it is to work, and we will find that a great many people will rather live on the dole than go out and seek employment. I think the greatest thing in America today, that which has made America great and strong is the fact that our people have been ambitious, that during this depression, with the outpouring of money from Federal sources, with the outpouring of money from State sources, there is getting into the minds of a great group of people the belief that the State will have to take care of them, and they are letting the Legislature pay the bill. We passed income tax laws and they did not get the money that they expected. You are going to find under your industrial laws, under the provisions of these bills that you are putting through the Legislature, that the taxes will be so high, that industry is not going to be able to bear them. Now, after six years of depression, when we have been told that we are out of the depression, when we are told that happy days are here again, when we have been told that in some way or other everything is milk and honey, we find fifteen million on the relief rolls. Why is that? There is plenty of employment in certain places. There are certain kinds of employment that are available to the people, but I say to you there are many on the unemployment relief rolls because they do not want to seek other kinds of employment. Let us stand up tonight; let us forget about the Executive pressure; let us forget about jobs and the things that can be controlled.

So, let us stand up tonight, let us turn about and say we are going to write these bills as we think they should be written. We are in favor of assistance; we ought to take care of the mothers, the aged and the blind; we want to do something for child welfare; we believe in vocational education; we believe in what you have said, but let us write this bill in a way that the Legislature can keep some of the control, and not create an octopus that will in the end consume the body politic.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I wish to compliment the gentleman from Delaware for his effort, particularly so since the gentleman from Delaware had informed me that he was not prepared to speak upon the bill, and that the burden of the debate would rest upon the shoulders of the gentleman from Dauphin, Mr. Woodside. However, I do not intend to answer the address of the gentleman categorically, nor do I intend to further burden the House with arguments which I think were adequately covered when the bills were up for amendment on second reading. But I do wish to call attention of the members of the House, Mr. Speaker, to a few salient points which are represented by this group of assistance bills that we as legislators should take cognizance of.

The gentleman from Delaware indicates that our Constitution did not require the enactment of any poor law because we were working under the system that has been in existence for two hundred years; we were working under a system that has been in existence since Queen Elizabeth; we were working under a system that has not improved one iota, and has been carried and written into our fundamental law as an abstraction from the great common law of England. Can we sit idly by and forget that the society in which we are now living is as different from the society that prevailed in England under the regime of Queen Elizabeth as day is from night? Can we forget that the problems of relief which we as a great Commonwealth are called upon to administer, are as distinct from the problems of ancient and medieval England as the same day is from night? Should we say that in order to satisfy self-seeking groups that do not want to give up their jobs, that we should adhere to a system that has been criticized by every administration that the gentleman from Delaware has served under? Should we say that in order to perpetuate an archaic system that we as legislators should close our eyes to the defects in relief and relief administration that have permeated this Commonwealth from time immemorial? Should we say that over four hundred separate and distinct communities in the Commonwealth of Pennsylvania continue to administer relief to the citizens of the Commonwealth of Pennsylvania, in over four hundred separate manners? Should we say that we as liberals and far-seeing legislators are going to legislate with our eyes, our hearts

and our emotions, thinking of the next generation rather than thinking of the generation two hundred years back?

Gentlemen, I tell you with the passage of this relief program the members of the House of Representatives in the session of 1937 will have written into the law of the Commonwealth of Pennsylvania the most far-reaching legislation and most far-sighted legislation that any Legislature has ever had the opportunity to vote upon. Does the gentleman from Delaware complain that under this system it might be possible to give those on relief too much? Does he complain that the individuals, in order to maintain a decent and healthful existence, might receive too great a beneficence from the Commonwealth? Does the gentleman complain as his party complained, prior to November 1936, that we are giving to those who are less fortunate than ourselves too much? If he does, I give to the gentleman from Delaware and to his party the answer that the people gave in November of 1936. But aside from the advancement in government, aside from liberal, far-sighted legislation, this system of relief as presented to this House has material benefits to each and every one who sits here. The gentleman from Dauphin wishes to cast aside with a wave of the hand a saving of nine million dollars or ten million dollars in taxation on the farm owner and the home owner. He says it is a wild idea to be brushed aside. Members of the House, I tell you that on the basis of the most conservative estimates of saving, you can go back and tell your people what you have done. For instance, the gentleman from Allegheny can say that he has saved the real estate, the farm and the small home taxpayers one million four hundred thirty-six thousand dollars by the enactment of this legislation. The gentleman from Berks can say that he has saved the overburdened real estate owner the sum of two hundred forty-three thousand dollars; the gentleman from Cambria one hundred twenty-eight thousand dollars; the gentleman from Lackawanna three hundred twenty thousand dollars; the gentleman from Luzerne five hundred fifty-one thousand dollars; the gentleman from Northampton two hundred and eighteen thousand dollars; the gentleman from Philadelphia nine hundred and eighteen thousand dollars; the gentleman from Schuylkill two hundred and forty-eight thousand dollars. In my own county of York, where we have had for years since the Civil War a constant Democratic board of poor directors, from whom I have not received one word of complaint as to the action that we are to take on these bills, in my own county of York there will be an estimated saving of over two hundred thousand dollars, with a reduction in the tax millage of two mills. The gentleman from Westmoreland, Mr. Elpern, just handed me a letter from the controller of Westmoreland County, in which he indicates a saving in Westmoreland County of from two hundred to two hundred fifty thousand dollars. But the material savings will not be one, two, three with the saving in human lives, with the saving of future generations, with the saving in health, with the saving in having the citizenry of the Commonwealth of Pennsylvania adequately taken care of by the Commonwealth.

Members of the House, I plead with you, I implore you, that you have been elected to represent your people in these halls, there is no greater opportunity for sincere, honest and far-reaching representation than a favorable vote on each and every one of these bills.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. TURNER. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—137.

Alexander,	Fitch,	McElroy,	Schor,
Allen,	Flanagan,	McFall,	Schrope,
Allmond,	Flannery,	McGee,	Shaw,
Arnold,	Flinchbaugh,	McShane,	Shea,
Aukerman,	Ganser,	Melchiorre,	Shepard,
Baine,	Gerard,	Mellott,	Shoemaker,
Baker, J. J.,	Gorski,	Mihm,	Shugarts,
Bierly,	Haberlen,	Moomaw,	Siegel,
Blank,	Hagerty,	Mooney,	Simon,
Bohn,	Hamilton, F. P.,	Moran,	Skale,
Bois,	Harkins,	Munley,	Smith, James A.,
Brancato,	Hays,	Murrin,	Spengler,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hindman,	O'Connor,	Toole,
Brownfield,	Hirsch,	O'Keefe,	Tronzo,
Caesar,	Holland,	Ominsky,	Tumelty,
Caputo,	Holmes,	O'Neill,	Valibus,
Chervenak,	Holstrom,	Ostroff,	VanSickle,
Coakley,	Hontz,	Patterson, C. S.,	Vogt,
Cohen, H. B.,	Horting,	Patterson, J. W.,	Wagner,
Cohen, R. E.,	Jirolanio,	Pearson,	Walsh,
Coleman,	Keenan,	Pershing,	Weiss, D. H.,
Coolahan,	Kelso,	Powers,	Weiss, S. A.,
Corrigan,	Kilroy,	Preston,	Welliver,
Costanzo,	Kroll,	Readinger,	Welsh,
Decker,	Levy,	Reese,	Westrick,
Dickinson,	Lewis,	Reising,	Whalen,
Donohoe,	Long,	Richter,	Whitenight,
Dougherty,	Lopresti,	Robinson,	Wright,
Dubbs,	Lovett,	Ruffennach,	Yanoshat,
Dyson,	Marino,	Rush,	Yourishin,
Elpern,	McCullough,	Sarraf,	Zappala,
Falkenstein,	McDermott,	Scanlon,	Furman,
Finnerty,			

NAYS—56.

Achterman,	Hetrick,	Peale,	Stewart,
Baker, F. T.,	Huntley,	Perry,	Stockham,
Balthaser,	Imbrie,	Piole,	Strode,
Boltz,	Kane,	Rothenberger,	Trout,
Boose,	Kline,	Royer,	Turner,
Boyer	LaRue,	Schrock,	VanAllsburg,
Burrows,	Leisey,	Schumacher,	Wall,
Cadwalader,	Longaker,	Serrill,	Watkins,
Davies,	Lyons,	Sloan,	Webster,
Eckels,	Matthews, J. F.	Smith, John A.,	Weidemann,
Fiss,	McArdle,	Snyder,	Wilson,
Gillette,	McDevitt,	Sollenberger,	Wood,
Habbyshaw,	McKinney,	Stackpole,	Woodside,
Hall,	Muir,	Stank,	Yeakel,
Hamilton, R. S.,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2375, (Senate Bill No. 877), as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State

Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 201 202 206 207 209 214 709 and 2303 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board of the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies [and] Department of Revenue and Department of Public Assistance and by the following independent administrative boards and commissions Board of Game Commissioners Board of Fish Commissioners and The Public Service Commission of the Commonwealth of Pennsylvania

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania State Police

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State
- State Employes' Retirement Board

In the Department of Justice
- Board of Pardons
- Board of Commissioners on Uniform State Laws

In the Treasury Department
- Board of Finance and Revenue

In the Department of Internal Affairs
- Board of Property
- State Aeronautics Commission

In the Department of Public Instruction
- State Council of Education
- Pennsylvania State Board of Censors
- Public School Employes' Retirement Board
- Pennsylvania Historical Commission
- Board of Trustees of Thaddeus Stevens Industrial School
- Board of Trustees of Pennsylvania State Oral School for the Deaf
- Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children
- Board of Trustees of Pennsylvania Soldiers' Orphan School
- Board of Trustees of West Chester State Teachers' College
- Board of Trustees of Millersville State Teachers' College
- Board of Trustees of Kutztown State Teachers' College
- Board of Trustees of East Stroudsburg State Teachers' College
- Board of Trustees of Mansfield State Teachers' College
- Board of Trustees of Bloomsburg State Teachers' College
- Board of Trustees of Shippensburg State Teachers' College
- Board of Trustees of Lock Haven State Teachers' College
- Board of Trustees of Indiana State Teachers' College
- Board of Trustees of California State Teachers' College
- Board of Trustees of Slippery Rock State Teachers' College
- Board of Trustees of Edinboro State Teachers' College
- Board of Trustees of Clarion State Teachers' College
- Board of Trustees of Cheyney Training School for Teachers
- State Board of Medical Education and Licensure
- State Board of Pharmacy
- State Dental Council and Examining Board
- State Board of Optometrical Examiners
- State Board of Osteopathic Examiners
- Osteopathic Surgeons' Examining Board
- State Board of Examination for the Registration of Nurses
- State Board of Undertakers
- State Board of Veterinary Medical Examiners
- State Board of the Examination of Public Accountants
- State Board of Examiners of Architects
- Anthracite Mine Inspectors' Examining Board
- Mine Inspector's Examining Board for the Bituminous Coal Mines of Pennsylvania
- State Registration Board for Professional Engineers

In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
State Athletic Commission
In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission
In the Department of Agriculture
State Farm Products Show Commission
In the Department of Forests and Waters
Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
Anatomical Board
In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board
In the Department of Welfare
State Council for the Blind
Pennsylvania Alcohol Permit Board
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Fairview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazelton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Cumberland Valley State Institution for Mental Defectives
Board of Trustees of Selinsgrove State Colony for Epileptics
In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Public Assistance
State Board of Public Assistance

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 206 Department Heads Each administrative department shall have as its head an officer who shall either personally by deputy or by the duly authorized agent or employe of the department and subject at all times to the provisions of this act exercise the powers and perform the duties by law vested in and imposed upon the department

(a) The following officers shall be the heads of the administrative departments following their respective titles

Secretary of the Commonwealth of the Department of State
Attorney General of the Department of Justice
Auditor General of the Department of the Auditor General
State Treasure of the Treasury Department
Secretary of Internal Affairs of the Department of Internal Affairs
Superintendent of Public Instruction of the Department of Public Instruction
Adjutant General of the Department of Military Affairs
Insurance Commissioner of the Insurance Department
Secretary of Banking of the Department of Banking
Secretary of Agriculture of the Department of Agriculture
Secretary of Forests and Waters of the Department of Forests and Waters
Secretary of Mines of the Department of Mines
Secretary of Highways of the Department of Highways
Secretary of Health of the Department of Health
Secretary of Labor and Industry of the Department of Labor and Industry
Secretary of Welfare of the Department of Welfare
Secretary of Property and Supplies of the Department of Property and Supplies
Secretary of Revenue of the Department of Revenue
Secretary of Public Assistance of the Department of Public Assistance

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Superintendent of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue the Secretary of Public Assistance and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 209 Compensation of the Governor Lieutenant Governor the Heads of Departments Annual salaries shall be payable in equal semi-monthly installments as follows

To the Governor eighteen thousand dollars
To the Lieutenant Governor eight thousand dollars
To the Secretary of the Commonwealth ten thousand dollars
To the Attorney General twelve thousand dollars

To the Auditor General twelve thousand dollars
To the State Treasurer twelve thousand dollars
To the Secretary of Internal Affairs ten thousand dollars
To the Superintendent of Public Instruction twelve thousand dollars
To the Adjutant General ten thousand dollars
To the Insurance Commissioner ten thousand dollars
To the Secretary of Banking ten thousand dollars
To the Secretary of Agriculture ten thousand dollars
To the Secretary of Forests and Waters ten thousand dollars
To the Secretary of Mines ten thousand dollars
To the Secretary of Highways twelve thousand dollars
To the Secretary of Health ten thousand dollars
To the Secretary of Labor and Industry ten thousand dollars
To the Secretary of Welfare ten thousand dollars
To the Secretary of Property and Supplies ten thousand dollars
To the Secretary of Revenue twelve thousand dollars
To the Secretary of Public Assistance ten thousand dollars

Neither the Governor Lieutenant Governor nor the head of any administrative department shall receive any additional compensation for any services rendered to the Commonwealth in any capacity

Section 214 Employment and Compensation of Directors Bureau Chiefs and other Employes [The] Except as otherwise provided in this act the heads of the several administrative departments except the Auditor General and State Teasurer and the independent administrative boards and commissions shall appoint and fix the compensation of such directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftment accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants and employes as may be required for the proper conduct of the work of their respective departments boards or commissions Except as otherwise provided in this act the heads of the respective administrative departments shall appoint and fix the compensation of such clerks stenographers and other assistants as may be required for the proper conduct of the work of any departmental administrative bodies boards commissions or officers and of any advisory boards or commissions established in their respective departments

[The] Except as otherwise provided in this act the number and compensation of all employes appointed under this section shall be subject to approval by the Governor and after the Executive Board shall have fixed the standard compensation for any kind grade or class of service or employment the compensation of all persons in that kind grade or class appointed hereunder shall be fixed in accordance with such standard

Section 709 Executive Board [The] Subject to the provisions of this act the Executive Board shall have the power

(a) To standardize the qualifications for employment and all titles salaries and wages of persons employed by the administrative departments boards and commissions except the Department of the Auditor General and the Treasury Department In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the sevice is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments other than the Department of the Auditor General and the Treasury Department and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive branch of the State Government may be reimbursed

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given to approve or disapprove recommendations of department heads or of independent administrative boards or commissions for the bonding of officers or employes of their departments or members or officers or employes of departmental administrative boards or commissions or officers or employes of independent administrative boards or commissions to fix the amounts of the bonds of all such members officers or employes required to give bond and to require any bond or bonds to be executed by a surety or sureties even though the Commonwealth may have established its own indemnity fund as elsewhere in this act provided

(h) To approve or disapprove the establishment of branch offices outside of the Capital City by or for administrative departments boards or commissions

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth and State officers and employes arising out of the operation of State automobiles by such officers and employes

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies acting either on its own behalf or as purchasing agency for any other departmnet except the Department of the Auditor General and the Treasury Department or for any board or commission and to make rules and regulations for the use of State automobiles by State officers and employes except the Department of the Auditor General and the Treasury Department

Section 2303 Supervisory Powers The Department of Welfare shall have supervision over

(a) All State institutions

(b) All supervised institutions as defined in this article

(c) All children's institutions within this Commonwealth

(d) All maternity homes and hospitals within this Commonwealth

[(e) The administration of any system provided by the Commonwealth for assistance to mothers]

[(f)] (e) Any labor or system of labor carried on in the penal correctional or reformatory institutions of the State

[(g)] (f) Any system of reparation provided by the Commonwealth for relief from conditions caused by minecaves fire flood or other casualty and constituting a menact to public safety and welfare

[(h)] (g) All boarding homes for children which have been licensed by the State

Section 2 That at the end of article four of the said act the following new section is hereby added

Section 450 State Board of Public Assistance The State Board of Public Assistance shall consist of the State Treasurer the Auditor General and seven other citizens of the Commonwealth No appointed member of the board shall hold office in any political party The Secretary of Public Assistance shall be a member of the board

When this act becomes effective the Governor in the manner provided in this act shall appoint two members of the board to serve for each of the three original terms hereby created which shall run until the third Tuesday of January of each year from one thousand nine hundred thirty-nine to one thousand nine hundred forty-one

both inclusive and one member to serve for the original term hereby created which shall run until the third Tuesday of January one thousand nine hundred forty-two As each original or subsequent term expires the Governor in like manner shall fill each vacancy by an appointment for a term of six years After the expiration of his term a member of the board shall continue to serve until his successor shall be appointed and qualified No member of the board shall be eligibl eto serve consecutively for more than two terms

A vacancy occurring during a term shall be filled by the Governor for the unexpired term

Five members of the board shall constitute a quorum

The members of the board shall elect a chairman from the appointed members and they shall elect a secretary who need not be a member of the board

The board shall hold at least six regular meetings each year

Section 3 That after article twenty-five of the said act the following new article is hereby added

ARTICLE XXV-A

Power and Duties of the Department of Public Assistance and of the State Board of Public Assistance

Section 2501—A Definitions As used in this article

(a) "Assistance" means assistance as defined by the Public Assistance Law

(b) "Local Board" means a board established by law and authorized to provide assistance in one or more counties only including until abolished in accordance with law any board of trustees of the Mothers' Assistance Fund or Boards of Trustees of Pension Fund for the Blind

Section 2502-A Powers and Duties of the Department of Public Assistance The Department of Public Assistance shall have power and its duty shall be

(a) To administer and carry out the provisions of the Public Assistance Law and in so doing to supervise local boards and to allocate to them on the basis of need and as may be required for blind pensions funds with which to provide assistance and funds for administrative expenses

(b) To take any other action authorized or required by this or any other law

Section 2503-A State Board of Public Assistance The State Board of Public Assistance shall have the power and its duty shall be

(a) To approve or disapprove and adopt rules regulations and standards consistent with law recommended by the Department of Public Assistance and local boards as to eligibility for assistance and as to its nature and extent To establish for the department and local boards rules and regulations concerning the administration of this act as provided by law

(b) To study the work of the Department of Public Assistance and from time to time to recommend to the Governor changes in administrative policy or in the law

(c) To take any other action authorized or required by law

Section 2504-A Employment in the Department of Public Assistance

(a) Definitions As used in this section and except as otherwise indicated

"Board" means the State Board of Public Assistance

"Demotion" means a transfer to a lower salaried position in a class of employment having a lower maximum salary

"Employe" means any person employed by the Department of Public Assistance by the State Board of Public Assistance or by a local board except the Secretary of Public Assistance and one secretary to the Secretary of Public Assistance and the secretary to a local board

"Employer" means the officer or agency appointing an employe to his position

"Employment" means the employment of any employe

"Remove" means to remove permanently from employment an employe who (1) is not on probation (2) is not a provisional appointee

"Reviewing Board" means the State Board of Public Assistance in a case of demotion or removal of an employe of the Department of Public Assistance or of the State Board of Public Assistance and in a case of demotion or removal of an employe of a local board means a board appointed by the local board to review such cases

The masculine pronoun shall include the feminine

(b) The Governor shall appoint by and with the consent of the Senate an Employment Board of three members who shall hold no other public position and shall receive such per diem compensation not exceeding twenty-five dollars per day as shall be fixed by the executive board and approved by the Governor and actual expenses The Employment Board shall

1 Prepare and conduct examinations for employment which shall be practical in their character and so far as may be possible shall relate to those matters directly bearing on and which will fairly test the relative capacity and fitness of persons examined to discharge the duties of the service into which they seek to be appointed but no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any examination or to be appointed to any position In written examinations the identity of each applicant shall be unknown to the examiners

2 Grade each person taking an examination by a method of rating published as part of the announcement of the test except that in the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall receive in addition to all other ratings an additional five per centum and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated an additional five per centum over and above the five per centum hereinbefore set forth and in either case the total per centum mark or grad thus obtained shall determine the standing of any such persons or any list of eligibles

(c) The qualifications shall be such as will best promote the most efficient administration of public assistance and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year and in the district in which such office is located for a period of not less than six months before making application

(d) Employes except special examiners shall be appointed from a list of eligibles who have pased the required examinations Such lists shall be used and the names on them shall be placed in an order fixed by the rules of the Employment Board Provided however That no name shall remain on such list longer than two years In an emergency if there is no such list an employer may with the approval of the Employment Board nominate a person for non-competitive examination and may appoint him provisionally if he passes the required examination after the first day of June one thousand nine hundred and thirty-eight no such provisional appointment or successive appointment (in the aggregate) shall be valid for more than ninety days

(e) Probation Every employe shall be on probation for a period of not less than three nor more than six months as fixed by the rules and regulations of the employment board During this period the employer may terminate the employment for just cause

(f) Transfers A transfer to a new class of employment having the same or a higher maximum salary shall be made only after examinations as in the case of an original appointment

(g) Suspensions An employer may for just cause suspend an employe without pay for periods totalling not more than thirty days in a calendar year Written reasons for every suspension shall be pomptly sent to the employment board and shall become part of its public records

(h) Demotion and Removal An employer may demote or remove an employe for just cause only after giving him written reasons for such action and an opportunity to file a written answer Both of such writings shall be promptly reported to the employment board and shall be part of its public records Such employes may appeal to the reviewing board under the rules and regulations established jointly by the State Board of Public Assistance and the Employment Board

(i) Political Activity An employe shall be removed if he shall during his employment

(1) Be a member of a political committee or an officer of a political organization

(2) Solicit receive a contribution for political purposes

(3) Injure or benefit an employe or one who applies for or receives assistance or threaten or promise to do so because of making or withholding a contribution for political purposes because of any past or future vote or because of taking or refraining from taking any political action

(j) No employer shall demand from any employe before or at the time of appointment any resignation or agreement to resign

(k) No employe shall receive any compensation until the employment board shall certify that it is for lawful employment

(l) Improper Discrimination Race or religion or political or labor union affiliation shall not be a qualification of an applicant nor a just cause for reduction in compensation suspension lay-off demotion or removal

(m) Rules The employment board shall make rules and regulations not inconsistent herewith to carry this section into effect

Section 2505-A Joint Actions by Department and Employment Board The Department of Public Assistance and the Employment Board shall jointly have the following functions and duties

(1) To classify employment positions according to the duty involved and the minimum qualifications required

(2) To fix maximum and minimum salaries for each class of employment

(3) To establish minimum qualifications for applicants for any class of employment

(4) To make and promulgate rules and regulations establishing the procedure to be followed by an employer in demoting or removing an employe

Section 4 The employes of the Bureau of Assistance of the Department of Welfare and of local boards as defined in section two thousand five hundred one-A of the act amended by this act shall upon the effective date of this act become provisional employes of the Department of Public Assistance or of such local boards as the case may be but such employment shall be continued beyond June first one thousand nine hundred thirty-eight only if such employes shall have passed non-competitive examinations given by the Employment Board as provided for in section two thousand five hundred four-A of the act amended by this act

Section 5 Constitutional Construction The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed as impairing any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 6 The provisions of this act shall become effective on the first day of July one thousand nine hundred thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MOOMAW. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York Mr. Cohen permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. MOOMAW. Mr. Speaker, I would like to inquire of the gentleman from York, Mr. Cohen, on page 25, starting at line 3 clause (d), it says, "Employes, except special examiners, shall be appointed from a list of eligibles." Is it your interpretation that the legislative intent of the words "special examiners" are those persons appointed by the employment board to conduct examinations of applicants for examination?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—147.

Achterman,	Dyson,	McCullough,	Schor,
Alexander,	Elpern,	McDermott,	Schrope,
Allen,	Falkenstein,	McFall,	Shaw,
Allmond,	Finnerty,	McGee,	Shea,
Arnold,	Fitch,	McShane,	Shepard,
Aukerman,	Flanagan,	Melchiorre,	Shoemaker,
Baine,	Flannery,	Mellott,	Shugarts,
Baker, J. J.,	Flinchbaugh,	Mihm,	Siegel,
Balthaser,	Ganser,	Moomaw,	Simon,
Bierly,	Gerard,	Mooney,	Skale,
Blank,	Gorski,	Moran,	Smith, James A.,
Bohn,	Haberlen,	Moul,	Smith, John A.,
Bois,	Hagerty,	Munley,	Spengler,
Boltz,	Hamilton, F. P.,	Murrin,	Stank,
Bradley	Harkins,	Nagel,	Thomas,
Brancato,	Hays,	O'Brien,	Thompson,
Brigerman,	Hering,	O'Connor,	Toole,
Broad,	Hess,	O'Keefe,	Tronzo,
Brown,	Hetrick,	Ominsky,	Tumelty,
Brownfield,	Hirsch,	O'Neill,	Valibus,
Burrows,	Holland,	Ostroff,	VanSickle,
Caesar,	Holmes,	Patterson, C. S.,	Vogt,
Caputo,	Holstrom,	Patterson, J. W.,	Wagner,
Chervenak,	Hontz,	Pearson,	Walsh,
Coakley,	Horting,	Pershing,	Weiss, D. H.,
Cohen, H. B.,	Jirolanio,	Powers,	Weiss, S. A.,
Cohen, R. E.,	Keenan,	Preston,	Welliver,
Coleman,	Kelso,	Readinger,	Welsh,
Coolahan,	Kilroy,	Reese,	Westrick,
Corrigan,	Kroll,	Reising,	Whalen,
Costanzo,	LaRue,	Richter,	Whitenight,
Decker,	Levy,	Robinson,	Wright,
Dickinson,	Lewis,	Rothenberger,	Yanoshat,
Donohoe,	Long,	Ruffennach,	Yourishin,
Dougherty,	Lopresti,	Rush,	Zappala,
Downey,	Lovett,	Sarraf,	Furman,
Dubbs,	Marino,	Scanlon,	

NAYS—53.

Atkins,	Imbrie,	Royer,	Trout,
Baker, F. T.,	Kane,	Schrock,	Turner,
Boose,	Kline,	Schumacher,	VanAllsburg,
Boyer	Leisey,	Serrill,	Wall,
Cadwalader,	Longaker,	Sloan,	Wampole,
Davies,	Lyons,	Snyder,	Watkins,
Eckels,	Matthews, J. F.	Sollenberger,	Webster,
Fiss,	McArdle,	Sproul,	Weidemanr
Gillette,	McKinney,	Stackpole,	Wilson,
Habbyshaw,	Muir,	Stewart,	Winner,
Hall,	Peale,	Stockham,	Wood,
Hamilton, R. S.,	Perry,	Strode,	Woodside,
Huntley,	Piole,	Terry,	Yeakel,

The majority required by the Constitution having voted the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with the information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2454, (Senate Bill No. 878), entitled:

An Act relating to the support of indigent persons publicly cared for or assisted providing for the support of such persons by certain relatives and for the recovery of public moneys expended fo care and assistance from the property and estates ol such persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2455, (Senate Bill No. 897), as follows:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thirty-seven million one hundred fifty thousand dollars ($137,150,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund in the State Treasury to the Department of Public Assistance to provide assistance and for local administration expenses in the manner provided in the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses incident thereto accured or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven

Section 2 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate from time to time among such agencies in the various counties as are designated in the Public Assistance Law funds with which to provide assistance and administrative expenses in the manner provided in the Public Assistance Law including the administration expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing said appropriation Allocations so made to such agency in a county by the Department of Public Assistance shall be available for expenditure in that county for assistance and for administrative expenses in the manner provided by law

The Governor with the approval of the Auditor General and State Treasurer shall from time to time allocate to the Department of the Auditor General and the Treasury Department from the appropriations made by this act such sums as may be deemed necessary to pay the administration expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing said appropriation Provided however That pending the completion of arrangements by the Treasury Department for the disbursing of the appropriations made by this act or by any other act making appropriations for like purposes the Department of Public Assistance may make disbursements of any of said appropriations under such system of requisitioning and accounting as formerly applied to the State Emergency Relief Board and for such purposes may employ unused checks prepared for the use of the State Emergency Relief Board

Section 3 This act shall become effective on the first day of July one thousand nine hundred thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, in view of the fact that this bill carries with it the appropriations for the blind, mothers' assistance as well as assistance to the group mentioned as eligible under the act, I cannot do anything

but vote in favor of this appropriation, although I do feel that there should have been some further limitation upon the question of the cost of administration. I will therefore vote "aye".

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Eigern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the third reading and consideration on final passage of House Bill No. 2409, (Senate Bill No. 880), as follows:

An Act appropriating to the Department of Public Assistance for public assistance all restitutions and overpayments collected by or for such department

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all restitutions and overpayments of moneys paid out for assistance under the provisions of the Public Assistance Law and collected by or for the Department of Public Assistance shall (except any portion thereof required by law to be returned to the Federal Government) be deposited in the General Fund and be credited to the current appropriation to such department for public assistance and shall be available and are hereby appropriated to the department for the same purposes for which such current appropriation is available

Section 2 This act shall become effective on the first day of July one thousand nine hundred thirty-seven

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from York what is meant by the appropriation for restitutions and overpayments which the department collects.

Mr. HERBERT B. COHEN. Mr. Speaker, I would state that restitutions means restitutions and overpayments means overpayments. I remember that one of the members of this House had a very fine dictionary which had all of the answers. I am not very good at definitions but I would imagine that restitution would mean that where individuals who had received assistance desired to return some of the money to the Department of Assistance, that would be restitution. An overpayment would be where the Department of Assistance had overpaid the individual. That would be an overpayment. Where the Department of Assistance had overpaid the individual in assistance and those moneys were recovered, that would be an overpayment.

Mr. TURNER. Mr. Speaker, in other words, if the department recovers from one of the persons entitled to receive some assistance money which it has overpaid or money which has not been properly paid, that would merely go back into the fund.

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer	Hetrick,	O'Keefe,	Thompson,
Bradley	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,

Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Chervenak,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2517, (Senate Bill No. 882), entitled:

An Act to amend section seventeen of the act approved the twenty-fifth day of June one thousand nine hundred thirty-six (Pamphlet Laws twenty-eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United Statets Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" by making further provision for the cost of administering the act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Bois,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2378, (Senate Bill No. 883), as follows:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United State government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and the Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title This act shall be known and may be cited as the "Public Assistance Law"

Section 2 Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money goods shelter services or burial provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act

"Local Board" means any county board of assistance established under the provisions of this act and shall include any county relief board or board of trustees of the Mothers' Assistance Fund or board of trustees of Pension Fund for the Blind until abolished in accordance with law

The masculine pronoun includes the feminine

Section 3 Administration of Act This act shall be administered by the Department of Public Assistance and the local boards in the several counties of this Commonwealth

Section 4 General Powers and Duties of Department of Public Assistance The Department of Public Assistance shall have the power and its duty shall be

(a) To allocate to the local boards on the basis of need and as may be required for blind pensions funds with which to provide assistance and funds for administrative expenses and as may be needed from time to time to keep a reasonable revolving fund in the hands of local boards which shall be used by the executive director for the furnishing of assistance in emergency cases upon application to him or under the direction of any member of the local board

(b) To establish with the approval of the State Board of Public Assistance rules and regulations and standards consistent with law as to eligibility for assistance and as to its nature and extent

(c) To supervise the local boards and to establish for such boards rules requlations and standards consistent with law

(d) To cooperate with other agencies including any agency of the United Statets or of another state in all matters concerning the powers and duties of the department under this act and particularly in projects for child welfare for the relief of persons in areas of special need and for the care of transient and homeless persons and to make such reports in such form and containing such information as the Social Security Board of the United States Government or any other agency of the United States may from time to time require and to comply with such provisions as such board or agency may from time to time find necessary to insure the correctness and verification of such reports

(e) To receive and to supervise the disbursement of funds provided by the Federal government or from any other source for use in this Commonwealth for assistance

(f) To gather and study current information constantly and to report at least annually to the Governor as to the nature and need of assistance as to the amount allocated to each local board and as to the work of each local board and to cause such reports to be published for the information of the public

(g) To report at least annually to the Governor as to the cost of living in the various counties as related to the standards of assistance and the amounts allocated for assistance and to cause such reports to be published for the information of the public

(h) To collect and report to the Governor and to cause to be published for the information of the public information as to the work of the department

(i) To direct and supervise the liquidation of the affairs of the Boards of Trustees of the Mothers' Assistance Fund the Boards of Trustees of Pension Fund for the Blind and the State Emergency Relief Board

Section 5 Establishment of County Boards of Assistance (a) For each county of the Commonwealth there is hereby established a county board of assistance to be known as the County Board of Assistance which shall be composed of men and women to be appointed as hereinafter provided The members of the board shall serve without compensation but shall be reimbursed for necessary expenses No member of a board shall hold office in any political party Not all of the members of a board shall belong to the same political party

(b) Each board shall be composed of eleven members in counties of the first and second classes and of seven members in other counties In each county having a board of seven the Governor shall with the advice and consent of two-thirds of all the members of the Senate appoint two members to serve for the term ending December thirty-first one thousand nine hundred thirty-eight two members to serve for the term ending December thirty-first one thousand nine hundred thirty-nine and three members to serve for the term ending December thirty-first one thousand nine hundred forty In each county having a board of eleven the Governor shall in the same manner appoint three members to serve for the term ending December thirty-first one thousand nine hundred thirty-eight four members to serve for the term ending December thirty-first one thousand nine hundred thirty-nine and four members to serve for the term ending December thirty-first one thousand nine hundred forty After the original appointments any vacancy caused by the expiration of a term shall be filled by an appointment in the manner above provided for a term of three years and any vacancy otherwise caused shall be filled for the duration of the unexpired term by appointment in the same manner No member of a board shall be eligible to serve for more than two consecutive terms

(c) Each board shall elect from among its members a chairman and a secretary

Section 6 Rules and Regulations The State Board of Public Assistance shall have the power to promulgate rules and regulations concerning the administration of this act including the establishment of standards of eligibility for assistance and its nature and extent

The County Boards shall determine the eligibility of an applicant under the standards so established subject to the right of appeal as provided under subsection (d) of section seven of this act

Section 7 Powers and Duties of County Boards of Assistance Each county board of assistance shall have the power and its duty shall be

(a) In accordance with the laws regulating employment in the Department of Public Assistance to appoint transfer lay off suspend and remove an executive director and other employes who shall on behalf of the board and under the supervision of the Executive Director provide assistance in the territory under its jurisdiction in accordance with law

(b) To conform to the rules regulations and standards established by the Department of Public Assistance as to accounting and as to forms records and reports

(c) To submit budgets to the Department of Public Assistance as the basis of the allocation of funds for assistance and for administrative costs

(d) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving assistance

(e) To supervise the administration of any other public function related to assistance or to the work of the Department of Public Assitance or of the County Board of Assistance which shall be committed to the board by a political subdivision of the Commonwealth with the approval of the State Board of Public Assistance

(f) To receive and spend contributions from any source for purposes related to assistance or to the work of the Department of Public Assistance

(h) To study report and interpret its policies problems and work to the Department of Public Assistance and to the public

Section 8 County Boards of Review Each County Board of assistance shall from time to time appoint such board of review as it sees fit and proper to hear and determine appeals by employes of the board from orders of demotion and of removal

Section 9 Eligibility for Assistance Except as hereinafter specifically otherwise provided in the case of pensions for the blind all persons of the following classes shall be eligible to receive assistance in accordance with rules regulations and standards established by the De-

partment of Public Assistance with the approval of the State Board of Assistance as to eligibility for assistance and as to its nature and extent

(a) Dependent Children A dependent child is defined as any child under the age of sixteen who (1) resides with his mother and has been deprived of the support of his father by his father's death continued absence from home or physical or mental incapacity and (2) has resided in this Commonwealth for one year immediately preceding the date of application for assistance or has been born in this Commonwealth within one year immediately preceding the date of such application of a mother who has resided in this Commonwealth for one year immediately preceding the birth of the child

(b) Aged Persons An aged person is defined as one who (1) is seventy years of age or more or who after December thirty-first one thousand nine hundred thirty-nine is sixty-five years of age or more (2) resides in this Commonwealth and has so resided therein for five years during the nine years immediately preceding the date of making application for assistance and has so resided continuously for one year immediately preceding the date of making such application (3) is not at the time of receiving assistance an inmate of a public institution and (4) has not conveyed or transferred his real or personal property of the value of five hundred dollars ($500.00) or upwards without fair consideration within two years preceding the date of making such application

Absence in the service of the Commonwealth or of the United States shall not be deemed to interrupt residence of an aged person in the Commonwealth if a domicile has not been acquired outside the Commonwealth

(c) Blind Persons A blind person is defined as one who (1) is twenty-one years of age or more (2) has three-sixtieth or ten-two hundredths or less normal vision (3) has resided in the Commonwealth for at least five years during the nine years immediately preceding his application for a pension and has resided therein continuously for one year immediately preceding the application (4) is not receiving assistance as an aged person during the period for which he is receiving assistance as a blind person (5) is not at the date of making application an inmate of any prison jail insane asylum or any other public reform or correctional institution The pension of a blind person shall be thirty dollars ($30) per month Provided That any blind person with an actual income of twelve hundred dollars ($1,200) or more upwards and any blind person having real property with an assessed valuation of over five thousand dollars ($5,000) is not entitled to such pension And provided further That where a blind person has an income of less than twelve hundred dollars ($1,200) per year the pension shall be fixed in such amount so that the combined income and pension shall not exceed twelve hundred dollars ($1,200) a year No person shall be denied a pension because of the fact that he or she is not a citizen of the United States in the event that any Act of Congress providing Federal aid toward pension for the blind requires the recipients to be citizens no such Federal aid moneys shall be expended in the payment of pensions to non-citizens but such persons shall receive pensions out of moneys appropriated by this Commonwealth

(d) Other persons who have resided in Pennsylvania for at least one year immediately preceding the date of application for assistance and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living

(e) Any person within any group defined in this section who has a quasi-settlement in this Commonwealth until he is removed to his place of legal settlement

Section 10 Trustees for Certain Beneficiaries The Department of Public Assistance may appoint a trustee to take charge of the expenditure of assistance granted any person under this act when in its opinion such trustee is necessary In any such case payment shall be made direct to the trustee A trustee shall serve without compensation and shall be subject to such rules regulations and accounting as the department shall prescribe

Section 11 Assistance Due Deceased Beneficiaries Upon the death of any person entitled to assistance under this act the Department of Public Assistance may authorize the payment of any assistance due to such person to the spouse child father mother sister or brother (preference being given in the order named) of such deceased person as the department directs without requiring letters testamentary or of administration to be issued upon the estate of such person

Section 12 Federal Contributions Restitution (a) All contributions received by the Department of Public Assistance from the United States government for assistance shall be paid into the State Treasury through the Department of Revenue and credited to the biennial appropriation made to the Department of Public Assistance for the purpose of carrying out the purposes of this act

(b) So long as required as a condition of Federal participation one-half of the net amount collected or recovered by way of restitution from any aged person or from his estate by or for the Department of Public Assistance shall be promptly paid to the United States and the remainder thereof shall be paid into the State Treasury and shall be credited to the current appropriation to the department for public assistance as provided by law

Section 13 Penalties Any person who by means of a wilfully false statement or misrepresentation or by impersonation or other fraudulent means secures or attempts to secure or aids or abets any person in securing assistance under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000.00) or to undergo imprisonment not exceeding one year or both at the discretion of the court and also shall be sentenced to make restitution of any moneys he has received by reason of any such false statement misrepresentation or fradulent means

Section 14 Abolition of State Emergency Relief Board The State Emergency Relief Board is hereby abolished except to the extent necessary to liquidate its affairs and its property other than cash and all its powers and duties are hereby transferred to the Department of Public Assistance The Department of Public Assistance shall divide such property equitably among the county boards of assistance and the department The affairs of the State Emergency Relief Board shall be liquidated as soon as possible under the direction of the Department of Public Assistance and any balance of cash remaining from State appropriations after paying all obligations shall be paid into the State Treasury to the credit of the General Fund The Department of Public Assistance shall exercise the powers and discharge the duties of the State Emergency Relief Board in each county through the present County Relief Board or otherwise until a County Board of Assistance is set up in the county and then through such County Board of Assistance

Section 15 Abolition of Certain Local Boards Each Board of Trustees of the Mothers' Assistance Fund and Board of Trustees of Pension Fund for the Blind is hereby abolished except to the extent necessary to liquidate its affairs and its property other than cash and all its powers and duties with respect to a county are hereby transferred to the county board of assistance having jurisdiction in that county After the effective date of this act the affairs of each Board of Trustees of Mothers' Assistance Fund and Board of Trustees of Pension Fund for the Blind shall be liquidated as soon as possible under the direction of the Department of Public Assistance and any balance of cash after paying all obligations shall be paid into the State Treasury to the credit of the General Fund Upon liquidation each board of trustees shall be abolished and all its property other than cash and its powers and duties with respect to a county are hereby transferred to the County Board of Assistance having jurisdiction in that county After such liquidation each county shall pay contributions towards assistance and administrative expenses on requisition of the County Board of Assistance instead of on requisition of the Board of Trustees of the Mothers' Assistance Fund

Section 16 General Construction (a) The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws

(b) The provisions of this act shall be severable and if any provision hereof shall be held to be unconstitional the decision so holding shall not be construed to impair any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had any such unconstitutional provision not been included therein

Section 17 Effective Date and Saving Clause The provisions of this act shall become effective on the first day of July one thousand nine hundred thirty-seven except that

(a) The Boards of Trustees of the Mothers' Assistance Fund and the Boards of Trustees of Pension Fund for the Blind shall continue as now constituted by law until liquidated under the provisions of this act but shall not so continue after December thirty-first one thousand nine hundred thirty-seven

(b) The counties shall until January first one thousand nine hundred thirty-eight continue to pay contributions towards assistance and administrative expenses under the laws repealed by this act and for such purposes said laws shall be continued in force but thereafter such assistance and expenses shall be paid by the Commonwealth

Section 18 Repealer The following acts and their amendments and supplements are hereby repealed

The act approved the tenth day of July one thousand nine hundred nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State superivsor and assistants and fixing the salaries of such State supervisors and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of the act to appropriate certain moneys and providing penalties"

The act approved the nineteenth day of August one thousand nine hundred thirty-two (Pamphlet Laws eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescraibing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" Provided That said act shall remain in force and effect for such time and to the extent necessary for the expenditure by the Governor of the moneys in or accruing to the Federal Unemployment Relief Fund in accordance with such program pertaining to unemployment relief as shall be promulgated by the Department of Public Assistance

The act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred twenty-one) (act number two hundred twenty) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing the appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States government for assistance to the blind and providing penalties"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-six (Pamphlet Laws twenty eight) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts"

All other acts or parts of acts general local or special inconsistent with this act are hereby repealed

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, in view of the fact that this bill sets up the eligibility qualifications and is the bill in fact which I argued, and also in view of the provisions of Section (d) of Section 709, which we consider unconstitutional, we are compelled to vote "no". In doing so that is not to be considered as a vote against the other provisions of the act, in reference to mothers' assistance, the blind and so forth, because even if this bill were not passed, the laws pertaining to the blind, the aged, mothers' assistance and so forth, would still be in effect, and they would be taken care of.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154.

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Bois,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Vallbus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,

Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.		

NAYS—51.

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	VanAllsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS MADE SPECIAL ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the following bills:

House Bill No. 2371, Senate Bill No. 769, page 4,
House Bill No. 2372, Senate Bill No. 770, page 3,
House Bill No. 2373, Senate Bill No. 782, page 6,
House Bill No. 2374, Senate Bill No. 784, page 4.
House Bill No. 2376, Senate Bill No. 886, page 4,
House Bill No. 2377, Senate Bill No. 887, page 5,
House Bill No. 2513, Senate Bill No. 1418, page 13,
House Bill No. 2269, Senate Bill No. 893, page 9,
House Bill No. 2494, Senate Bill No. 1322, page 12,
House Bill No. 2502, Senate Bill No. 1259, page 14,
House Bill No. 2431, Senate Bill No. 783, page 20,

be made a special order of business on third reading and final passage in their order, immediately upon the adoption of this motion.

The motion was agreed to.

BILLS ON FINAL PASSAGE
SPECIAL ORDERS

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2371, (Senate Bill No. 769), as follows:

An Act to amend the title and the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fourteen) entitled "An act providing for a system of recording the identification of persons convicted of crime and fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania State Police district attorneys police officers wardens or keepers of jails prisons workhouses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties" by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fourteen) entitled "An act providing for a system of recording the identification of persons convicted of crime and of fugitives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania State Police district attorneys police officers wardens or keepers of jails prisons workhouses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties" is hereby amended to read as follows

An Act providing for a system of recording the identification of persons convicted of crime and of fugutives from justice and habitual criminals conferring powers and imposing duties upon the Pennsylvania [State] Motor Police district attorneys police officers wardens or keepers of jails prisons workhouses or other penal institutions and sheriffs providing for the payment of certain expenses by the counties and imposing penalties

Section 2 That sections one two three four five and six of said act are hereby amended to read as follows

Section 1 From and after the passage of this act the Pennsylvania [State] Motor Police shall continue to procure and file for record protographs pictures descriptions finger prints and such other information as may be pertinent of all persons who have been or may hereafter be convicted of crime within this Commonwealth and also of all well-known and habitual criminals wherever they may be procured

Section 2 It shall be the duty of the persons in charge of any State penal institution or of any jail prison or workhouse within this Commonwealth to furnish to the Pennsylvania [State] Motor Police upon request the finger prints photographs and description of any person detained in such instiution jail prison or workhouse

Section 3 The Pennsylvania [State] Motor Police the persons in charge of State penal institutions the wardens or keepers of jails prisons and workhouses within this Commonwealth and all police officers within the several political subdivisions of this Commonwealth shall have the authority to take or cause to be taken the finger prints or photographs of any person in custody charged with the commission of crime or who they have reason to believe is a fugutive from justice or a habitual criminal and it shall be the duty of the chiefs of bureaus of all cities within this Commonwealth to furnish daily to the Pennsylvania [State] Motor Police copies of the finger prints and if possible photographs of all persons arrested within their jurisdiction charged with the commission of felony or who they have reason to believe are fugutives from justice or habitual criminals such finger prints to be taken on forms furnished or approved by the Pennsylvania [State] Motor Police It shall be the duty of the Pennsylvania [State] Motor Police immediately upon the receipt of such records to compare them with those already in their files and if they find that any person arrested has a previous criminal record or is a fugitive from justice forthwith to inform the arresting officer or the officer having the prisoner in charge of such fact

Section 4 It shall be the duty of the Pennsylvania [State] Motor Police to cooperate with agencies of other states and of the United States having similar powers to develop and carry on a complete interstate national and international system of criminal identication and investigation and also to furnish upon request any information in its possession concerning any person charged with crime to any court district attorney or police officer of this Commonwealth or of another state or of the United States

Section 5 (a) The district attorneys of the several counties are hereby authorized and empowered from time to time to employ the services of experts on fingerprints to assist them in the investigation of pending cases and to testify upon the trial thereof The compensation of any such expert shall be fixed by the district attorney employing him with the approval of the Court of Quarter Sessions and shall be paid from the county treasury upon warrant of the county commissioners in the usual manner

(b) The district attorney of any county the warden or keeper of the county jail or any expert employed by the district attorney or any other person designated by the district attorney shall have the power upon the written order of the district attorney to take the finger prints of any person confined in the county jail of such county

for use in the identication of the prisoner or upon his trial

(c) The district attorneys of the several counties shall keep and arrange files of the finger prints taken under the provisions of this act of persons convicted of crime and shall destroy the finger prints of all persons acquitted The files of finger prints maintained by the district attorneys shall be open to the inspection of any other district attorney of this Commonwealth or their representatives of the Pennsylvania [State] Motor Police or any sheriff or police or peace officer

(d) District attorneys shall not be authorized to take finger prints under this section of persons arrested for misdemeanors unless the district attorneys have reason to believe that such persons are old offenders against the penal laws of this Commonwealth

Section 6 Neglect or refusal of any person mentioned in this act to make the report required herein or to do or perform any other act on his part to be done or performed in connection with the operation of this act shall constitute a misdemeanor and such person shall upon conviction thereof be punished by a fine of not less than five nor more than twenty-five dollars or by imprisonment in the county jail for a period of not exceeding thirty days or by both in the discretion of the court Such neglect or refusal shall also constitute malfeasance in office and subject such person to removal from office Any person who removes destroyes or mutilates any of the records of the Pennsylvania [State] Motor Police or of any district attorney shall be guilty of a misdemeanor and such person shall upon conviction thereof be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a period of not exceeding one year or by both in the discretion of the court

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

QUESTION OF INFORMATION

Mr. TROUT. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Lancaster will state his question of information.

Mr. TROUT. Mr. Speaker, does this bill apply to the merger of the State Police and the State Motor Patrol?

The SPEAKER. That is correct.

Mr. TROUT. Mr. Speaker and members of the House, I am not going to take but a very few minutes of your time. First, I want to appologize to the membership of the House for my absence this afternoon. I want to inform the members on the other side of the House that I was called into a conference committee and I was not over in the Highway Department.

Mr. Speaker and members of the House, I think we have one measure here that does not have a tinge of politics to support it. It seems to me that this is entirely out of the realm of what might be considered partisan politics. We have enacted a number of bills that probably were political. We have enacted a number of bills changing the forms of administration in a number of cases. We have passed bills that were known to be ripper bills, and probably rightfully so. I am not here to judge or criticize. Time will have to tell. But here is a different proposition. In the debate and the discussion on questions that we have here charges are made as to political influence or corruption, and so forth. But on this issue, in all the discussion that has taken place by those for and those against it, at no time has there been on insinuation of politics or inefficiency or of corruption. I want to say, as member of this House of the minority, that I consider the administration of the Highway Department under Secretary Van Dyke just as nearly right as it is humanly possible to be. I further want to say that I believe that the administration of the State Police has been above any question of corruption or political influence or political activity and the same thing holds true with your State Motor Patrol. We have there three organizations that are serving the people and are serving thew well, without any criticism, so far as I have been able to learn. Yet, what are we going to do now? What we are going to do is disrupt two of these by a combination which will practically eliminate the identity of both the State Police and the State Motor Patrol. The people whom I represent, the motorists of Pennsylvania, consisting of organized motorists, operating one million eight hundred thousand registered motors, with over two million licensed drivers, largely depend upon the efficiency of your Motor Patrol as it is conducted today. And I want to say to you this, that the motorists of Pennsylvania today, and have been in the last several years, preaching safety along educational lines, and have urged his Excellency, the Governor, both before the present Governor's term, and the present Governor, to increase the number of the State Motor Patrol. I believe that is one method of securing safety on the highways, increasing the number of the State Motor Patrol, with a definite plan, a definite duty, and with but one duty in mind, and that is to guard the motorists on the highway, and not be detailed on criminal offenses or crimes.

In 1933 when the first loan was made from the Motor Fund, the money to be used for other purposes, we opposed that loan and that transfer just as strongly as we opposed it in the present administration. In 1934, regardless of the fact that the Republicans were then in the majority, the motorists of Pennsylvania stood pat again on the proposition, and they did the same in 1935. Today in Pennsylvania we have 103,000 miles of highway, 38,000 miles being in the State system; we have 12,000 miles today of unimproved roads, and in addition to that we have taken over this session or will take over about 2400 miles, and I believe, members of the House, that under the system we have in Pennsylvania, the Highway Department took care of the bridges without additional expense. If we complete this merger as intended by these bills, the cost to the motorists of Pennsylvania to patrol the Highways will be $4,250,000, and in spite of that we will have 12,000 miles of unimproved highways and bridges. It seems to me that the best way to save the $4,000,000 for the improvement of unimproved roads is to permit the organization to continue as it is today and from time to time, as money is available, increase the number of the Motor Patrol, and I am confident that your safety department, as well as your criminal department, will be more efficiently administered than by the consolidation of these two forces.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—142.

Achterman,	Elpern,	McCullough,	Sarraf,
Alexander,	Falkenstein,	McDermott,	Scanlon,
Allen,	Finnerty,	McElroy,	Schor,
Allmond,	Fitch,	McGee,	Schropa,

Arnold	Flanagan,	McShane,	Shaw,
Ackerman,	Flannery,	Melchiorre,	Shea,
Baine,	Flinchbaugh,	Mellott,	Shepard,
Baker, J. T.,	Ganser,	Milm,	Shoemaker,
Balthaser,	Gerard,	Moomaw,	Shugarts,
Berly,	Gorski,	Mooney,	Siegel,
Blank,	Haberlen,	Moran,	Simon,
Bolin,	Hagerty	Moul,	Skale,
Boles,	Hamilton, F. P.,	Mowrey,	Smith, James A.,
Boltz,	Harkins,	Murrin,	Smith, John A.,
Brancato,	Hering,	Nagel,	Spengler,
Brigerman,	Hess,	O'Brien,	Stank,
Broad,	Hetrick,	O'Connor,	Thomas,
Brown,	Hindman,	O'Keefe,	Tronzo,
Brownfield,	Hirsch,	Ominsky,	Tumelty,
Burrows,	Holland,	O'Neill,	Valibus,
Caesar,	Holmes,	Ostroff,	VanSickle,
Caputo,	Holstrom,	Patterson, C. S.,	Vogt,
Chervenak,	Hontz,	Patterson, J. W.	Walsh,
Coakley,	Horting,	Pearson,	Weiss, D. H.,
Cohen, H. B.,	Jirolanio,	Pershing,	Weiss, S. A.,
Cohen, R. E.,	Keenan,	Piole,	Welliver,
Coleman,	Kelso,	Powers,	Welsh,
Coolahan,	Kilroy,	Preston,	Westfrick,
Corrigan,	Kroll,	Readinger,	Whalen,
Costanzo,	Levy,	Reese,	Whitenight,
Decker,	Lewis,	Reising,	Wright,
Dickinson,	Long,	Richter,	Yanoshat,
Donohue,	Lopresti,	Robinson,	Yourishin,
Dougherty,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	McArdle,		

NAYS—46.

Baker, F. T.,	Imbrie,	Perry,	Trout,
Boose,	Kane,	Royer,	Turner,
Boyer,	Kline,	Schrock,	Van Allsburg,
Cadwalader,	LaRue,	Schumacher,	Wagner,
Davies,	Leisey,	Serrill,	Wall,
Eckels,	Longaker,	Sloan,	Watkins,
Fiss,	Lyons,	Snyder,	Webster,
Gilette,	Matthews, J. F.,	Sollenberger,	Weidemann,
Habbyshaw,	McDevitt	Stackpole,	Wilson,
Hall,	McKinney,	Stewart,	Wood,
Hamilton, R. S.,	Muir,	Stockham,	Woodside,
Huntley,	Peale,	Strode,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. SAMUEL A. WEISS filed the following reasons for his vote:

I desire to be recorded as voting "aye" on Senate Bills Nos. 886, 783, 782, 769, 887, 784 and 1328, being the bills which provide for the consolidation of the State Police and the State Highway Patrol in the Commonwealth of Pennsylvania. Throughout the early part of this session I have definitely stated my opposition to such a merger for the reasons that evidence from the Washington Bureau of Roads received early in this session indicated that such a merger would constitute a diversion of highway funds under the Hayden-Cartwright Act, and Pennsylvania would stand to lose over $3,000,000 allocated to us annually by the Federal Government.

However, the bills have been amended to meet objections of the Federal Government so that these bills in their present status do not constitute a diversion of highways funds, and evidence from Washington now clearly indicates that we will not lose Federal funds annually allocated to the Commonwealth of Pennsylvania for road purposes. In addition, Major Lynn Adams, for many years leader of our splendid State Highway Patrol, favors such consolidation and believes that these bills will not detract from the splendor of our State Police, and will in addition aid in reducing fatalities on highways and will give to this Commonwealth a more modern police unit to patrol the Commonwealth and aid in suppression of crime.

Another reason for my voting "aye" on these bills—if these bills fail passage, we will be compelled to raise in new taxes over $3,000,000, and I am hesitant to vote for any further tax measures during the balance of this session.

Mr. WOODSIDE filed the following reason for his vote:

This so-called police merger is supported by a budget-juggling Governor who is attempting to short-change the motorists of Pennsylvania in his desperate effort to cover up the political waste and extravagance of his administration. It is supported by a greedy political machine which seeks to gain control of the police force for its own selfish ends. Chicken thieves, bootleggers and racketeers of all kinds who would prey upon the people of this State, particularly in the rural districts, are hoping for its passage. Communistic groups who desire to destroy any agency engaged in the protection of property are quietly supporting it.

On the other side, church people, civic organizations and farmers join with the motorists in their fight against this iniquitous proposal. Not for may years has the better element of the State been so unanimous in its denunciation of any legislative proposal.

Under the direction of Major Lynn G. Adams, the Pennsylvania State Police have become the greatest police force in America. This has been brought about because he has insisted that they remain free from politics. It is a well known fact that applicants for the position of Highway patrolmen must have political endorsement, while State police are chosen solely on the basis of merit.

Volumes have been written on the evil of an alliance between corrupt politics and the police. The people know that as long as the State Police are undisturbed under the direction of Major Adams, no such alliance is possible. It is bad enough to have the force crippled by the use of many of its best men for political investigations. It is a crime to destroy this force by the subtle "merger" plan.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2372, (Senate Bill No. 770), as follows:

An Act to re-enact and amend the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as amended by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray the expenses required by such agency in the proper conduct of part of its work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and all the sections of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand forty-six) entitled "An act appropriating the moneys in the Motor License Fund" as amended are hereby re-enacted amended or further amended as the case may be as follows

An Act appropriating the moneys in the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all moneys now in the Motor License Fund in the State Treasury and all moneys which may hereafter be paid into the Motor License Fund be and the same are hereby appropriated as hereinafter provided

Section 2 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the following purposes

(a) For sinking fund requirements and interest on outstanding bonds of this Commonwealth issued for the purpose of improving and rebuilding the highways of the Commonwealth the acquisition of toll bridges and for the payment of the compensation to the Commonwealth's loan and transfer agent for services rendered in connection with the registration transfer and payment of interest on said bonds and for other services required to be performed by such loan and transfer agent Payments to the Board of Finance and Revenue under this clause shall be made at such times and in such amounts as shall from time to time be provided by law but should the General Assembly at any time fail to enact legislation supplemental to this act payments shall from time to time be made hereunder upon the requisition of the Board of Finance and Revenue approved by the State Treasurer

(b) For the payment of approved claims for refund made to the board for moneys paid into the Motor License Fund to which the Commonwealth is not rightfully entitled

Section 3 As much of the money from time to time in the Motor License Fund as may be necessary is hereby appropriated to the Department of Revenue for administering and enforcing the laws rules or regulations relating to the operation of aircraft landing fields or intermediate landing fields and for the proper conduct of its work in titling and registering motor vehicles trailers and tractors licensing the operators of vehicles [and enforcing the laws regulating the registration titling and operation of vehicles upon the highways] and for the collection of liquid fuels taxes as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the Commissioner of Motor Vehicles or such other officer or officers of the department appointed by the secretary thereof to have charge of the foregoing activities of the department and such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts engineers draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required in the performance of the duties above mentioned and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department or for handling any legal business pertaining to its work

[(b) For the payment of the salaries wages or other compensation board lodging uniforms arms and equipment and their maintenance and traveling and other necessary expenses of State Highway Patrolmen Provided That the provisions of this clause shall not authorize any appropriation for such purposes to the Department of Revenue if the State Highway Patrol is by law placed under the administration of the State Police but said appropriation shall be available for like purposes to the State Police but not in excess of the amount limited by any other law]

[(c)] (b) For the purchase maintenance storage and royalties upon leased office equipment or other devices or machines

[(c) For the construction through the Department of Property and Supplies or the purchase and repair or maintenance of buildings for the use of the State Highway Patrol]

[(f) Through the Department of Property and Supplies to purchase or lease lands and to construct thereon highways and buildings suitable for the examination of applicants for operators" licenses or to purchase or lease lands for the uses of the State Highway Patrol]

[(g)] (d) For the payment of rentals for branch buildings and repairs thereto

[(h)] (e) For the payment of transportation medical attendance and hospital charges of employes injured or killed in line of duty and the payment of workmen's compensation to injured employes or dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department Provided That such insurance shall be carried only with the approval of the Governor

(f) For the payment of traveling expenses and witness fees in the amount of two dollars ($2) per capita per diem to witnesses testifying for the Commonwealth at hearings [and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess of five dollars ($5) shall be paid to any physician for such an examination]

[(j)] (g) For the payment of expenses in connection with traffic safety educational work exhibits photography models and other exhibition or educational accessories and for all other expense of every kind and description necessary effectively to carry on this work

[(k)] (h) For the purchase of registration plates and any other expenses incidental thereto

[(l)] (i) For the payment of rewards for detection of fraud

[(m)] (j) For the purpose of purchasing and acquiring in the name of the Commonwealth of Pennsylvania air navigation facilities and intermediate landing field equipment through the Department of Property and Supplies as agent

[(n)] (k) For the purpose of installing conditioning improving equipping maintaining and operating any air navigation facilities intermediate landing field equipment beacon sites landing fields and intermediate landing fields leased or acquired by the Commonwealth and lands acquired within the Commonwealth suitable for landing fields intermediate landing fields beacon sites and air navigation facilities

[(o)] (l) For all other expenses of every kind and description necessary for the performance by the department of the aforesaid work

[(n)] (m) For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specially the aforesaid affairs of the Department of Revenue at such amounts as the Department of the Auditor General with the approval of the Executive Board shall determine

[(o)] (n) For payment to the Treasury Department of the cost of making disbursements out of the Motor License Fund on behalf of the Department of Revenue in the performance of the duties above mentioned at such amounts as the Treasury Department with the approval of the Executive Board shall determine

[(p)] (o) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the Department of Revenue in the performance of the above mentioned duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

Section 4 As much of the money from time to time in the Motor License Fund is hereby appropriated to the Pennsylvania Motor Police as shall be deemed by the Governor to be apportionable to the work of the Pennsylvania Motor Police in enforcing the laws regulating the use of the highways of this Commonwealth and in assisting the Department of Revenue in the collection of motor license fees fees for titling vehicles and tractors operators' license fees and the tax on liquid fuels and the issuance of certificates of title and motor and operators' licenses

Such moneys shall be transferred from time to time out of the Motor License Fund to the General Fund shall be credited to the current appropriation out of the General Fund to the Pennsylvania Motor Police and shall be available for the purposes for which such appropriation is appropriated by law

Section [4] 5 The remainder of the money from time to time in the Motor License Fund is hereby appropriated to the Department of Highways for the following purposes

(a) For the payment of the salaries wages or other compensation and the traveling and other necessary expenses of the Secretary of Highways such deputies directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required for the proper conduct of the work of the department and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the department or for handling any legal business pertaining to its work

(b) For the purchase maintenance and repair of furniture furnishings stationery supplies materials equipment motor vehicles operated by employes of the department payment of premiums on policies of insurance covering fuel motor vehicles and printing and binding and for the payment of premiums on policies of insurance covering motor vehicles operated by employes of the department and surety bonds for officers and employes of the department required to furnish such bonds but all such purchases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as purchasing agent except that the Department of Highways may purchase directly equipment materials and supplies necessary for the construction and repair of highways if such equipment materials or supplies are not on the schedule of the Department of Property and Supplies

(c) For the payment of rentals for branch buildings and repairs thereto

(d) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines

(e) For maintaining reconstruction replacing and repairing or assisting in maintaining reconstructing replacing and repairing State highways State-aid highways and any other highways which the department may be authorized to maintain reconstruct replace and repair or assist in maintaining reconstructing replacing and repairing and of such bridges as the department may be authorized by law to maintain reconstruct replace and repair or to assist in maintaining reconstructing replacing and repairing

(f) For constructing and improving or assisting in constructing and improving State highways State-aid highways and any other highways or streets and any bridges which the department may be authorized by law to construct or improve or assist in constructing or improving but the moneys expended by the department under this clause for construction and improvement of highways without expenses to the political subdivisions of the State shall be allocated among the several counties in such manner and to such an extent as shall from time to time be provided by law and in the absence of or beyond any such statutory direction shall be expended as the department shall determine and the moneys expended for State aid and upon city streets shall be expended to the extent to which such expenditures shall from time to time be authorized by law

(g) For the maintenance and repair of all interstate bridges over the Delaware River between the Commonwealth and the State of New Jersey now owned or to be acquired or constructed from Morrisville Bucks County to Milford Pike County and of interstate bridges between this Commonwealth and the State of New York now owned or which may hereafter be acquired or constructed

(h) For the payment of transportation medical attendance and hospital charges for employes injured or killed in line of duty and the payment of workmen's compensation to injured employes or the dependents of deceased employes or the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the department Provided That such insurance shall be carried only with the approval of the Governor

(i) For purchasing acquiring and leasing lands in the name of the Commonwealth containing stone suitable for use in the construction improvement reconstruction replacement or maintenance of highways and to quarry and prepare the stone therein for use in the construction improvement reconstruction replacement and maintenance of highways to manufacture any other material used in the construction improvement reconstruction replacement or maintenance thereof whether for use by the department in the construction improvement reconstruction replacement or maintenance of highways or for selling the same to contractors engaged in such work or to political subdivisions of the State for the construction improvement reconstruction replacement and maintenance of roads as may now or hereafter be provided by law

(j) For the erection of such buildings and the purchase of such machinery as may be necessary or essential for the proper prosecution of the work of quarrying or manufacturing stone or materials for the construction improvement reconstruction replacement or maintenance of highways

(k) Subject to the approval of the Governor and of the Department of Property and Supplies for the purchase or acquisition of land in the name of the Commonwealth for the purpose of erecting thereon garages storage sheds laboratories or other buildings necessary in connection with the construction improvement reconstruction replacement or maintenance of highways and for the erection on land thus acquired of such garages storage sheds laboratories or other buildings

(l) To propagate or purchase trees shrubs vines or grasses for planting on or along the State highways and to maintain the same

(m) For the purchase installation and maintenance of signs and traffic signals on State highways

(n) For the payment of traveling expenses and witness fees in amount of two dollars ($2) per capita per diem to witnesses testifying for the Commonwealth

(o) For the payment of damages to property heretofore hereafter caused or occasioned in connection with the work of the department in the construction improvement maintenance and repair or in the preparation of materials for such purpose of roads highways or bridges under the jurisdiction of the department and for which the Commonwealth is responsible for maintenance and attributed to negligence or carelessness on the part of the employes of the department not exceeding however the sum of twenty-five thousand dollars ($25,000) during any fiscal bienium All claims for damages to property payable hereunder shall be submitted to the Secretary of Highways in writing verified by affidavit and the secretary shall investigate the same and determine the amount to be paid if any subject to the approval of the Attorney General

(p) For all other expenses of every kind and description necessary effectively to carry on the work of the department as authorized by law

(q) For payment to the Department of the Auditor General of the cost incurred by that department in auditing requisitions drawn on the Motor License Fund and in auditing annually periodically or specially the aforesaid affairs of the Department of Highways at such amounts as the Department of the Auditor General with the approval of the Executive Board shall determine

(r) For payment to the Treasury Department of the cost of making disbursements out of the Motor License Fund on behalf of the Department of Highways in the performance of the duties above mentioned at such amounts as the Treasury Department with the approval of the Executive Board shall determine

(s) For payment to the Department of Property and Supplies for space occupied in the Capitol buildings and

for water light heat power telephone and other services utilized and consumed by the Department of Highways in the performance of the above mentioned duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

(t) For payment to the Department of Property and Supplies of the cost incurred by that department in making purchases of supplies equipment and materials for the Department of Highways as purchasing agent including salaries wages or other compensation of employes traveling expenses telephone toll charges telegrams newspaper advertising and notices and all other expenses necessary for the performance by the Department of Property and Supplies of the aforesaid duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

Section [5] 6 Stores of any nature whatsoever including quarried or manufactured products and in addition equipment rental charges for the use of equipment either owned or leased by the Department of Highways shall be considered charges against any special appropriations made to the Department of Highways for any purposes Transfer requisitions shall be submitted by the Department of Highways from time to time to adjust the balances of the appropriations in accordance with the actual cost of work performed excluding however overhead advertising engineering and inspection expenses Such transfer requisitions shall be audited by the Auditor General and State Treasurer and if found correct shall become adjusting entries on the books of the fiscal officers and of the Department of Highways

Section [6] 7 Estimates of the amounts to be expended from the Motor License Fund under this act or any other act from time to time by the Department of Revenue the Pennsylvania Motor Police and the Department of Highways respectively and by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys whatsoever out of the Motor License Fund by the Board of Finance and Revenue for refunds or by the Department of Revenue or by the Pennsylvania Motor Police or by the Department of Highways for any purpose whatsoever in excess of the estimates approved by the Governor any other act or acts heretofore enacted to the contrary notwithstanding

Subject to the foregoing provisions the moneys in the Motor License Fund shall be paid out of the fund upon warrant of the Auditor General drawn after requisition by the Board of Finance and Revenue the Department of Revenue the Pennsylvania Motor Police or the Department of Highways as the case may be

Section [7] 8 The provisions of this act as far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

[Section 8 The provisions of this act shall become effective on June first one thousand nine hundred twenty-nine]

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, due to an error in printing on page 4 of the bill, the printer inadvertently, contrary to the amendment submitted, placed a bracket on line 19, and a bracket on line 28, inadvertently striking out most of paragraph (b). On the next page, page 5, the printer in error placed a bracket at the beginning of paragraph (d) on page 1, and at the end of line 2, thereby cutting paragraph in half. In order to correct the error of the printer, I ask unanimous consent to offer the following strike-out amendments.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen, vote on the third reading of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky, vote on third reading of this bill?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 3, page 4, line 19 by striking out at the beginning of the line the following: "[]"

Amend section 3, page 4, line 28 by striking out the bold-faced bracket at the end of the line.

Amend section 3, page 5, line 1 by striking out at the beginning of the line the following: "[]"

Amend section 3, page 5, line 2 by striking out the bold-faced bracket at the end of the line.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to pass this bill finally due to the fact that the amendments just agreed to were strike out amendments.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154.

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. T.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boies,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,

Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Loprestl,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.,		

NAYS—51.

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	Van Allsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2373, (Senate Bill No. 782), as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by consolidating the Pennsylvania State Police and the State Highway Patrol and their powers and duties into one agency to be known as the Pennsylvania Motor Police and establishing as part of such agency a Motor Police Force and making provision for the number selection qualifications promotion training and discipline of the members of such force

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred one two hundred five two hundred seven two hundred eight five hundred seventeen seven hundred ten seven hundred eleven seven hundred twelve and two thousand five hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Covernor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secreatry of Internal Affiairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania [State] Motor Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affiairs Department of Public Instruction Department of Military Affiairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies and Department of Revenue and by the following independent administrative boards and commissions Board of Game Commissioners Board of Fish Commissioners and the Public Service Commission of the Commonwealth of Pennsylvania

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania [State] Motor Police

Section 205 Pennsylvania [State] Motor Police The Pennsylvania [State] Motor Police shall consist of a [superintendent] Commissioner a Deputy Commissioner the State police force and the State Highway Patrol as now [or hereafter] authorized by law which are hereby consolidated into one force to be known as the Motor Police Force and such [deputies] chiefs statisticians clerks experts and other assistants as the [superintendent] Commissioner with the approval of the Governor shall deem necessary for the work of the force

The [superintendent] Commissioner of the Pennsylvania [State] Motor Police shall receive a salary at the rate of [seven] eight thousand [five hundred] dollars per annum

[The State police force shall receive such compensation as is now or may hereafter be fixed by law]

The Deputy Commissioner of the Pennsylvania Motor Police shall be appointed by the Commissioner of Pennsylvania Motor Police with the approval of the Governor and shall receive a salary at the rate of seven thousand five hundred dollars per annum

The Motor Police Force shall consist of such number of officers and men and shall be organized in such manner as the Commissioner of Pennsylvania Motor Police with the approval of the Governor shall from time to time determine Provided however That the number of officers and men shall not exceed in the aggregate at any time one thousand six hundred persons

The [deputies] members of the Motor Police Force and the chiefs statisticians clerks experts and other assistants engaged in the work of the Pennsylvania [State] Motor Police shall be appointed by the [superintendent] Commissioner and shall receive such compensation as shall be fixed by the [superintendent] Commissioner with the approval of the Governor which compensation shall however conform to the standards established by the Executive Board

[The members of the State police force shall be appointed by the superintendent]

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the [Superintendent] Commissioner of the Pennsylvania [State] Motor Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 208 Terms of Office The terms of office of the persons appointed by the Governor under the preceding section shall be as follows

(a) The Secretary of the Commonwealth and the Attorney General shall serve during the pleasure of the Governor

(b) The term of the Superintendent of Public Instruction shall be four years

(c) Except as in this act otherwise provided the heads of other administrative departments the [Superintendent] Commissioner of the Pennsylvania [State] Motor Police the members of independent administrative boards and commissions of departmental administrative boards and commissions and of advisory boards and commissions and departmental administrative officers shall hold office for terms of four years from the third Tuesday of January next following the election of a Governor and until their successors shall have been appointed and qualified Providing That the [terms of any persons whose terms of office are fixed by this sub-section who are] term of the Commissioner of the Pennsylvania Motor Police appointed prior to the third Tuesday of January one thousand nine hundred and [thirty-one] thirty-nine shall expire upon that date or as soon thereafter as [their successors] his successor shall have been appointed and qualified

Section 517 Administering Oaths The head of every administrative department all deputy heads of administrative departments every member of an independent administrative or departmental administrative board or commission the [Superintendent] Commissioner of the Pennsylvania [State] Motor Police every workmen's compensation referee and such officers or employes of the several administrative departments boards or commissions as the heads of such departments or such boards or commissions shall designate shall have the power to administer oaths or affirmations anywhere in this Commonwealth with regard to any matter or thing which may properly come before such department board commission [Superintendent] Commissioner or referee or any member of a board or commission as the case may be

Section 710 Pennsylvania [State] Motor Police The Pennsylvania [State] Motor Police shall have the power and its duty shall be

(a) Subject to any inconsistent provisions in this act contained to continue to exercise the powers and perform the duties by law vested in and imposed upon the Department of State Police the Pennsylvania State Police and the State Highway Patrol

(b) To assist the Governor in the administration and enforcement of the laws of the Commonwealth in such manner at such times and in such places as the Governor may from time to time request

(c) With the approval of the Governor to assist any administrative department board or commission of the State Government to enforce the laws applicable or appertaining to such department board or commission or any organization thereof

(d) Whenever possible to cooperate with counties and municipalities in the detection of crime the apprehension of criminals and the preservation of law and order throughout the State

(e) To aid in the enforcement of all laws relating to game fish forests and waters

(f) To collect and classify and keep at all times available complete information useful for the detection of crime and the identification and apprehension of criminals Such information shall be available for all police officers within the Commonwealth under such regulations as the [Superintendent] Commissioner of [State] Pennsylvania Motor Police may prescribe

(g) To enforce the laws regulating the use of the highways of this Commonwealth and to assist the Department of Revenue in the collection of motor license fees fees for titling vehicles and tractors operators' license fees and the tax on liquid fuels and the issuance of certificates of title and motor and operators' licenses

Section 711 [Superintendent] Commissioner of Pennsylvania [State] Motor Police The [Superintendent] Commissioner of Pennsylvania [State] Motor Police shall be the head and executive officer of the Pennsylvania [State] Motor Police He shall provide for the members of the [police force] Motor Police Force suitable uniforms arms equipment and where it is deemed necessary horses or motor vehicles and make [such] rules and regulations subject to the approval of the Governor prescribing qualifications prerequisite to or retention of membership in the force for the enlistment training discipline and conduct of the members of the force for the selection and promotion of such members on the basis of merit for the filing and hearing of charges against such members and such other rules and regulations as are deemed necessary for the control and regulation of the [police force] Motor Police Force The Commissioner shall maintain a training school to be known as the Pennsylvania Motor Police Training School for the proper instruction of members of the Motor Police Force which shall be situated at such place or places as the Commissioner with the approval of the Governor may determine It shall also be the duty of the [Superintendent] Commissioner to establish local headquarters in various places so as best to distribute the force through the various sections of the Commonwealth where they will be most efficient in carrying out the purposes of this or any other act to preserve the peace [and] prevent and detect crime and to police the highways

Section 712 The Pennsylvania [State] Motor Police Force The various members of the Pennsylvania [State] Motor Police are hereby authorized and empowered

(a) To make arrests without warrant for all violations of the law including laws regulating the use of the highways which they may witness and to serve and execute warrants issued by the proper local authorities They shall have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class and upon constables of the Commonwealth

(b) To act as game protectors and as forest fish or fire wardens and for the better performance of such duties

(1) Seize all guns boats decoys traps dogs game fish

shooting paraphernalia or hunting or fishing appliances or devices used taken or had in possession contrary to the laws of this State Any Article so seized shall be held subject to such disposition as the Commissioner of Fisheries or the Secretary of the Board of Game Commissioners or the Secretary of Forests and Waters may respectively determine

(2) Seize and take possession of all birds animals or fish which have been taken caught or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to any law of this State

(3) Search without warrant any boat conveyance vehicle or receptacle when there is good reason to believe that any law has been violated the enforcement or administration of which is imposed on or vested in the Board of Fish Commissioners or the Board of Game Commissioners on in the Department of Forests and Waters

(4) Serve subpoenas issued for any examination investigation or trial had pursuant to any law as aforesaid

(5) Purchase game or fish for the purpose of securing evidence

Section 2502 [Enforcement of] Vehicle [Code] and Tractor Codes In [connection with] the collection of motor license fees fees for titling [automobiles] vehicles and tractors and operators' license fees and the issuance of certificates of title and motor and operators' licenses the Department of Revenue shall [enforce the laws regulating the use of vehicles on the highways of this Commonwealth] be entitled to such assistance from the Pennsylvania Motor Police as the department may deem necessary

The Secretary of Revenue may designate the person in charge of the work to which this section refers as the Commissioner of Motor Vehicles [and shall establish within his department for the purpose of assisting in the collection of fees the enforcement of the title provisions of the Vehicle Code and the laws regulating the use of the highways by vehicles a force to be known as the State Highway Patrol which shall consist of such number of officers and men and be organized trained and disciplined in such manner as the Secretary of Reveue with the approval of the Governor may determine]

Section 2 (a) All books papers maps charts plans records and equipment in the possession of the Pennsylvania State Police and the State Highway Patrol or any officer or member thereof shall upon the effective date of this act be delivered and turned over to the Pennsylvania Motor Police

(b) All officers and employes of the Pennsylvania State Police and the State Highway Patrol and all officers and other members of the State Police Force and the State Highway Patrol on the effective date of this act shall continue to perform their usual duties upon the same terms and conditions as theretofore until removed or appointed to other positions by the Commissioner of Pennsylvania Motor Police Persons who upon the effective date of this act are connected with the Pennsylvania State Police or the State Highway Patrol shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to have been continuous as if the Pennsylvania State Police and the State Highway Patrol had not been consolidated

(c) All pending proceedings and all investigatons begun by the Pennsylvania State Police and the State Highway Patrol or any member or officer thereof and not completed upon the effective date of this act shall continue and remain in full force as if the Pennsylvania State Police and the State Highway Patrol had not been consolidated and may be completed by the Pennsylvania Motor Police

(d) Whenever the term "Pennsylvania State Police" or "State Police" or "State Highway Patrol" or "Highway Patrol" occurs in any law or whenever in any law reference is made to the same such term or reference shall be deemed to refer to and include the Pennsylvania Motor Police created by this act so far as such law pertains to such matters which are within the jurisdiction of such body

Section 3 All acts or parts of acts inconsistent with this act are hereby repealed

Section 4 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. LONGAKER. Mr. Speaker and members of the House, there are perhaps two good reasons why I should not arise at this time to speak on this bill. In the first place, we are all very tired and we are all anxious to concluded the work of this session.

Experience has taught us that once the minds of men are made up it is very seldom that words will change their minds. However, there is one reason why I should arise at this time to speak on this bill, which I might point out is the real merger of the State Police and the Motor Patrol. There are a good many bills covering this general subject, but this bill, Senate Bill 782, is the actual merger. My colleague from Lancaster, Mr. Trout, has pointed out various phases and various angles of the problems involved in these bills. He has chosen to point out particularly the result of the merger, as far as the Highway Department is concerned, and in reference to the use of funds and the possible question of diversion, and also the effect of the extension of the State Police. My particular purpose in rising at this time is to point out the matter of law enforcement in regard to this merger, which is on the program and which is embodied in this bill. You know in regard to various problems, whether they be of a political nature or a business nature or something pertaining to military affairs, the state of mind of the people is an important factor, and I wish to point out very briefly my opinion as to the state of mind and the mental reaction that will result throughout our Commonwealth as a result of the proposed merger. I wish to assure the members of the House that as far as I am personally concerned, I feel that this merger is detrimental to the best interests of the people of this State who are interested in law enforcement and comprise the law abiding citizens of our Commonwealth. May I point out as an example, that when the housewife goes into a store and asks for an article which perhaps has wide national demand and has proven its merits, sometimes the clerk will attempt to force upon her some other article which he says is just as good, but the canny housewife will refuse to accept the second choice but will insist upon the article which she knows to be a high class brand. May I point out that in the field of sport in which a good many of us are actively engaged, the same thing holds true. Some years back you will recall that the headlines carried the name of Red Grange as the greatest halfback of all times. At that time there were many more first class halfbacks playing football on our college teams throughout the country, but there was a certain something about Red Grange that appealed to the imagination of our people. Then along came great Babe Ruth in baseball, the great homerun king, and his name was carried on the lips of all our people.

In the history of military affairs I recall with a great deal of interest the episode of the undefeatable Iron Sides of Cromwell. In the Army and Navy, isn't it true that our pulse beats just a little bit quicker when we think of those men who fought for our country.

Coming now to the subject of our State Police, I think from the time that we were all old enough to understand certain things and certain phases that we were more or less carried away with the thought of our great organization, the Pennsylvania State Police. When we saw them or read of them it was always with a feeling that right here in our great Commonwealth had been created an organization which was second to none throughout America, and I say, in fact, throughout the world. We have created here a splendid organization which has been of great benefit to us here in our Commonwealth in many ways. It will be argued and no doubt it has been argued that the merger of the State Police will bring this new plan or this new Motor Police to the same high standard as the present State Police in efficiency. I would like to add my voice to that of my colleague from Lancaster, Mr. Trout, when I pay the highest tribute to the present Motor Patrol, which does its work well and satisfactory on all occasions. But, members of the House, is it not true that the Motor Patrol and the State Poice are trained for and carry out different fields of endeavor and activity? Isn't it true that the Motor Patrol deal usually, not always, but usually, with the average Mr. Citizen on the road, who has just momentarily forgotten that there are others using the highway. Some salesman had sold him a car on the promise of the salesman that it will do eighty miles an hour, and he was anxious to prove whether or not the salesman was correct. When the Motor patrolman drives up to him and taps him on the shoulder, he is dealing not with a mad man, but with a citizen who has momentarily forgotten his obligation to his fellow citizens as far as the State highways are concerned. When the State Police are called upon to perform their duty, the immediate question arises that they were dealing not with the average citizen but with the criminal; they are dealing with the problem of vice and crime, including the activities of gunmen, murderers and kidnappers, and they must be particularly prepared to deal with that type of person. I submit, members of the House, that one organization being trained as motor police cannot possibly carry on with the efficiency of the present organization which has been trained specifically for the problems which deal with the policing of our State.

Members of the House, what will be the reaction of our people if this merger is adopted? What will be the reaction, first of all, as far as the public is concerned? I assume, members of the House, that we should be considered as a part of the public because we come here representing the average citizen. What will be the reaction when the public knows that this splendid organization, which has had such far-reaching effects in all parts of the country no longer exists as the Pennsylvania State Police? Secondly, what will be the reaction among those who evade the laws, what will be the reaction of the people who unfortunately do not have the same civic attitude towards the rights of their fellowmen that we would like them to have, and who are commonly called criminals? I submit to you, members of the House, that this kind of people will be happy to know that this measure is going through, that no longer will they have to be afraid or frightened with possible arrest and conviction upon the testimony of the Pennsylvania State Police, that splendid organization which I am now discussing. Finally, what will be the reaction and the mental result of the police themselves? I am wondering, members of the House, if we were members of an organization which has set up a record which is second to none in law enforcement throughout the length and breadth of this land, and then we were merged with another organization of equal efficiency and equal skill, but in an entirely different scheme and scale of activity—I am wondering what the mental reaction would be on the police themselves.

I am submitting these points, members of the House, in the form of a question, so that you may in your own deliberation and thought consider for yourselves the possible solution and proper answer. About a month ago in this House a bill was passed dealing with capital punishment, and I am wondering if when many of the members of this House returned to their particular counties, whether they did not find that there was considerable criticism of this House for passing that bill. I know that in my own county a great many of them wanted to know how I voted on that bill, and I was happy to say and am still happy to say that I voted against the bill on capital punishment.

Members of the House, I submit that the State Police ought to continue to exist as they exist today, and I would like to resort to the argument which is used that the State Police is costing the State too much money because they are not being used every day in the year. I submit, members of the House, that the American Navy is not being used every day, but we are paying taxes to maintain the Navy, just as we are paying taxes to maintain our State Police.

Members of the House, not so long ago, the people in my own town were rather happy to see the members of the State Police on our highways, and there was a certain feeling of satisfaction among those who witnessed the State Police, who were there to protect the liberties and rights of our people, because it is a law enforcement agency. Likewise you recall that some time ago in the Eastern Penitentiary there was a riot, and upon the arrival of the State Police or shortly thereafter the riot was quelled without any unnecessary trouble. What we recognize in this State is that we need here and throughout the country fearless men in our law enforcement agencies, and we all recognize that our Pennsylvania State Police has its peculiar place as being the finest law enforcement agency in the country.

Secondly, I want to call your attention to the newspapers' announcements of the past several years, calling attention to the fact that we were passing through troublesome times. Therefore, I am wondering if it is wise to curtail the activities of such a splendid law enforcement agency as this at such a time as this, that organization which is maintained for your protection and for the protection of your families. All law abiding citizens, including ourselves should bear in mind that the proper and adequate enforcement of law carries in the minds of men a desire to obey the law. I think we should try to maintain this splendid enforcement agency which we have known and have been proud to call the Pennsylvania State Police. I therefore implore you, members of the House, to consider carefully before you vote, to deprive this State of the services of this magnificent organization and these magnificent civic soldiers, if you will. I thank you.

Mr. HERBERT B. COHEN. Mr. Speaker and members of

the House, I just want to call your attention to the fact that yesterday the gentleman from Delaware presented a plan in which he sought to effectuate certain mergers. This bill is right in line with the policies of the gentleman from Delaware, and even though it is up the alley of the gentleman from Delaware, I will ask the Democrats to vote with him because I am sure the Republicans will.

Mr. TURNER. Mr. Speaker and members of the House, I would not have said anything on this subject if the gentleman from York had not placed himself in the same position like that man in the morgue. When his mouth dropped open and showed that he had false teeth, his wife said, "If you kept your mouth shut you would have been buried." It is true that in 1933 I presented or introduced bills that might be termed a merger of the State Police and the Highway Patrol. But under that plan there was no attempt to take the State Police into the Revenue Department and make it a part of the Highway Patrol, and there was no plan to pay them out of the Highway funds. I might say that on that occasion the gentleman from York and his Democratic colleagues voted against the bill. Under that bill there would not have been any loss of identity and there was not any reduction of the police force as there is in this bill. Therefore, we are opposed to this measure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—143.

Alexander,	Falkenstein,	McDermott,	Scanlon,
Allmond,	Finnerty,	McElroy,	Schor,
Aukerman,	Fitch,	McFall,	Schrope,
Baine,	Flanagan,	McGee,	Shaw,
Baker, J. J.,	Flannery,	McShane,	Shea,
Bierly,	Flinchbaugh,	Melchiorre,	Shepard,
Blank,	Ganser,	Mellott,	Shoemaker,
Bohn,	Gerard,	Mihm,	Shugarts,
Boles,	Gorski,	Moomaw,	Siegel,
Boltz,	Haberlen,	Mooney,	Simon,
Bradley,	Hagerty,	Moran,	Skale,
Brancato,	Hamilton, F. P.,	Moul,	Smith, James A.,
Brigerman,	Harkins,	Munley,	Smith, John A.,
Broad,	Hering,	Murrin,	Spengler,
Brown,	Hess,	Nagel,	Stank,
Brownfield,	Hetrick,	O'Brien,	Thomas,
Burrows,	Hindman,	O'Connor,	Thompson,
Caesar,	Hirsch,	O'Keefe,	Toole,
Caputo,	Holland,	Ominsky,	Tronzo,
Chervenak,	Holmes,	O'Neill,	Tumelty,
Coakley,	Holstrom,	Ostroff,	Valibus,
Cohen, H. B.,	Hontz,	Patterson, C. S.,	VanSickle,
Cohen, R. E.,	Horting,	Patterson, J. W.,	Vogt,
Coleman,	Jirolanio,	Pearson,	Walsh,
Coolahan,	Keenan,	Pershing,	Weiss, D. H.,
Corrigan,	Kelso,	Piole,	Weiss, S. A.,
Costanzo,	Kilroy,	Powers,	Welliver,
Decker,	Kroll,	Preston,	Welsh,
DeNote,	Levy,	Readinger,	Westrick,
Dickinson,	Lewis,	Reese,	Whalen,
Donohoe,	Long,	Reising,	Whitenight,
Dougherty,	Lopresti,	Richter,	Wright,
Downey,	Lovett,	Robinson,	Yanoshat,
Dubbs,	Marino,	Ruffennach,	Yourishin,
Dyson,	McArdle,	Rush,	Zappala,
Elpern,	McCullough,	Sarraf,	Furman,

NAYS—49.

Baker, F. T.,	Imbrie,	Rothenberger,	Trout,
Balthaser,	Kane,	Royer,	Turner,
Boose,	Kline,	Schrock,	VanAllsburg,
Boyer,	Leisey,	Schumacher,	Wagner,
Cadwalader,	Longaker,	Serrill,	Wall,
Davies,	Lyons,	Sloan,	Watkins,
Eckels,	Matthews, J. F.,	Snyder,	Webster,
Fiss,	McDevitt,	Sollenberger,	Weidemann,
Gillette,	McKinney,	Stackpole,	Wilson,
Habbyshaw,	Muir,	Stewart,	Wood,
Hall,	Peale,	Stockham,	Woodside,
Hamilton, R. S.	Perry,	Strode,	Yeakel,
Huntley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2374, (Senate Bill No. 784), as follows:

An Act to amend the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred fourteen) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police and providing for the payment into the Motor License Fund of moneys received or collected under the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred fourteen) entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation" is hereby amended to read as follows

An Act authorizing the utilization of [the school of] the Pennsylvania [State] Motor Police Training School for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania [State] Motor Police and making an appropriation

Section 2 That sections one two and three of the said act are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Pennsylvania [State] Motor Police shall have the power and its duty shall be to conduct at the [State] Pennsylvania Motor Police Training School courses of instruction for the proper training of persons to act as policemen for the several political subdivisions of this Commonwealth Subject to the provisions of this act the [Superintendent] Commissioner of [the] Pennsylvania [State] Motor Police is hereby authorized to establish standards of proficiency training and discipline for persons attending such school and to issue certificates of qualification to graduates of the various courses of instruction The [Superintendent] Commissioner with the approval of the Governor shall employ such instructors and other employes as may be necessary for the purposes of th' act

Section 2 All persons desiring admission to such school for the purpose of instruction shall submit applications

to the [Superintendent] Commissioner of [the] Pennsylvania [State] Motor Police bearing the recommendation of the mayor of any city or the chairman of the police committee of any city or borough council or the burgess of any borough or the sheriff or the district attorney of any county No application shall be considered unless such applicant

(a) Is a male citizen of the United States of America

(b) Has good moral character and good health

(c) Is at least five feet eight inches tall and weighs at least one hundred forty-five pounds

(d) Is a graduate of a public high school or has an education equivalent thereto

Section 3 The [Superintendent] Commissioner of [the] Pennsylvania [State] Motor Police shall establish and charge each student a fee sufficent to cover the cost of the board laundry and supplies applicable to such student Such fee shall be payable in advance in monthly installments but shall not exceed the sum of forty dollars ($40.-00) per month

All moneys received or collected hereunder shall be paid into the General Fund of the State Treasury through the Department of Revenue and shall be added and credited to the current biennial maintenance appropriation out of the General Fund to the Pennsylvania Motor Police and shall be available and is hereby appropriated for the same purposes for which such current biennial appropriation is available

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	Van Allsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piolc,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Conahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leiser,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Seltzer,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schropp,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshak,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2376, (Senate Bill No. 886), as follows:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fifty) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State Police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police and defining their powers and duties providing for the investigation of the cause origin and circumstances of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State Police and the enforcement of its orders and prescribing penalties" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws four hundred fifty) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police and defining their powers and duties providing for the investigation of the cause origin and circumstances of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State Police and the enforcement of its orders and prescribing penalties" is hereby amended to read as follows

An Act relating to fires and fire prevention imposing duties and conferring powers upon the [State] Pennsylvania Motor Police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to [said State] the Pennsylvania Motor Police and defining their power and duties providing for the investigation of the cause origin and circumstances of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the [said State] Pennsylvania Motor Police and the enforcement of its orders and prescribing penalties

Section 2 That sections one two three four five seven nine ten eleven twelve thirteen and fifteen of said act are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the [term "State Police" as used in this act means "The Pennsylvania State Police"]

The [Superintendent] Commissioner of the Pennsylvania [State] Motor Police may appoint and remove the chief of the fire department of any county city borough town or township where a fire department is established or where no such fire department exists the burgess or constable of any borough or town or constable or the president or chairman of the board of supervisors of any township as assistants to the department and when so appointed shall be subject to the obligations imposed by this act to the authority of the [State] Pennsylvania Motor Police

The [Superintendent] Commissioner of [State] Pennsylvania Motor Police may also appoint individual citizens as assistants to the [State] Pennsylvania Motor Police who shall be subject to the obligation aforesaid and to the directions of [such State] the Pennsylvania Motor Police

The [State] Pennsylvania Motor Police may adopt and enforce rules and regulations governing the having using storage sale and keeping of gasoline naphtha kerosene or other substance of like character blasting powder gunpowder dynamite or any other inflammable or combustible chemical products or substances or materials The [State] Pennsylvania Motor Police may also adopt and enforce rules and regulations requiring the placing of fire-extinguishers in buildings

Section 2 Each of the aforesaid assistants shall inquire into the origin cause and other circumstances of every fire by which any property or life has been destroyed damaged or endangered occurring within the territorial limits of their respective cities boroughs towns or townships and shall make every effort to determine whether such fires were of incendiary origin or the result of design carelessness or accident

Upon the occurrence of any fire such assistant shall report the same to the [State] Pennsylvania Motor Police within five days after its occurrence If the fire appears to the assistant making such inquiry to be of such character and origin as shall require thorough and exhaustive investigation he shall immediately notify the [State] Pennsylvania Motor Police and shall when directed by the [State] Pennsylvania Motor Police assist in the making of such investigation The reports and any such fire shall be made in writing and in the manner and form prescribed by the [State] Pennsylvania Motor Police on the blanks furnished for that purpose Such reports shall in every case contain a statement of (a) All the facts relating to the cause of such fire that can be ascertained (b) the extent of the loss and damage to each property (c) the loss of life and personal injuries caused thereby resulting therefrom (d) the amount of insurance upon each property therefrom (d) the amount of insurance upon each property destroyed or damaged and (e) such other information as may be required by the [State] Pennsylvania Motor Police

The assistant shall notify the [State] Pennsylvania Motor Police immediately by telephone or telegraphic message of not more than ten words of the occurrence of any incendiary fire

The duties hereinabove prescribed to be performed by the said assistant may be limited by the [State] Pennsylvania Motor Police so as to reasonably accord with their pre-existing public duties

Any of the aforesaid assistants who shall neglect or refuse to report to the [State] Pennsylvania Motor Police or who shall neglect or refuse to make reports or investigations of fires as provided in this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars or to undergo imprisonment not exceeding thirty days or both

Section 3 The [State] Pennsylvania Motor Police or its assistants upon the complaint of any person or whenever it or they shall deem it necessary shall inspect the buildings and premises within their jurisdiction Whenever any of the said officers shall find any buildings or structures which for want of repairs or by reason of age or dilapidated condition or accumulation of waste rubbish debris explosive or inflammable substance in any buildings or on premises constituting a fire menace or hazard or for any other cause making it especially liable to fire and endangering property and so situated as to endanger other property it or they shall order the same to be removed or remedied if the same is reasonably practicable thereby lessening the danger of fire Whenever such officers shall find in any building combustible or explosive matter or inflammable conditions which are in violation of any law or ordinance applicable thereto or are dangerous to the safety of such buildings thereby endangering other property it or they shall order the same to be removed or remedied and such order shall contain a notice that an appeal therefrom may be taken and shall forthwith be complied with by the owner or occupant of such premises or building If such order is made by any assistant to the [State] Pennsylvania Motor Police such owner or occupant may within five days appeal to the [State] Pennsylvania Motor Police which shall within ten days review such order and file its decision thereon and unless by its authority the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant Any owner or occupant who feels aggrieved by any order of the [State] Pennsylvania Motor Police or by any decision upholding or modifying any order of any of its assistants may within five days after the same has been made or filed by the [State] Pennsylvania Motor Police file his petition with the Court of Common Pleas of the proper county praying a review of such order and it shall be the duty of the court to hear the same at the first convenient day and to make such order in the premises as right and justice may require

The service of any such order shall be made upon the owner or occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises Whenever it may be necessary to serve such an order upon the owner of premises such order may be served either by delivering to and leaving with the said person a true copy of the said order or if such owner is absent from the jurisdiction of the officer making the order by mailing such copy to the owner's last known post office address

Any owner or occupant refusing or neglecting to comply with any final order or notice issued by the [State] Pennsylvania Motor Police or under its direction by any inspector or member of the [State] Pennsylvania Motor Police shall upon conviction thereof under summary proceedings instituted before any magistrate alderman or justice of the peace in the county where such violations occur be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) and in default of the payment of such fine and costs to be imprisoned in the county prison one day for each dollar of fine and costs unpaid Upon conviction after hearing the sentences provided in this act shall be imposed and shall be final unless an appeal be taken in the manner prescribed by law

All fines collected under this act shall be paid into the General Fund in the State Treasury [for the use of the Commonwealth] through the Department of Revenue

Section 4 The [State] Pennsylvania Motor Police or its assistants in addition to the investigation made by any of the assistants may at any time investigate the origin of circumstances of any fire occurring in this Commonwealth The [State] Pennsylvania Motor Police or its assistants shall have the power to summon witnesses and compel them to attend before them or either of them and to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation and may require the production of any books papers or documents deemed pertinent or necessary to the inquiry and shall have the power to administer oaths and affirmations to any persons appearing as a witness before them Such examination may be public or private as the officer conducting the investigation may determine

No person shall be excused from attending before the [State] Pennsylvania Motor Police or its assistants when

summoned so to attend nor when ordered so to do shall he be excused from testifying or producing any books papers or documents before such [State] Pennsylvania Motor Police upon any investigation proceeding or inquiry instituted under the provisions of this act upon the ground or for the reason that the testimony or the evidence documentary or otherwise required of him may tend to convict him of a crime or subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction matter or thing concerning which he may have been required so to testify or produce evidence documentary or otherwise and no testimony so given or produced shall be received against him upon any criminal investigation or proceedings If after any such examination the [State] Pennsylvania Motor Police or any of its assistants is of the opinion that the facts in relation to such fire indicate that a crime has been committed it or he shall present the testimony taken on such examination together with any other data in his possession to the district attorney of the proper county with the request that he institute such criminal proceedings as such testimony or data may warrant

The [State] Pennsylvania Motor Police or its assistants may at all reasonable hours enter any building or premises within its or their jurisdiction for the purpose of making an inspection which under the provisions of this act it or they may deem necessary to be made

Section 5 Any witness who refuses to obey a summons of the [State] Pennsylvania Motor Police or its assistants or who refuses to be sworn or to testify or who disobeys any lawful order of the [State] Pennsylvania Motor Police or its assistants in relation to any investigation instituted by it or them or who fails or refuses to produce any books papers or documents touching any matter under investigation or examination or who is guilty of any contempt after being summoned to appear before it or any of them to give testimony in relation to any matter or subject under examination or investigation as aforesaid may be punished as for contempt of court For this purpose application may be made to any court within whose jurisdiction the contempt in question took place and for which purpose the Courts of Common Pleas of this Commonwealth are hereby given jurisdiction

Section 7 It shall be the duty of the [State] Pennsylvania Motor Police to prepare in consultation with the Superintendent of Public Instruction books of instruction for use in the public and private schools of students of all grades with regard to the dangers of fire and the prevention of fire waste It shall be the duty of the Superintendent of Public Instruction and of the principal or other persons in charge of the various schools of this Commonwealth to provide for the instruction and training of pupils of such schools by means of drills so that they may in sudden emergencies be able to leave the school buildings in the shortest possible time without confusion or panic Such drills shall be held at least once a month when the schools are in session Books of instruction with regard to the danger of fire and the prevention of fire waste as above specified shall be published at the expense of the State under the direction of the Superintendent of Public Instruction and shall be distributed in sufficient quantities for the use of the school as herein provided and the curriculum of such schools shall include some regular and continuous study of such subject during the entire school year

Section 9 The assistants to the [State] Pennsylvania Motor Police not receiving a salary for the performance of public duties shall receive upon the audit of the [State] Pennsylvania Motor Police fifty cents for each report of each separate fire reported to the [State] Pennsylvania Motor Police under this act and in addition thereto shall be paid the sum of fifteen cents for each mile traveled to the place of fire and in the discretion of the [State] Pennsylvania Motor Police where an investigation has been made a sum not to exceed three dollars ($3) for each day's services spent in such investigation

Section 10 All penalties or forfeitures collected under the provisions of this act shall be paid into the General Fund in the treasury of this Commonwealth through the Department of Revenue

Section 11 Every fire insurance corporation or association transacting business in this State shall file with the [State] Pennsylvania Motor Police through an actuarial bureau of any board of fire underwriters or through the secretary or other office of the insurance corporation or association a monthly report of fire losses showing (a) The name of the insured (b) location of property burned (c) date of the fire (d) the class of occupancy and construction (e) the probable cause of the fire (f) the sound valuation (g) total insurance (h) the total loss paid

Such corporation or association shall also file through officers an annual report of all fires on which losses have been paid during the preceeding calendar year designating the amount of insurance written on such risk by the corporation or association the amount or probable loss the character of the property destroyed or damaged and the supposed cause of the fire

In all cases where such corporation or association receives evidence or information indicating that any fire was of incendiary origin a report of such fire and of such evidence or information shall be immediately communicated to the [State] Pennsylvania Motor Police

The monthly report hereinbefore required shall be made in writing and sent by registered mail to the [department] Pennsylvania Motor Police addressed to its office in the city of Harrisburg on or before the tenth day of each month as to all fires of which notice was received during the preceding month and shall include either in the first or subsequent monthly report the amount of loss as adjusted and actually paid by such corporation or association for on account of or by reason of such loss

The annual report hereinbefore required shall be made to the [State] Pennsylvania Motor Police on or before the first day of May

The notices and reports hereinbefore required by this section shall be in addition to any notices and reports such corporation or association may be required to make under the laws of this Commonwealth to the Insurance Commissioner or to any other State officer

Section 12 Every board association or bureau which now exists or hereafter may be formed for the purpose of suggesting establishing or maintaining rates of fire insurance on property located in this State shall supply to the [State] Pennsylvania Motor Police on request or permit the [State] Pennsylvania Motor Police to copy from its files reasonable data relating to the physical condition of insurable property in this State and relating to physical fire hazards in the various communities thereof

Section 13 Any fire insurance company or association wilfully violating any of the provisions of this act shall be liable to a penalty of two hundred and fifty dollars ($250) to be recovered at the suit of the [State] Pennsylvania Motor Police as debts of like amount are now by law recoverable and any foreign fire insurance company or association licensed to do business in this Commonwealth wilfully violating any of the provisions of this act shall in addition to incurring said penalty forfeit its rights to continue the transaction of its business in this State

Section 15 That all rules and regulations heretofore promulgated by the State Fire Marshall or by the Department of State Police of the Pennsylvania State Police and now in force shall continue in force until modified or abolished by the [State] Pennsylvania Motor Police

All suits actions or proceedings now pending under any act hereby repealed or supplied shall not be affected but shall be continued by the [State] Pennsylvania Motor Police

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—172

Achterman,	Eckels,	Lovett,	Sarraf,
Alexander,	Elpern,	Lyons,	Scanlon,
Allen,	Falkenstein,	Marino,	Schor,
Allmond,	Finnerty,	Matthews, H. T	Schrope,
Arnold,	Fiss,	McArdle,	Shaw,
Atkins,	Fitch,	McCullough,	Shea,
Aukerman,	Flanagan,	McDermott,	Shepard,
Baine,	Flannery,	McDevitt,	Shoemaker,
Baker, J. T.,	Flinchbaugh,	McElroy,	Shugarts,
Balthaser,	Ganser,	McFall,	Siegel,
Bierly,	Gerard,	McGee,	Simon,
Blank,	Gorski,	McShane,	Skale,
Bohn,	Haberlen,	Melchiorre,	Smith, James A.,
Boles,	Hagerty,	Mellott,	Smith, John A.,
Boltz,	Hamilton, F. P.,	Mihm,	Spengler,
Boose,	Hamilton, R. S.,	Moomaw,	Sproul,
Boyer,	Harkins,	Mooney,	Stank,
Bradley,	Harmuth,	Moran,	Terry,
Brancato,	Hays,	Moul,	Thomas,
Brigerman,	Hering,	Munley,	Thompson,
Broad,	Hess,	Murrin,	Toole,
Brown,	Hetrick,	Nagel,	Tronzo,
Brownfield,	Hindman,	O'Brien,	Trout,
Burrows,	Hirsch,	O'Connor,	Tumelty,
Caesar,	Holland,	O'Keefe,	Vallbus,
Caputo,	Holmes,	Ominsky,	VanSickle,
Chervenak,	Holstrom,	O'Neill,	Vogt,
Coakley,	Hontz,	Ostroff,	Wagner,
Cohen, H. B.,	Horting,	Patterson, C. S.,	Walsh,
Cohen, R. E.,	Jirolanio,	Patterson, J. W.,	Wampole,
Coleman,	Kane,	Pearson,	Weiss, D. H.,
Coolahan,	Keenan,	Pershing,	Weiss, S. A.,
Corrigan,	Kelso,	Piole,	Welliver,
Costanzo,	Kilroy,	Powers,	Welsh,
Davies,	Kline,	Preston,	Westrick,
Decker,	Kroll,	Readinger,	Whalen,
DeNote,	LaRue,	Reese,	Whitenight,
Dickinson,	Leisey,	Reising,	Winner,
Donohoe,	Levy,	Richter,	Wright,
Dougherty,	Lewis,	Robinson,	Yanoshat,
Downey,	Long,	Rothenberger,	Yourishin,
Dubbs,	Longaker,	Ruffennach,	Zappala,
Dyson,	Lopresti,	Rush,	Furman,

NAYS—33

Baker, F. T.,	Muir,	Snyder,	Wall,
Cadwalader,	Peale,	Sollenberger,	Watkins,
Gillette,	Perry,	Stackpole,	Webster,
Habbyshaw,	Royer,	Stewart,	Weidemann,
Hall,	Schrock,	Stockham,	Wilson,
Huntley,	Schumacher,	Strode,	Wood,
Imbrie,	Serrill,	Turner,	Woodside,
Matthews, J. F.	Sloan,	VanAllsburg,	Yeakel,
McKinney,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2377, (Senate Bill No. 887, as follows:

An Act to further amend sections two four and six and to amend section seven of the act approved the seventh day of May one thousand nine hundred twenty-three (Pamphlet Laws one hundred fifty-one) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Sections two four and six of the act approved the seventh day of May one thousand nine hundred twenty-three (Pamphlet Laws one hundred fifty-one) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" as amended by the act approved the seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws one hundred thirty-nine) are hereby further amended to read as follows

Section 2 No person copartnership association or corporation shall erect maintain construct or operate any dry cleaning or dyeing establishment or business without first obtaining approval from the [Bureau of Fire Protection Department of State Police] Pennsylvania Motor Police Application for such purpose shall be made upon form prescribed by [said department] the Pennsylvania Motor Police and shall be accompanied by drawings covering floor plan roof plan and exterior elevations of the building including thereon the position of all machinery and equipment steam fire extinguishing lines exhaust fans motor storage tanks and such other requirements of the act as it relates to the construction maintenance equipment and operation of the dry cleaning and dyeing establishment or business to be erected constructed maintained or operated Plot plan shall also be furnished showing the location of the dry cleaning building and relative distances to surrounding properties

No dry cleaning dyeing tumbler or drying room shall be located within ten feet of any other building unless separated therefrom by an unpierced fire wall but in no case shall more than two sides of a dry cleaning or dyeing room have blank walls and such rooms shall be provided with at least two exits remote from each other having excess to the outside of building All rooms used or to be used for the purpose of dry cleaning or dyeing as above defined shall be non-combustible material and construction shall not exceed one story in height shall be without basement cellar or open space below the ground floor No dry cleaning building shall be used for any purpose or occupancy other than dry cleaning dyeing and reclaiming gasoline and such other rooms or departments necessary for power and for the receiving and finishing of materials

Section 4 No steam boiler furnace or steam generator or heating device exposed fire or other spark emitting device shall be permitted in any dry cleaning dyeing tumbler drying or distiling room or in line of vapor therefrom

Heating of such buildings shall be by steam or hot water system or equivalent in safety

All electric wiring and equipment including motors shall conform to National Electrical Code All artificial lighting shall be by incandescent electric lights of approved type

Transfer of all liquids shall be through continuous piping pipe connections or threaded joints shall be made up litharged and glycerined and all outlets or drain lines shall be drained by gravity to settling or storage tanks No dry cleaning liquid shall be settled in any open or unprotected vessels or tanks Provided That nothing in this section shall prohibit scrubbing and brushing in dry cleaning rooms but not more than three gallons of volatile fluid shall be used in any one container and shall be so used in metallic pan or container and such volatile liquid or substance shall be returned to settling or storage tanks as soon as operation is completed

Storage tanks for volatile inflammable liquids shall conform to the standards of the [Bureau of Fire Protection Department of State Police] Pennsylvania Motor Police and no such tanks shall be installed without approval from [said bureau] the Pennsylvania Motor Police

Section 6 Nothing in this act shall be construed so as to restrict or limit the location of any building actually being used for dry cleaning purposes prior to passage of this act except where the fire hazard is in the opinion of the [Bureau of Fire Protection] Pennsyl-

vania Motor Police of such character as would menace or endanger surrounding property

Nor shall the provisions of this act be held to apply to any building business or establishments now in use so as to cause the same to be rebuilt but should any dry cleaning building or part thereof be reconstructed rebuilt or repaired the same shall as to new work be so reconstructed rebuilt or repaired in conformity with the provisions of this act

Nothing in this section shall be so constructed as to relieve any person copartnership association or corporation from responsibility criminal or otherwise because of noncompliance with or violation of any of the provisions of the act to which this act is an amendment

Section 2 Section seven of said act is hereby amended to read as follows

Section 7 Any bulding inspector fire chief or fireman of any community inspector of the Commonwealth of Pennsylvania or [Department of State Police] Pennsylvania Motor Police shall be permitted to enter any building or buildings at any reasonable hour for purpose of inspection

Section 3 This act shall become effective immediately upon its final enactment.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Bois,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Vallbus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.,		

NAYS—51

Atkins,	Imbrie,	Schrock,	Turner,
Baker, F. T.,	Kane,	Schumacher,	VanAllsburg,
Boose,	Kline,	Serrill,	Wall,
Boyer,	Leisey,	Sloan,	Wampole,
Cadwalader,	Longaker,	Snyder,	Watkins,
Davies,	Lyons,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	McKinney,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Perry,	Terry,	Yeakel,
Huntley,	Royer,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2513, (Senate Bill No. 1418), entitled

An Act making an appropriation out of the General Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth on account of the Pennsylvania Motor Police Retirement System

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2269, (Senate Bill No. 893), as follows:

An Act to amend the act approved the eighth day of June one thouand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River and its navigable tributaries as a departmental administrative commission in the Department of Forests and Waters making provision for the designation and employment of a secretary counsel and other necessary employes of such commission transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River and its navigable tributaries transferring and appropriating to the Navigation Commission for the Delaware River and its navigable tributaries any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation and providing fees and further conditions relative to licenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as supplemented by the act approved the ninth day of May one thousand nine hundred thirteen (Pamphlet Laws one hundred eighty-five) and the act approved the eighth day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred thirty-seven) as amended is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there [shall be established a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries to consist] is hereby created a departmental administrative commission in the Department of Forests and Waters to be known as the Navigation Commission for the Delaware River and its navigable tributaries consisting of seven members three to be appointed by the Governor two of whom shall be appointed from among the residents of Delaware County and one of whom shall be appointed from among residents of Bucks County two to be appointed by the Mayor of the City of Philadelphia one to be the Secretary of Forests and Waters who shall serve ex officio and one of whom shall be the Director of Wharves Docks and Ferries of the City of Philadelphia who shall serve ex officio [one of whom shall be the Director of the Department of Wharves Docks and Ferries for the City of Philadelphia who shall be the President thereof two of whom shall be appointed by the mayor of said cities from such commercial bodies as the councils of said cities may designate one of whom shall be elected by the council of the City of Chester and one of whom shall be elected by the [burgess and council of the Borough of Bristol Their principal office shall be at the office of the President] The Governor shall designate one of the commissioners to be the president of the said commission The principal office of the commission shall be in the City of Philadelphia

Section 2 That section two of the said act as supplemented is hereby amended to read as follows

Section 2 The [Board of Commissioners of Navigation] members of the Navigation Commission for the [River] Delaware River and its navigable tributaries [hereinafter] referred to as the commissioners shall hold office for a term of four years and until their successors [be appointed and qualified and may be eligible for re-appointment to office They shall serve without compensation but shall be reimbursed for necessary expenses A majority of the commissioners appointed by the Governor and the Mayor of the City of Philadelphia shall constitute a quorum for the transaction of business

Section 3 That section three of the said act as supplemented is hereby amended to read as follows

Section 3 The commissioners shall [employ] have a secretary and such clerks as may be necessary to keep accurate minutes and entries of all orders regulations and transactions of the said commissioners in a book or books to be kept for that purpose and the said minutes and entries shall be submitted to the inspection of any person or persons who shall desire to see and peruse the same and the said commissioners shall give true copies of all such entries or minutes made in the said book or books as may be required to such person or persons as shall demand the same he or they paying to the said commissioners one cent per line for each copy thereof The commissioners [shall] may also have [authority to employ one competent] if the Secretary of Forests and Waters approve a civil engineer and such other employes as are necessary to the proper transaction of the business of the [Commission of Navigation] Navigation Commission for the Delaware River and its navigable tributaries The said commissioners shall have authority to maintain adequate offices and a meeting room

The Secretary of Forests and Waters shall appoint the secretary and all employes of the commission other than counsel whose salaries shall be fixed as provided in The Administrative Code The Attorney General shall furnish such advice or legal service as may be needed or may designate counsel to represent the commission and fix his compensation as provided by the Administrative Code

Section 4 That section seven of the said act as supplemented and as amended by the act approved the fourth day of April one thousand nine hundred twenty-five (Pamphlet Laws one hundred thirty-eight) is hereby further amended to read as follows

Section 7 Whenever any person or persons association other than a corporation corporation or municipal corporation shall desire to construct extend or alter any wharf or pier or to erect extend alter or improve any bridge or other harbor structure wholly within the State into or on the aforesaid river and its navigable tributaries such person or persons association other than a corporation corporation or municipal corporation shall make application to the president of the commissioners stating in writing the nature and extent of such intended wharf pier or other harbor structure or building in the nature of a wharf or harbor structure aforesaid and file in the office of the president of the commissioners plans and specifications showing fully the proposed erection construction extension alteration or improvement and produce their deed or deeds or other evidence of title to the property to be so occupied altered or improved [whereupon] Every such application shall be accompanied by a filing fee of

five dollars ($5.00) to be paid into the State Treasury through the Department of Revenue Upon receipt of any such application the president of the commissioners shall give notice of the time and place of hearing such application to all parties interested by advertising twice a week for two successive weeks in two newspapers of general circulation published within the county in which such work is to be done and by posting such notice upon the premises referred to in such application and if the commissioners upon said hearing shall approve the plans and specifications offered in such application they shall give their assent and issue a license for the erection construction extension alteration or improvement for which application shall have been made and cause the same to be recorded in the office of the president of the commissioners in a book to be kept by the said president of the commissioners for that purpose and the record of the issuance of every license certified to the Secretary of Forests and Waters and to the Water and Power Resources Board and such license shall not be unreasonably withheld Provided That for the purposes of this section the commissioners shall not have jurisdiction with any city of the first class All such licenses hereafter granted shall contain a condition imposing upon the licensee the duty of keeping slips or docks free and clear of silt and other deposits or refuse so as to maintain a navigable depth therein to the extent fixed in the license Said license shall also contain a condition requiring the licensee to apply for and obtain a permit from the Water and Power Resources Board and to pay such encroachment charges as said board may fix according to law No license hereafter granted shall be valid until a permit is granted by the Water and Power Resources Board

Section 5 That section ten of the said act as supplemented is hereby amended to read as follows

Section 10 The [Board of Commissioners] Navigation Commission after a hearing of the parties in interest is authorized to regulate the services and to fix the maximum rates for wharfage cranage and dockage Provided That for the purposes of this section the commissioners shall not have jurisdiction within any city of the first class

Section 6 (a) The Board of Commissioners of Navigation for the River Delaware and its navigable tributaries is hereby abolished as of the effective date of this act and the terms of the members of such board now holding office shall expire and terminate upon that date

(b) All the vessels boats launches books records maps and other property and equipment whatsoever in the possession of the said Board of Commissioners of Navigation or of any commissioner officer or employe of said commission shall upon the effective date of this act be delivered or turned over to the Navigation Commission for the Delaware River and its navigable tributaries

(c) All employes of said Board of Commissioners of Navigation on the effective date of this act shall become employes of the said Navigation Commission and shall continue to perform their usual duties upon the same terms and conditions as theretofore until removed or appointed to other positions by the Secretary of Forests and Waters Persons who upon the effective date of this act are employes of said Board of Commissioners of Navigation shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to have been continuous as if the Board of Commissioners of Navigation had not been abolished

(d) All petitions hearings and other proceedings pending before the said Board of Commissioners of Navigation and all investigations begun by such commission or any member or officer thereof and not completed upon the effective date of this act shall continue and remain in full force and effect as if the said commission had not been abolished and may be completed before or by the said Navigation Commission

(e) All licenses orders rules and regulations made or issued by the said Board of Commissioners of Navigation prior to and in force upon the effective date of this act shall remain in full force and effect until revoked or modified by the said Navigation Commission

(f) Whenever the term "Board of Commissioners of Navigation" occurs in any law supplementing the act amended by this act or whenever contract or document reference is elsewhere made to such board such term or reference shall be deemed to refer to and include the Navigation Commission for the Delaware River and its navigable tributaries created by this act it being hereby declared to be the legislative intent that all the powers and duties which under existing law were vested in or directed to be performed by the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries or by the Board of Wardens for the Port of Philadelphia prior to the abolition of said board shall after the effective date of this act be performed by the Navigation Commission for the Delaware River and its navigable tributaries

(g) The unexpended balance existing on the effective date of this act in any appropriation whatsoever made by the said Board of Commissioners of Navigation or existing in any funds in the hands of the Board of Commissioners of Navigation is hereby transferred and appropriated to the said Navigation Commission for the Delaware River and its navigable tributaries for the same purposes as expressed in any act making such an appropriation and any such unexpended balance also is hereby appropriated to the said Navigation Commission for the payment of any bills or encumbrances incurred by the said Board of Commissioners of Navigation prior to and remaining unpaid on the effective date of this act

Section 7 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, this is another ripper bill. For a number of years there has existed what is known as the Commissioners of Navigation for the Delaware River. This board was composed of two members selected by the Mayor of Philadelphia, the Director of Docks, Wharves and Ferries in Philadelphia; one member selected by the Council of the Borough of Bristol in Berks County; one member selected by the City Council of the City of Chester. Under the bill as it now stands, two members shall be selected by the Mayor of Philadelphia, the Director of Docks, Wharves and Ferries of Philadelphia to be a member; one member from Bucks County, to be appointed by the Governor; two members from Delaware County, to be appointed by the Governor. The Commission, which was always an independent board under the Governor, is now to be placed under the Department of Forests and Waters, under the supposition that under the Department of Forests and Waters the sanitary water boards deal with the streams in the State of Pennsylvania, and that there is some connection between the Commissioners of Navigation of the Delaware River and that department. This is just pure politics, as it does not belong in that department. The department would not know anything about it, even if it did belong there. This board has been a very wonderfully administered board, consisting of the very highest type of citizens, and there is no excuse for ripping it out. The two members from Delaware County are to be appointed by the Governor. I ask you why you are giving the Mayor of Philadelphia two appointments, with the Directors of Docks, Wharves and Ferries the third, while Bucks County

and Delaware County members are appointed by the Governor. There might be some logical reason in the argument that the whole commission should be appointed by the Governor, but that was not agreed to, and the compromise was made to have one member from Bucks and two members from Delaware appointed by the Governor and place the commission under the Department of Forests and Waters.

I therefore feel that the bill is unfair, and particularly is it unfair because it rips out a board that has for many years served without any criticism in the Commonwealth. This board deals with the permission for wharves and docks in the river; it deals with the question of anchorage in the Harbor of Philadelphia and in the Port of Chester, and any other construction that goes into the Delaware River. I ask the members of the House to vote "no" on this bill.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware, Mr. Turner, permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Delaware, not being very well acquainted with the present system, who pays the members of the board, who come from Philadelphia, Delaware and Bucks Counties?

Mr. TURNER. Mr. Speaker, they are paid by the State.

Mr. HERBERT B. COHEN. Mr. Speaker, under the setup as it is now constituted, the appointment of the individuals who spend the money of the State is made, as the gentleman from Delaware has indicated, by the Council of Bristol and Chester and Delaware Counties, the appointments are made by other individuals than the Governor of Pennsylvania.

Mr. TURNER. That is right, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, this bill would place the appointments under the Governor of Pennsylvania, and the Governor would pay for the functions that are now being performed by the Commissioners of Navigation.

Mr. TURNER. That is right, but I do not understand that the Governor is paying for them. I said in the beginning that I thought it might be logical to argue that the appointments should be taken out of the hands of the Governor, but not to place this in the Department of Forests and Waters. You might as well put it in the Revenue Department.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I ask for an affirmative vote because I think that much has been said upon the question of local government, and most always it gets down to the same problem, where the local authorities exercise functions and the State or Commonwealth pays the freight. In this instance the Commonwealth has always been paying the freight and they are therefore entitled to make the appointments. I therefore ask the members of this House to vote for this bill.

Mr. TURNER. Mr. Speaker, if the Commonwealth pays the members of the Commission why give the appointment to Philadelphia?

Mr. HERBERT B. COHEN. Mr. Speaker, I could answer that by saying that Philadelphia pays such a large part of the Commonwealth's income that we thought they were entitled to some representation.

Mr. TURNER. Mr. Speaker, not in comparison with Delaware County.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—142

Alexander,	Fitch,	McShane,	Schrope,
Allen,	Flanagan,	Melchiorre,	Shaw,
Allmond,	Flannery,	Mellott,	Shea,
Arnold,	Flinchbaugh,	Mihm,	Shepard,
Aukerman,	Ganser,	Moomaw,	Shoemaker,
Baine,	Gerard,	Mooney,	Shugarts,
Baker, J. T.,	Gorski,	Moran,	Siegel,
Balthaser,	Haberlen,	Moul,	Simon,
Bierly,	Hagerty,	Munley,	Skale,
Blank,	Hamilton, F. P.,	Murrin,	Smith, James A.,
Boies,	Harkins,	Nagel,	Smith, John A.,
Boltz,	Hays,	O'Brien,	Spengler,
Brancato,	Hering,	O'Connor,	Stern,
Brigerman,	Hess,	O'Keefe,	Thomas,
Broad,	Hindman,	Ominsky,	Thompson,
Brownfield,	Hirsch,	O'Neill,	Toole,
Burrows,	Holland,	Ostroff,	Tronzo,
Caesar,	Holmes,	Patterson, C. S.,	Tumelty,
Caputo,	Holstrom,	Patterson, J. W.,	Valibus,
Cherrenak,	Hunt,	Pew,	Vincenzo,
Coakley,	Horning,	Pickling,	Voas,
Cohen, H. B.,	Keenan,	Piole,	Wagner,
Cohen, R. E.,	Kelso,	Powers,	Walsh,
Coleman,	Kilroy,	Preston,	Weiss, D. H.,
Coolahan,	Kroll,	Readinger,	Weiss, S. A.,
Corrigan,	LaRue,	Reese,	Welliver,
Costanzo,	Levy,	Reising,	Welsh,
Decker,	Lewis,	Richter,	Westrick,
DeNote,	Long,	Robinson,	Wheeler,
Dickinson,	Lorenti,	Rothenberger,	Wright,
Donohoe,	Marino,	Ruffennach,	Wyatt,
Dougherty,	McArdle,	Rush,	Yohe,
Dyson,	McDermott,	Sarraf,	Yorgey,
Elpern,	McElroy,	Scanlon,	Zappala,
Falkenstein,	McFall,	Schor,	Furman,
Finnerty,	McGee,		

NAYS—43

Baker, F. T.,	Huntley,	Perry,	Turner,
Boose,	Imbrie,	Schrock,	VanAllsburg,
Boyer,	Kane,	Schumacher,	Wall,
Cadwalader,	Kline,	Serrill,	Watkins,
Davies,	Leisey,	Sloan,	Webster,
Fiss,	Longaker,	Snyder,	Weidemann,
Gillette,	Matthews, J. F.,	Sollenberger,	Wilson,
Habbyshaw,	McDevitt,	Stackpole,	Wood,
Hall,	McKinney,	Stewart,	Woodside,
Hamilton, R. S.,	Muir,	Stockham,	Yeakel,
Hetrick,	Peale,	Strode,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2494, (Senate Bill No. 1322), entitled:

An Act to further amend section one of the act approved the eleventh day of May one thousand nine hundred eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" by eliminating

certain conditions of removal of inspectors and providing for their appointment in counties of the first class.

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

MOTION TO DROP BILL FROM THE CALENDAR

Mr. TURNER. Mr. Speaker, we passed in this House a bill, No. 856, which covered all of the employes in the office of the county commissioners, and this bill now provides for a division in weights and measures. Therefore as the other bill is inclusive of this one, and this only includes a part, I move that this bill be dropped from the calendar.

On the question,
Will the House agree to the motion?

Mr. OMINSKY. Mr. Speaker and members of the House, in opposing the motion to drop Senate Bill 1322 from the calendar, I wish to say that this is a companion measure to Senate Bill 856. Senate Bill 1322 amends the act of 1911, which is necessary for the purpose of carrying out the intentions, as pointed out in the debate of Senate Bill 856. This bill provides that the county commissioners of Philadelphia shall divide the appointment of the inspectors of the Bureau of Weights and Measures in accordance with this act. In answer to some of the arguments made on Senate Bill 856, I wish to say with relation to this bill that it is not an unusual procedure, because I find that the act of 1911, which we are endeavoring to amend provides an exception to cities of the first class. In other words, if my friends on the other side insist that this is a ripper, I wish to call their attention to the fact that the Legislature of 1911, which was Republican, excepted from the provisions of this act cities of the first class. I wish to read from the act as follows: Section 1 providing, "That the General Assembly hereby enacts by authority of the same that the mayors of the cities of the second and third class and the several boards of county commissioners shall make the appointment." Further on it provides or makes this provision: "Provided further in cities of the first class the inspectors shall be appointed by the county commissioners of that particular city."

I wish to call this to your attention because in amending this act, as we are endeavoring to do, we again will make that equality that has been pointed out in Senate Bill 856, because as it stands today there are one hundred and five employes in the Bureau of Weights and Measures, and out of those one hundred and five employes there are eighty inspectors. This bill provides that out of these eighty inspectors, forty of them shall be appointed by the minority county commissioners, which means this, that forty out of the one hundred and five employes will be appointed by the minority commissioners, and sixty-five will be appointed by the majority county commissioners, which is practically one-third of the total number of employes in the Bureau of Weights and Measures.

I wish to call this to your attention because this is a very important measure, and because the minority county commissioner of the City of Philadelphia represents 330,000 people of Philadelphia, and therefore we feel that he should have a voice in the choosing of the employes of the Bureau of Weights and Measures. I therefore ask the membership of this House to vote down the motion to drop this bill from the calendar, and then afterwards to vote "aye" on the measure.

Mr. TURNER. Mr. Speaker and members of the House, there was a real reason in the act mentioned by the gentleman from Philadelphia as to why Philadelphia was excepted. There is no other county in the State where the city is coextensive with the county. Therefore there was a provision inserted that the cities should appoint their own bureaus of weights and measures, and there had to be a division in those instances, and therefore the county commissioners appointed the inspectors outside the city, and the mayors appointed them in the city itself. In Philadelphia, if the mayor appointed some and the county commissioners appointed some, you would have a dual appointment in one area. There is nothing in the argument of the gentleman from Philadelphia on that point.

On the other question, I might say this, that in no other county in the State do they do anything of this kind in the division. Why don't we do it with the second, third and fourth class cities, and all other counties, all down the line? This is purely and simply nothing else but one of those famous Philadelphia ripper bills. I should say they are infamous, not famous.

On the question recurring,
Will the House agree to the motion?
It was not agreed to.
On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—144.

Alexander,	Falkenstein,	McElroy,	Scanlon,
Allen,	Finnerty,	McFall,	Schor,
Allmond,	Fitch,	McGee,	Schrope,
Arnold,	Flanagan,	McShane,	Shaw,
Aukerman,	Flannery,	Melchiorre,	Shea,
Baine,	Filnchbaugh,	Mellott,	Shepard,
Baker, J. T.	Ganser,	Mihm,	Shoemaker,
Balthaser,	Gerard,	Moomaw,	Shugarts,
Bierly,	Gorski,	Mooney,	Siegel,
Blank,	Haberlen,	Moran,	Simon,
Bohn,	Hagerty,	Moul,	Skale,
Boies,	Hamilton, F. P.,	Munley,	Smith, James A.,
Boltz,	Harkins,	Murrin,	Smith, John A.,
Bradley,	Hays,	Nagel,	Spengler,
Brancato,	Hering,	O'Brien,	Stank,
Brigerman,	Hess,	O'Connor,	Thomas,
Broad,	Hetrick,	O'Keefe,	Thompson,
Brownfield,	Hindman,	Ominsky,	Toole,
Burrows,	Hirsch,	O'Neill,	Tronzo,
Caesar,	Holmes,	Ostroff,	Tumelty,
Caputo,	Holstrom,	Patterson, C. S.,	Valibus,
Chervenak,	Hontz,	Patterson, J. W.,	VanSickle,
Coakley,	Horting,	Pearson,	Vogt,
Cohen, H. B.,	Jirolanio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Walsh,
Coleman,	Kelse,	Powers,	Weiss, D. H.,
Coolahan,	Kilroy,	Preston,	Welliver,
Corrigan,	Kroll,	Readinger,	Welsh,
Costanzo,	LaRue,	Reese,	Westrick,
DeNote,	Levy,	Reising,	Whalen,
Dickinson,	Lewis,	Richter,	Whitenight,
Donohoe,	Loprestl,	Robinson,	Wright,
Dougherty,	Marino,	Rothenberger,	Yanoshat,
Dubbs,	McArdle,	Ruffennach,	Yourishin,
Dyson,	McCullough,	Rush,	Zappala,
Elpern,	McDermott,	Sarraf,	Furman,

NAYS—49.

Achterman,	Imbrie,	Rover,	Trout,

Baker, F. T.,	Kane,	Schrock,	Turner,
Boose,	Kline,	Schumacher,	VanAllsburg,
Boyer,	Leisey,	Serrill,	Wall,
Davies,	Longaker,	Sloan,	Watkins,
Eckels,	Lyons,	Snyder,	Webster,
Fiss,	Matthews, J. F.,	Sollenberger,	Weidemann,
Gillette,	McDevitt,	Stackpole,	Weiss, S. A.,
Habbyshaw,	McKinney,	Stewart,	Wilson,
Hall,	Muir,	Stockham,	Wood,
Hamilton, R. S.	Peale,	Strode,	Woodside,
Holland,	Perry,	Terry,	Yeakel,
Huntley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2502, (Senate Bill No. 1259), entitled:

An Act to amend sections one and four of the act approved the ninth day of March, one thousand nine hundred and thirty-seven (Act No. 11), entitled, "A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the Courts of Oyer and Terminer general Jail Delivery and Quarter Sessions of the Peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation" by empowering the commission to sit after the adjournment of the General Assembly; and increasing the amount of the appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154.

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. T.	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Corrigan,	Kilroy,	Preston,	Welsh,
Costanzo,	Kroll,	Readinger,	Westrick,
Decker,	LaRue,	Reese,	Whalen,
DeNote,	Levy,	Reising,	Whitenight,
Dickinson,	Lewis,	Richter,	Wright,
Donohoe,	Long,	Robinson,	Yanoshat,
Dougherty,	Lopresti,	Rothenberger,	Yourishin,
Downey,	Lovett,	Ruffennach,	Zappala,
Dubbs,	Marino,	Rush,	Furman,
Dyson,	Matthews, H. T.		

NAYS—50.

Atkins,	Imbrie,	Schumacher,	Turner,
Baker, F. T.,	Kane,	Serrill,	VanAllsburg,
Boose,	Kline,	Sloan,	Wall,
Boyer,	Leisey,	Snyder,	Wampole,
Cadwalader,	Longaker,	Sollenberger,	Watkins,
Davies,	Lyons,	Sproul,	Webster,
Eckels,	Matthews, J. F.	Stackpole,	Weidemann,
Fiss,	McKinney,	Stewart,	Wilson,
Gillette,	Muir,	Stockham,	Winner,
Habbyshaw,	Peale,	Strode,	Wood,
Hall,	Perry,	Terry,	Woodside,
Hamilton, R. S.,	Royer,	Trout,	Yeakel,
Huntley,	Schrock,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2431, (Senate Bill No. 783), entitled:

An Act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death disability involuntary retirement and of certain medical expenses from the State Employes Retirement Fund under the administration of the State Employes Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the members or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,

Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS MADE SPECIAL ORDERS

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the following bills:

House Bill No. 2501, Senate Bill No. 356,
House Bill No. 2375, Senate Bill No. 877,
House Bill No. 2378, Senate Bill No. 883,
House Bill No. 2464, Senate Bill No. 955,
House Bill No. 2466, Senate Bill No. 1089, and
House Bill No. 1801, which have been returned to the House, and
House Bill No. 2504, Senate Bill No. 341, page 5,
House Bill No. 2505, Senate Bill No. 342 Page 20,
House Bill No. 2506, Senate Bill No. 343, page 21, and
House Bill No. 2462, Senate Bill No. 744, page 7, be made a special order of business in their order immediately upon the adoption of this motion.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 856.

An Act to amend the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examinations purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by adding a new section thereto 11-A providing that in counties of the first class all appointments shall be equally divided between majority and minority commissioners

HOUSE INSISTS ON AMENDMENTS NON-CONCURRED IN BY SENATE TO SENATE BILL No. 856.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 877.

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare.

HOUSE INSISTS ON AMENDMENTS NON-CONCURRED IN BY SENATE TO SENATE BILL No. 877.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 883.

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board.

HOUSE INSISTS ON AMENDMENTS NON-CONCURRED IN BY SENATE TO SENATE BILL No. 883.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 955.

An Act authorizing and empowering cities of the first class to erect and construct water-works as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and lines in connection therewith and to use sell and purchase water water-power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

HOUSE INSISTS ON AMENDMENTS NON-CONCURRED IN BY SENATE TO SENATE BILL No. 955.

Mr. YOURISHIN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 1089.

An Act to supplement the act approved the twenty-fifth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" supplying a new Article XIX providing for the better government of such cities by regulating and improving the civil service of such cities establishing and regulating the powers and duties of Civil Service Commissions providing for the appointment of Civil Service Commissioners providing for the appointment and regulating the duties and powers of Civil Service Directors defining certain crimes and imposing penalties

HOUSE INSISTS ON AMENDMENTS NON-CONCURRED IN BY SENATE TO SENATE BILL No. 1089.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1801.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1801, Printer's No. 1209, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. ACHTERMAN. Mr. Speaker I move that the vote by which this bill passed finally be reconsidered.

Mr. PEARSON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Monroe, Mr. Achterman, vote on the final passage of this bill?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Pearson, vote on the final passage of this bill?

Mr. PEARSON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. ACHTERMAN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 2, page 187, line 13, by striking out the following: "SC["

Amend sec. 2, page 187, line 19, by striking out S the bracket at the end of said line.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

The SPEAKER. These being strike-out amendments, the House will proceed with the consideration on final passage of the bill unless there is objection. The Chair hears none.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 877.

Mr. SHAW. Mr. Speaker, I move a Committee on Conference be appointed on Senate Bill No. 877.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on Senate Bill No. 877, Messrs. SHAW, O'KEEFE and WOODSIDE.

Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 883.

Mr. SHAW. Mr. Speaker, I move that a Committee of Conference be appointed on Senate Bill No. 883.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on Senate Bill No. 883, Messrs. SHAW, O'KEEFE and WOODSIDE.

Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 995.

Mr. YOURISHIN. Mr. Speaker, I move that a Committee of Conference be appointed on Senate Bill No. 955.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on Senate Bill No. 955, Messrs. YOURISHIN, HOLSTROM and PERRY.

Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 856

Mr. OMINSKY. Mr. Speaker, I move that a Committee of Conference be appointed on Senate Bill No. 856.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on Senate Bill No. 856, Messrs. OMINSKY, LEWIS and McDEVITT.

Ordered, That the Clerk inform the Senate accordingly.

SPECIAL ORDER BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2504, (Senate Bill No. 341), as follows:

An Act to re-enact and further amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages

not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" further regulating the manufacture sale importation use and traffic in liquors alcohol and malt and brewed beverages conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Broad further regulating those licensed under this act imposing additional filing fees and increasing fees for certain permits and providing for the disposition thereof further regulating the establishment of State liquor stores and the employment and use of personnel by the board regulating and providing the procedure for the granting transfer revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom providing for the forfeiture of certain property regulating the jurisdiction of courts and local option procedure prohibiting certain interlocking business and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" as re-enacted and amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1246) are hereby re-enacted and further amended to read as follows

An Act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties

ARTICLE I

Short Title and Preliminary Provisions

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Liquor Control Act"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a club-house or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board shall from time to time prescribe

"Original container" shall mean all bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the names and address of the manufacturer of the malt or brewed beverages contained or to be contained therein permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing the same or to a label securely affixed to a bottle

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the public dining room or rooms in which food is regularly prepared for the public

The word "alcohol" means ethyl alcohol originally produced by the distillation of any fermented liquid whether rectified or diluted with or without water whatever may be the origin thereof and [includes] shall include synthetic ethyl alcohol but shall [it does] not mean or include ethyl alcohol whether or not diluted that has been denatured or otherwise rendered unfit for beverage purposes

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic [and] including all drinks or drinkable liquids preparations or mixtures and reused recovered or redistilled denatured alcohol [intended] usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume except pure ethyl alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing on-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing [bottling] manufacturing distilling rectifying or compounding of liquor alcohol and malt or brewed beverages in this Commonwealth or elsewhere

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or

receptacle or receptacles used for holding liquor or alcohol [and malt or brewed beverages] as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof except as to incorporated clubs the term "person" shall mean such individual or individuals who under the by-laws of such club shall have jurisdiction over the possession and sale of liquor therein

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

"Sale" or "Sell" shall include any transfer of liquor alcohol or malt or brewed beverages for a consideration [and any gift in connection with or as a part of a transfer of property other than liquor] [or malt or brewed beverages for a consideration]

Section 3 Interpretation of Act

(a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor [and] alcohol and malt or brewed beverages which take place [wholly within the] in this Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor [and] alcohol and malt or brewed beverages within the Commonweath through the instrumentality of the board and otherwise provide the means by which such control shall be made effective This act shall not be construed as forbidding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

General Powers and Duties of Pennsylvania Liquor Control Board

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor and alcohol in the manner set forth in this act

(b) To control the manufacture possession sale consumption importation use transportation and delivery of liquor [and] alcohol and malt or brewed beverages in accordance with the provisions of this act and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania Liquor Stores Provided That in fixing sale prices the board shall not give any preference or make any discrimination as to classes brands or otherwise except where special sales are deemed necessary to move unsaleable merchandise The board shall require each Pennsylvania manufacturer and each non-resident manufacturer of [distilled] liquors other than wine selling [distilled] such liquors to the board which are not manufactured in this Commonwealth to make application for and be granted a permit by the board before [distilled] such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer Each such manufacturer shall pay for such permit a fee which in the case of a manufacturer of this Commonwealth shall be equal to that required to be paid if any by a manufacturer or wholesaler of the state territory or country of origin of the [distilled] liquors for selling liquors manufactured in Pennsylvania and in the case of a non-resident manufacturer shall be equal to that required to be paid if any in such state territory or country by Pennsylvania manufacturers doing business in such state territory or country In the event that any such manufacturer shall in the opinion of the board sell or attempt to sell [distilled] liquors to the board through another person for the purpose of evading this provision relating to permits the board shall require such person before purchasing [distilled] liquors from him or it to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer All permit fees so collected shall be paid into the State Stores Fund The board shall not purchase any liquor fermented distilled rectified compounded or bottled in any state territory or country the laws of which result in prohibiting the importation therein of liquors fermented distilled rectified compounded or bottled in Pennsylvania

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities

(d) To grant [and] issue suspend and revoke all [liquor] licenses and [to grant issue suspend or revoke alcohol] permits [as provided in this act] authorized to be issued under this act and the regulations of the board

(e) Through the Department of Property and Supplies as agent to lease and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors examiners clerks and other employes as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act

Such employes of the board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view except in private homes without warrant any person actually engaged in the unlawful sale importation manufacture or transportation [of] or having [illegal] unlawful possession of liquor alcohol or malt or brewed beverages contrary to the provisions of this act or any other law of this Commonwealth Such officers and investigators shall have power and authority upon reasonable and probable cause to search for and to seize without warrant or process except in private homes any liquor alcohol and malt or brewed beverages [so illegally] unlawfully possessed manufactured sold imported or transported and any stills equipment materials utensils vehicles boats vessels animals aircraft or any of them which are [being] or have been used in the unlawful manufacture sale importation or transportation of the same Such liquor alcohol malt or brewed beverages stills equipment materials utensils vehicles boats vessels animals or aircraft so seized shall be disposed of as hereinafter provided

(g) To determine the nature form and capacity of all packages and original containers to be used for containing liquor alcohol or malt or brewed beverages any other law to the contrary notwithstanding

(h) Without in any way limiting or being limited by the foregoing to do all such things and perform all such acts as are deemed necessary or advisable for the pur-

pose of carrying into effect the provisions of this act and the regulations made thereunder

Section 202 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The Board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act and shall be furnished to all licenses affected thereby

Section 203 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and without limiting the general power conferred by the preceding section the board may make regulations regarding

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor and alcohol are kept or sold and the books and records to be kept therein

(b) The duties and conduct of the officers and employes of the board

(c) The purchase as provided in this act of liquor and alcohol and its supply to Pennsylvania Liquor Stores

(d) The classes varieties and brands of liquor and alcohol to be kept and sold in Pennsylvania Liquor Stores

(e) The issuing and distribution of price lists for the various classes varieties or brands of liquor and alcohol kept for sale by the board under this act

(f) The sealing and labeling of liquor and alcohol sold under this act and of liquor and alcohol unlawfully acquired by any person prior to January first one thousand nine hundred and thirty-four

(g) Forms to be used for the purposes of this act

(h) The issuance of licenses [to hotels restaurants clubs and railroad pullman or steamship companies] and permits and the conduct management equipment of [licensed] places licensed or included in permits

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue

[(j) The issuance of alcohol permits]

(j) The solicitation by resident or non-resident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and in the case of non-resident vendors the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses

ARTICLE III

Pennsylvania Liquor Stores

Section 301 Board to Establish State Liquor Stores The board shall establish operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable stores to be known as "Pennsylvania Liquor Stores" for the sale of liquor and alcohol in accordance with the provisions of and the regulations made under this act When the board shall have determined upon the location of a liquor store in any municipality it shall give notice of such location by public advertisement in [at least] two newspapers of general circulation and no other advertisement of any kind or description shall be required any law to the contrary notwithstanding If within five days after the appearance of such advertisement fifteen or more taxpayers residing within a quarter of a mile of such location shall file a protest with the Court of Quarter Sessions of the county averring that the location is objectionable because of its proximity to a church a school or to private residences the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence The court shall render its decision immediately upon the conclusion of the testimony and from its decision there shall be no appeal If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest the board shall abandon it and find another location The board may establish operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act

The board may lease the necessary premises for such stores or establishments but all such leases shall be made through the Department of Property and Supplies as agent of the board The board through the Department of Property and Supplies shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments

Section 302 Selection of Personnel A No officer or employe except as otherwise hereinafter provided shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officer or employe engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shal be deemed provisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located except where a person has been employed in a liquor store for a period of two or more years and becomes a bona fide resident of another county in which case he may be employed in a liquor store in the county to which he has removed

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to furnish a photograph of him or herself and that no application blank shall require the color religion or political affiliation of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed but no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examinations shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been established The examination papers of such candidates shall be marked by a committee designated by the department with the approval of the Governor consisting of school teachers in this Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which

the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper an additional rating of five per centum and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined) and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service shall be rated an additional five per centum over and above the five per centum hereinbefore set forth and in either case the total per centum mark or grade thus obtained shall determine the order of standing of such persons on any list of eligibles All examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committee which may be necessary shall be determined by the department and each committee shall consist of three persons

Except as hereinafter provided all offices places and employments in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons who shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and in the district in which such appointee is to be employed for a period of not less than six months prior to such appointment and who shall have satisfactorily passed the examination The persons receiving the highest grade shall be first appointed and so on and during their employment such appointees shall be at all times residents of this Commonwealth

If a list of eligibles certified by the Department of Public Instruction is available for any position another examination shall not be given until after the expiration of twelve months from the date of the last examination for that position Such subsequent examination may be held in the discretion of the board at any time after the expiration of such twelve month period and when such subsequent examination has been held and the list therefrom duly certified by the Department of Public Instruction the previous list shall expire and no further appointment shall be made from such previous list Provided That when a position is to be filled by appointment from a list of eligibles and a list of persons eligible for appointment to such position is not available examinations shall be held for that position at the earliest convenient date after the vacancy occurs

B Vacancies in positions in the competitive class whether such positions be newly created or vacated for any reason by any former incumbent shall be filled so far as practicable by promotion from among persons holding positions in a lower grade In all cases a person to be promoted shall have served not less than six months in a position under the board Promotion shall be based on merit and upon the superior qualifications of the person promoted as shown by his previous service

In the event it is not deemed practicable to fill a vacancy by promotion in the manner prescribed in the foregoing paragraph such vacancy shall be filled by appointment from an eligible list of the person next in line for appointment from such list except that no such appointment may be made to any position having a rate of compensation higher than that paid to any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment and in order that this may be carried out the board shall make such changes as it deems advisable in the then status of any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment Provided however That such changes are not required except where they are necessary to insure that the most recent appointment shall be to a position which does not have a higher rate of compensation than that paid to any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment

C The tenure of any person holding a position under the provisions of this act shall be during good behavior but any such person may be removed demoted suspended without pay or with reduced pay transferred reprimanded or restored to his position or another position with such pay as may be equitable for any of the following causes Incompetency inefficiency insubordination dishonesty intemperance immorality profanity discourteous treatment of the public or other employes wilful disobedience violation of the provisions of this act or of the rules and regulations of the board or for any other failure of good behavior or any other act or acts which are incompatible with or inimical to the public service but no person shall be required to contribute to any political fund nor support any political party or organization nor shall any such person be removed or otherwise prejudiced for refusing to do so No such person shall hold any other public office or position under this Commonwealth or any political subdivision thereof nor by his own act or permission become a candidate for nomination or election to any public office during the time of his employment by the board

Whenever it is necessary because of lack of work or lack of funds or whenever it is advisable in the interests of economy to reduce the staff of the board it may lay off employes

In the event that the board decides to abolish one or more positions or to temporarily discontinue the same because of lack of work or lack of funds or in the interests of economy then a number of employes of the board equal to the number of positions to be so abolished or discontinued shall be laid off

When it becomes necessary for any employe to be removed demoted suspended without pay or without reduced pay transferred reprimanded or restored to a former position or another position with such pay as will be equitable for any of the above named causes or when it is necessary because of lack of work or lack of funds or in the interests of economy to lay off an employe or in the event the board decides to abolish or temporarily discontinue one or more positions because of lack of work lack of funds or in the interest of economy the employe or employes selected to be removed in any of the manners so mentioned shall have a right to appeal for a hearing and consideration of his case or complaint

Further when any position is newly created or otherwise to be filled employes who have been previously placed on leave of absence because of the abolishment or temporary discontinuance of a position or other reduction in personnel because of lack of work lack of funds or in the interest of economy such employes shall be recalled to service within their proper classification and in the order of their rank before any appointment can be made from a list created and certified at a later date than the list from which the furloughed employe was originally appointed

In the foregoing section the terms "promotion" "transfer" and "demotion" shall be interpreted as follows

"Promotion" means a change from one position to another position having a higher rate of compensation or involving a change of duties or responsibilities or either or both

"Transfer" means a change from one position to another position at the same rate of compensation

"Demotion" means a change from one position to another position having a lower rate of compensation or in which different and less responsible duties are involved or either or both whether made for the purpose of better adjusting personnel to the needs of the board or as a disciplinary measure

D Any person appointed under the provisions of this act may be removed by the personal action of the Governor whenever he deems the same to the best interests of the public service

Section 303 Management of Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be respon-

sible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores

Section 304 When Sales May Be Made at Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be open for business week days except legal holidays or any day on which a general municipal special or primary election is being held during such hours as the board in its discretion shall determine but shall not be open longer than fourteen hours [or less than seven hours] in any one day nor later than eleven o'clock post meridian The board may with the approval of the Governor temporarily close any store in any municipality

Section 305 Sales by Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall keep in stock for sale such classes varieties and brands of liquor and alcohol as the board shall prescribe If any person shall desire to purchase any class variety or brand of liquor or alcohol which any such store does not have in stock it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board The customers shall be notified immediately upon the arrival of the goods

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival the store may place it in stock for general sale and the customer's deposit shall be forfeited

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels restaurants clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board or chemists The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia All other sales by such stores shall be at retail No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale

Whenever any checks issued in payment of liquor or alcohol purchased from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored the board shall charge a fee of five dollars per hundred dollars or fractional part thereof plus all protest fees to the maker of such check submitted to the board Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person

No liquor or alcohol shall be sold to any purchaser except in a package sealed with the official seal of the board required by this act which package shall not be opened on the premises of a Pennsylvania Liquor Store No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises nor shall any person consume any liquor or alcohol on such premises

The board may sell tax exempt alcohol to the Commonwealth of Pennsylvania and to persons to whom the board shall by regulation to be promulgated by it issue special permits for the purchase of such tax exempt alcohol

Such permits may be issued to the United States or any governmental agency thereof to any university or college of learning any laboratory for use exclusively in scientific research any hospital sanitorium elemosynary institution or dispensary to physicians dentists veterinarians and pharmacists duly licensed and registered under the laws of the Commonwealth of Pennsylvania to manufacturing chemists and pharmacists or other persons for use in the manufacture or compounding of preparations unfit for beverage purposes

Every purchaser of liquor or alcohol from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor and alcohol the price paid therefore and such other information as the board may prescribe Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store

Section 306 Auditors by Auditor General It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the board

At least one audit shall be made each year of the affairs of the board and all collections made by the Pennsylvania Liquor Store shall be audited quarterly

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may in the judgment of the Auditor General appear necessary and shall be made whenever the Governor shall call upon the Auditor General to make them

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor

Unless the Department of the Auditor General shall neglect or refuse to make annual quarterly or special audits as hereinabove required it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for an audit of its affairs except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board

ARTICLE IV

Licenses and Permits

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs

(a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority ot issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from the Pennsylvania Yiquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt or brewed beverages to guests patrons or members for consumption on the hotel restaurant or club premises Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license nor shall such a person have any interest directly or indirectly in any such license

Section 402 Application for Hotel Restaurant or Club Liquor Licenses Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe which shall be accompanied by [an application] a filing fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of

the board If the applicant is a natural person his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least three years immediately preceding his application If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania that all officers directors and stockholders are citizens of the United States and that the manager of the hotel restaurant or club is a citizen of the United States The application shall be signed and verified by oath or affirmation by the owner if a natural person or in the case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the application is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

All applications must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of a misdemeanor and upon indictment and conviction shall be subject to the penalties provided by this act

Section 403 Issuance of Hotel Restaurant and Club Liquor Licenses Upon receipt of the application the proper fees and bond and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter permitted and that the applicant is a person of good repute that the premises applied for meet all the requirements of this act and the regulations of the board and the applicant seeks a license for a hotel restaurant or club as defined in this act the board shall in the case of a hotel or restaurant grant and issue to the applicant a liquor license and in the case of a club may in its discretion issue a license Provided however That in the case of any new license or the transfer of any license to a new location the board may in its discretion grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil And provided further That the board shall not issue new licenses in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the application thereof shall have been filed at least thirty days before the effective date of the license

Section 404 License Hearings Appeals from Refusal of Board to Issue Renew or Transfer Licenses The board may of its own motion and shall upon the written request of any applicant for club hotel or restaurant liquor license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for liquor license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application Such hearing shall be before the board a member thereof or an examiner designated by the board At such hearing the board shall present its reasons for its refusal or withholding of license renewal or transfer thereof The applicant may appear in person or by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board Such hearing shall be stenographically recorded The examiner shall thereafter report to the board upon such hearing The board shall thereupon grant or refuse the license renewal or transfer thereof If the board shall refuse such license renewal or transfer following such hearing notice in writing of such refusal shall be mailed to the applicant at the address given in his application In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant Any applicant who has appeared before the board or any agent thereof at any hearing as above provided who is aggrieved by the refusal of the board to issue a hotel or restaurant or club liquor license or to renew or transfer a hotel restaurant or club liquor license may appeal within twenty days from date or refusal to the Court of Quarter Sessions of the county in which the hotel or restaurant or club is located Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held uon the petition by the court upon ten days' notice to the board which shall be represented in the proceeding by the Department of Justice [At such hearing testimony may be presented by the applicant and the board after the consideration of which the board shall certify and transmit a copy of the record in the case to the clerk of the court within ten days after such appeal petition was served] The court shall hear the application de novo at such time as it shall fix of which notice shall be given to the board The court shall either sustain the refusal of the board or order the issuance of the license to the applicant There shall be no further appeal Any appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise

Section 405 Display of License Every license issued under this act shall be constantly and conspicuously exposed under transparent substance on the licensed premises.

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board [a surety] an approved bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars ($2,000) Such bond shall have as surety a duly authorized surety company All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors alcohol and malt or brewed beverages Such bonds shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Section 407 License Fees (a) [Every applicant for a hotel liquor license or restaurant liquor license shall before receiving such license pay to the board the following license fees which] License fees for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located as follows.

In municipalities having a population of less than fifteen hundred inhabitants one hundred fifty dollars ($150.00).

In those having a population of fifteen hundred and more but less than ten thousand inhabitants two hundred dollars ($200.00)

In those having a population of ten thousand and more but less than fifty thousand inhabitants three hundred dollars ($300.00)

In those having a population of fifty thousand or more but less than one hundred thousand inhabitants four hundred dollars ($400.00)

In those having a population of one hundred thousand

and more but less than one hundred fifty thousand inhabitants five hundred dollars ($500.00)

In those having a population of one hundred fifty thousand and more inhabitants six hundred dollars ($600.00)

(b) Every applicant for a club liquor license shall [before receiving such license] pay to the board a license fee of fifty dollars ($50.00) except clubs which cater to groups of non-members either privately or for functions in which case the board may issue a catering license and the license fee shall be the same as for hotels and restaurants located in the same municipality and the board shall by its rules and regulations define what constitutes catering under this clause

(c) All license fees authorized under this section shall be collected by the board for the use of the municipalities or townships in which such fees were collected

Section 408 Licenses Not Assignable Transfers

(a) Licenses issued under this act may not be assigned The board is hereby authorized to transfer any license from one person to another or from one place to another within the same municipality or both as the board may determine but no transfers shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not originally have been issued lawfully Upon any refusal to grant a transfer the person aggrieved shall have the right to appeal to the Court of Quarter Sessions in the same manner as herein provided for appeals from refusals to grant licenses The action of the Court of Quarter Sessions shall be final

(b) Every applicant for a transfer of a license shall file a written application with the board together with a filing fee of twenty dollars at such time as the board shall fix in its regulations and shall also file an approved bond as required on original applications for licenses Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year [except a fee of twenty dollars ($20.00) to be paid to the board for the use of the Commonwealth]

(c) In the event that any person to whom a license shall have been issued under the [terms] provisions of this act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In the case of death of a licensee the board may transfer the license to the surviving spouse or personal representative or to a person designated by such representative In all such cases the board shall have the sole and final discretion as to the propriety of the issuance or transfer of the license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 409 License Year Renewal of Licenses

(a) The board shall by regulation divide the State into convenient license districts and shall hold hearings on [such] applications for licenses and renewals thereof as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation for the purpose of hearing testimony for and against applications for new licenses and renewals thereof The board may provide for the holding of such hearings by examiners learned in the law to be appointed by the Governor who shall not be subject to the civil service provisions of this act Such examiners shall make report to the board in each case with their recommendations The board shall by regulation fix the license year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter Unless the board shall have given ten days' previous notice of objections to the renewal of his license based upon violation by the licensee or his servants agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act and the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new [surety] approved bond and shall pay the requisite application fee and license fee specified in this act

(c) In cases where a licensee or his servants agents or employes are arrested charged with violating any of the law of this Commonwealth relating to liquor alcohol or malt or brewed beverages and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such licensee is pending before the board the board shall renew the license notwithstanding such alleged violations but such renewal license may be revoked by the board in the manner hereinafter provided for revocation of licenses if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited

Section 410 Revocation and Suspension of License [After a license has been issued under the provisions of this act upon the petition of the Attorney General the board the district attorney of any county or upon the petition of fifteen or more taxpayers residents of the ward borough or township where the place of business is located the Court of Quarter Sessions of the proper county upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors malt or brewed beverages or alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this act] Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulations of the board adopted pursuant to such laws or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages by any licensee his officers servants agents or employes the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked Hearings on such citation shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occurred the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the [court] board

shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within said year. In all such cases the [Court of Quarter Sessions] board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the [court] board shall feel aggrieved by the action of the [Court of Quarter Sessions] board he shall have the right to appeal to the [Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence The action of the Superior Court shall be final In all such appeals the Superior Court may allow a supersedeas if the appellant shall have filed with the clerk of the Court of Quarter Sessions a penal bond in the sum of two thousand dollars ($2,000.00) to be approved by the court and conditioned for the prompt prosecution of the appeal by the appellant the faithful observance of all the laws of this Commonwealth relating to acoholic liquors and malt or brewed beverages and for the payment of all costs that may be assessed against the appellant] Court of Quarter Sessions in the same manner as herein provided for appeals from refusals to grant licenses Such appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of hotel restaurant and club licensees the offer in compromise shall be at the rate of ten dollars for each day of suspension and in the cases of importers and sacramental wine licensees the offer in compromise shall be at the rate of thirty dollar per day No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred days

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels [and clubs] to guests [or] and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employes other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employes shall sell on Sunday to nonmembers any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

Hotel restaurant and public service licensees their servants agents or employes may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day and until two o'clock ante meridian of the following week day and shall not sell on Sunday or after two o'clock ante meridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock ante meridian and seven o'clock ante meridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

Section 412 Sale of Malt or Brewed Beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person No licensee under this act shall at the same time be the holder of any other license except a retail dispensers license authorizing the sale of malt or brewed beverages only

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor and malt [liquor] or brewed beverages to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor or malt or brewed beverages to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited Such licenses shall be known as public service liquor licenses The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licenses shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of mandamus may be brought against the board in the manner provided by law

Every applicant for a public service liquor license shall before receiving such license pay to the board for each of the maximum number of dining club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars ($20.00) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars ($100.00)

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of applications in such form as the board shall prescribe but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section

Sales of liquor and malt or brewed beverages by public service company licensees shall be made in accordance with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees

Section 414 Sacramental Wine Licenses [The Board

may upon application] [grant to responsible persons of good character sacramental wine licenses The fee for such licenses shall be one hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and regulations of the board relating to] [the distribution sale and use of] [liquor]

[Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes and to sell the same only to priests clergymen or rabbis for such purposes under such regulations as the board shall prescribe Priests clergymen and rabbis may lawfully make purchase from such licenses under the regulations of the board but any wine purchased under authority of this section shall not be used for any other than sacramental or religious purposes]

Every applicant for a sacramental wine license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of this Commonwealth and the regulations of the board relating to liquor alcohol and malt or brewed beverages Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board

If the applicant is a natural person his application must show that he is a citizen of the United States and a resident of this Commonwealth If the applicant is an association or partnership each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that all officers directors and stockholders are citizens of the United States

Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes only and bottle and sell the same to priests clergymen and rabbis for use in the cathedral church synagogue or temple or for sustaining members of the congregation duly certified by such priest clergymen or rabbis The sale and use of wine for sacramental or religious purposes shall be subject to and in accordance with the regulations of the board

Any wine purchased under the authority of this section shall not be used for any other than sacramental or religious purposes Sacramental wine may not be sold by any person except the holder of a sacramental wine license All original containers from which sacramental wine is dispensed shall bear the seal of the board

Every sacramental wine licensee shall maintain on the licensed premises such records as the board may prescribe No deliveries of sacramental wine shall be made unless and until an order therefor is on file at the principal place of business in Pennsylvania All shipments into Pennsylvania of wine to be used for sacramental or religious purposes shall be consigned to the principal place of business maintained by the licensee

Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to [the distribution sale or use of] liquor and alcohol The procedure in such cases shall be the same as for the revocation and suspension of hotel restaurant and club licenses Upon the revocation of any such license the bond of the licensee may be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Section 415 Importers' License [The board may upon application] [grant to responsible persons of good reputation importer' licenses Such licenses shall permit the holders thereof to bring or import liquor] [from other states foreign countries and insular possessions of the United States and] [obtain] [tax paid liquor from manufacturers located within the Commonwealth to be sold outside of this Commonwealth] [and] [exclusively to Pennsylvania Liquor Stores within this Commonwealth]

[The fee for such licenses shall be one hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and of the regulations of the board relating to] [the distribution sale and use of] [liquor] Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of the Commonwealth and the regulations of the board relating to liquor alcohol and malt or brewed beverages Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board

The holder of an importer's license may have included in such license one warehouse wherein only his liquor may be kept and stored located in the same municipality or township in which his licensed premises is situate and not elsewhere unless such licensee secures from the board a license for each additional storage warehouse desired The board is authorized and empowered to issue to a holder of an importer's license a license for an additional storage warehouse or warehouses located in this Commonwealth provided such licensed importer files with the board a separate application for each warehouse in such form and containing such information as the board may from time to time require accompanied by a filing fee of ten dollars a license fee of twenty-five dollars and a bond of an approved surety company in the amount of ten thousand dollars Such bond shall contain the same provisions and conditions as are required in the other license bonds under this act

If the applicant is a natural person his application must show that he is a citizen of the United States and a resident of this Commonwealth If the applicant is an association or partnership each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that all officers directors and stockholders are citizens of the United States

Such licenses shall permit the holders thereof to bring or import liquor from other states foreign countries or insular possessions of the United States and purchase liquor from manufacturers located within this Commonwealth to be sold outside of this Commonwealth or exclusively to Pennsylvania Liquor Stores within this Commonwealth

All importations of liquor into Pennsylvania by the licensed importer shall be consigned to the Pennsylvania Liquor Control Board or the principal place of business or authorized place of storage maintained by the licensee

Every importer shall maintain on the licensed premises such records as the board may prescribe [malt or brewed beverages alcohol or other alcoholic beverages] Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to liquor and alcohol The procedure in such cases shall be the same as for the revocation and suspension of hotel restaurant and club licenses Upon the revocation of any such license the bond of the licensee may be forfeited and shall be collected in the same manner as hertofore provided for the collection of forfeited hotel restaurant and club license bonds

[Any such permit may be revoked or suspended by

the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor malt or brewed beverages alcohol or other alcoholic beverages]

ARTICLE V

Local Option

Section 501 Local Option Areas Authorized In any municipality an election may be held but not oftener than once in four years on the date of the primary election immediately preceding any general or municipal election to determine the will of the electors with respect to the granting of liquor licenses by the board to hotels restaurants and clubs within the limits of such municipality Provided however Where an election was heretofore held at the municipal election in any year another election may be held under the provisions of this act at the primary occurring the fourth year after such election

Section 502 Petition of Electors for Local Option Whenever electors equal to at least [ten] twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such liquor licenses the respective corporate authorities shall cause a question to be submitted at the primary immediately preceding the general or municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of liquor licenses for the sale of liquor in of ?	Yes No	———

In the case of a tie vote or if a majority of the persons voting on such question vote "Yes" then liquor licenses shall be granted by the board to hotels resturants and clubs in such municipality or township for the sale of liquors under the provisions of this act but if a majority of the persons voting on such question vote "No" then the board shall thereafter have no power to grant or to renew upon their expiration any liquor licenses in such municipality or township under the provisions of this act unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place after the expiration of his existing license in any local option area where the electors have voted against such sales but the sale of malt [liquors] or brewed beverages by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law

ARTICLE VI

Illegal Acts Penalties Forfeitures

Section 601 Restrictions on Certain Sales

(a) It shall be unlawful for any manufacturer or licensed importer of liquor in this Commonwealth his agents servants or employes to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores or to the holder of a sacramental wine [permit] license but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth

(b) It shall be unlawful for any person to sell alcohol to any person except in accordance with regulations promulgated by the board

Section 602 [Sales by Persons Other Than Manufacturers] Unlawful Acts

[(a)] (1) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any device to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospitals physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alcohol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverages purposes and making a charge for the liquor so used All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia

[(b)] (2) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license to possess or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store or in accordance with the board's regulations The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired But nothing herein contained shall prohibit the manufacture or possession of wine by any person in his home for consumption of himself his family and guests and not for sale not exceeding during any one calendar year two hundred gallons any other law to the contrary notwithstanding Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises

[(c)] (3) [Except as provided in this act] It shall be unlawful for any person within this Commonwealth by himself or by an employe or agent to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any liquor or alcohol from any person or source other than a Pennsylvania Liquor Store except in accordance with the provisions of this act or the regulations of the board

[(d)] (4) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine [permit] license to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board The use of decanters or other similar receptacles by licensees shall be permitted only in the case of wines and then only accordance with the regulations of the board but nothing herein contained shall prohibit the manufacture and possession of wine as provided in clause (b) of this section

[(e)] (5) It shall be unlawful for any licensee or the board or any employe servant or agent of such licensee or of the board to sell furnish or give any liquor or malt or brewed beverages or to permit any liquor or malt or brewed beverages to be sold furnished or given to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

[(f)] (6) It shall be unlawful for any licensee his agent servant or employe to sell or offer to sell or purchase or receive any liquor or malt or brewed beverages

except for cash excepting credit extended by a hotel or club to a bona fide guest or member No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or original containers returned by the original purchaser as credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the vendor if such original containers or packages have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor or malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth provided however that as to all transactions affecting malt or brewed beverages to be re-sold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces

[(g)] (7) It shall be unlawful for any licensee or the board or any employe servant or agent of a licensee or of the board to sell offer to sell or furnish any liquor or malt or brewed beverages to any person on a passbook or store order or to receive from any person any good wares merchandise or other articles in exchange for liquor or malt or brewed beverages

[(h)] (8) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth

[(i)] (9) It shall be unlawful for any licensee or his servants agents or employes except a manufacturer on his own premises to [advertise] display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which the licensed premises are situate or any building of which the licensed premises are a part any advertisement whatever relating too [any] liquor or malt or brewed beverages [by trade name trade-mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages] unless the actual value of such advertisement if hereafter erected [or advertising device] shall not be more than twenty-five dollars No sign or advertisement leased furnished or sold by a manufacturer importer importing distributor or distributor shall contain thereon any thing except the trade name trade-mark or place of manufacture of the liquor or malt or brewed beverages manufactured or sold by him

[(j)] (10) It shall be unlawful for any manufacturer or licensee or his servants agents or employes to hereafter give furnish lease or sell or for any other licensee to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising mattering indicating the trade-mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages unless the actual value [for] of such advertising device including all displays in connection therewith shall not exceed ten dollars ($10) It shall be unlawful for any licensee to display or permit to be displayed any window or exterior advertising except in accordance with the regulations of the board

[(k)] (11) It shall be unlawful for any licensee his servants agents or employes to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer

[(l)] (12) It shall be unlawful for any licensee his agents servants or employes to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

[(m)] (13) It shall be unlawful for any licensee or his [or its] servants agents or employes to transport sell deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

[(n)] (14) It shall be unlawful for any licensee except club licensees to permit in any licensed premises or in any place operated in connection therewith dancing theatricals floor shows or moving picture exhibtions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not The board shall have power to provide for the issue of such special permits and to collect a fee [of twenty-five dollars ($25.00)] for such permits [authorizing theatricals floor shows or moving picture exhibitions] equal to one-fifth of the annual license fee but not less than twenty-five dollars ($25) All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places Any violation of this clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his liquor license

[(o)] (15) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

[(p)] (16) It shall be unlawful for any retail licensee his agents servants or employes to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

[(q)] (17) It shall be unlawful for any [licensee] person to have alcohol in his possession [on the licensed premises] except in accordance with this act and the regulations of the board

[(r)] (18) It shall be unlawful for any hotel restaurant or club licensee or any servant agent or employe of such licensee to be at the same time employed directly or indirectly by any other person engaged in the manufacture sale transportation or storage of liquor malt or brewed beverages or alcohol

[(s)] (19) It shall be unlawful for any licensee to fail to keep on the licensed premises for a period of at least two years complete and truthful records covering the operation of his licensed business particularly showing

the date of all purchases of liquor and malt or brewed beverages the actual price paid therefor and the name of the vendor including State store receipts or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

[(t)] (20) It shall be unlawful for any hotel restaurant or club licensee to employ any minor or to permit any minor to render any service whatever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth

[(u)] (21) It shall be unlawful for any hotel restaurant or club licensee his servants agents or employes to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith except minors accompanied by parents guardians or under proper supervision

[(v)] (22) It shall be unlawful for any licensee or his servants agents or employes to cash pay roll checks except in accordance with board regulations

[(w)] (23) It shall be unlawful for any restaurant hotel or club licensee his servants agents or employes to fail to break any package in which liquors were contained within twenty-four hours after the original contents were removed therefrom

[(x)] (24) It shall be unlawful for any licensee his servants agents or employes to give furnish trade barter serve or deliver any liquor or malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling liquor or malt or brewed beverages

[(y)] (25) It shall be unlawful for any licensee or any officer director stockholder servant agent or employe of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to any hotel restaurant or club licensees licensed under this act or to any importing distributors distributors package retailers or retail dispensers licensed under any other act of this Commonwealth relating to liquor or malt or brewed beverages

(26) It shall be unlawful for any restaurant or hotel licensee his servants agents or employes to sell any liquor or malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a hotel licensee or a restaurant licensee when the restaurant is located in a hotel from selling liquor or malt or brewed beverages in any room of such hotel occupied by a bona fide gu

(27) It shall be unlawful for any restaurant hotel or club licensee or the servants agents or employes of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell liquor or malt or brewed beverages except in the interior of the licensed premises where the display cannot be seen from the outside the price at which liquor or malt or brewed beverages will be sold by him

(28) It shall be unlawful for any licensee or his servants agents or employes to refuse the board or any of its authorized employes the right to inspect completely the entire licensed premises at any time during which the premises are open for the transaction of business

(29) It shall be unlawful for any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of liquor or malt or brewed beverages or any other commodity manufactured or sold by the licensee

(30) It shall be unlawful for any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employer or principal to purchase or contract to purchase liquor or malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

Section 603 Unlawful to Fortify Adulterate or Contaminate Liquor It shall be unlawful for any licensee or any employe or agent of a licensee or of the board to fortify adulterate or contaminate any liquor except as permitted by the regulations of the board or to refill wholly or in part with any liquid or substance whatsoever any bottle or other container previously sealed with the official seal of the board

Section 604 Things of Value Not to be Offered It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor or malt or brewed beverages or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage or for any licensee manufacturer or other persons to offer or give to trade or consumer buyers any prize premium gift or other similar inducement except advertising novelities of nominal value which the board shall define Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 605 Delivery Vehicles to Bear Name and Address of [Manufacturer] Licensee It shall be unlawful for a licensee permitted to deliver [any] liquor to make any deliveries except in his own vehicle bearing his name [and] address and license number on each side in letters not smaller than four inches in height or in the vehicle of another person duly authorized to transport liquor within this Commonwealth

Section 606 Restrictions on Importation of Liquor and Alcohol into the Commonwealth It shall be unlawful for any person other than the board or the holder of a sacramental wine [permit] license or of an importer's license but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased to import any liquor whatsoever into this Commonwealth outside the Commonwealth in their dining club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth

It shall be unlawful for any person to import alcohol into this Commonwealth except in accordance with regulations to be promulgated by the board

Section 607 Restrictions on Member and Employes of the Board

(a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor [or] alcohol or halt or brewed beverages whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) [A manager] No member or employe of the board nor any employe of the Commonwealth shall [not] solicit or receive directly or indirectly any commission remuneration or gift whatsoever from any person having sold selling or offering liquor or alcohol for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor or alcohol to or purchasing at wholesale liquor or alcohol from the board either directly or

indirectly to pay or offer to pay any commission profit or remuneration or to make or offer to make any gift to any member or employe of the board or other employe of the Commonwealth or to anyone on behalf of such member or employe

Section 608 Nuisances

(a) Any room house building boat vehicle structure sold offered for sale bartered or furnished in violation of this act and all liquor and property kept or used in maintaining the same is hereby declared to be a common nuisance and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties herein- or place except a private home where liquor is possessed after provided

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General [of the State] or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by testimony to the satisfaction of the court that such nuisance exists a temporary writ or injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no liquor shall be sold offered for sale bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that liquor will not thereafter be manufactured sold offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 609 Interlocking Business Prohibited

(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel restaurant or club liquor license nor be the owner proprietor or lessor of any place covered by any hotel restaurant or club liquor license

(b) No manufacturer importer or sacramental wine licensee and no officer or director of a manufacturer importer or sacramental wine licensee shall own any stock or have any financial interest in any hotel or restaurant licensed under this act

(c) Excepting as herein [before] provided no manufacturer or officer director stockholder agent or employe of a manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same for which a hotel restaurant or club license is granted nor shall a manufacturer importer or sacramental wine licensee or officer director stockholder agent or employe of a manufacturer importer or sacramental wine licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to or guarantee the payment of any bond mortgage note or other obligation of any hotel [or] restaurant or club licensee his servant agent or employe for equipping fitting out or maintaining and conducting either in whole or in part a hotel [or] restaurant or club licensed for the selling of liquor for use and consumption upon the premises

(d) Excepting as herein [before] provided no hotel licensee restaurant licensee or club licensee and no officer director stockholder agent or employe of any such licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a manufacturer in manufacturing liquor or malt or brewed beverages nor shall any hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to any manufacturer for equipping fitting out or maintaining and conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverages

(e) Except as herein provided no hotel restaurant or club licensee and no officer director stockholder agent or employe of any such licensee shall in any wise be interested directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a distributor importing distributor package retailer retail dispenser licensed under the Beverage License Law or by an importer or sacramental wine licensee in the conduct of his business nor shall any hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to any distributor importing distributor package retailer retail dispenser importer or sacramental wine licensee for equipping fitting out or maintaining conducting either in whole or in part an establishment used in the conduct of his business

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and as herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to [the effective date of this act] July 18 1935

Section 610 Penalties

(a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) and on failure to pay such fine to imprisonment for not less than one month nor more than three months and for any subsequent offense shall be sentenced to pay a fine of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00) and to undergo imprisonment for a period of not less than three months nor more than one year

(b) The right of the [court] board to suspend and revoke licenses granted under this act shall be in addition to the penalty set forth in this section

Section 611 Forfeiture of Property Illegally Possessed or Used

(a) No property rights shall exist in any liquor alcohol malt or brewed beverage illegally possessed or in any still equipment material utensil vehicle boat vessel animals or aircraft [illegally] used in the illegal manufacture or illegal transportation of liquor alcohol malt or brewed beverages and the same shall be deemed contraband and shall be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the Court of Quarter Sessions it appears that any liquor alcohol or malt or brewed beverage was so illegally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all such condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the [same] liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order Except that any vehicle container boat vessel animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(2) In any case in which (1) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels containers animals and aircraft) publicly destroyed by the sheriff except that the court may order the [same] liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel container animal or aircraft seized under the provisions of this act and condemned the court shall order [a public sale thereof by the sheriff of the county] the same to be delivered to the board for its use or for sale or disposition by the board in its discretion Notice of such sale shall be given in [the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias] such manner as the board may prescribe The proceeds of such sale shall be paid [to the county treasurer for the use of the county In the event any such vehicle boat vessel or aircraft is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle boat vessel or aircraft is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgagee or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle boat vessel or aircraft has not been found within the jurisdiction of the court the sheriff shall give ten (10) days notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon] into the State Stores Fund

(c) In addition to the foregoing provisions the court may in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol or malt or brewed beverages in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle [or to such person and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation] Provided That a license may be issued for such motor vehicle to the board or to any purchaser of the vehicle after the [public] sale thereof as above provided

(d) (1) The proceedings for the forfeiture or condemnation of all property [the destruction of sale of which is provided for in subsections (2) and (3) of clause (b) of this section] shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant A petition shall be filed in the Court of Quarter Sessions verified by oath or affirmation of any officer or citizen containing the following (I) A description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possessed or used or was intended for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth [and condemned and be ordered sold or destroyed (as the case may be) according to law] unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of Within Described Property

You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property"

Said notice shall be signed by petitioner or his attorney or the district attorney or the Attorney General

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was not person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given [by the sheriff] by an advertisement in [a] only one newspaper of general circulation published in the county where such property shall have been seized once a week for [three (3)] two (2) successive weeks No other advertisement of any sort shall be necessary any other law to the contrary nothwithstanding Said notice shall contain a statement of the seizure of said property with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than ten (10) days from the date of the last publication

(4) Upon the filing of any claim for said property setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (I) that he is the owner of said property [or the holder of a chattel mortgage or contract of conditional sale thereon] (II) that he lawfully acquired the same and (III) that it was not unlawfully used or possessed [by him and (IV) in the event that it shall appear that the property was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge] or consent

[(6) Any person claiming to the ownership of] [or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon any liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel] [or aircraft the disposition of which is provided for in this section may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto] [or his lien thereon or reservation of title thereto] [and if upon public hearing thereon due notice of which having been given to the district attorney] In the event such claimant shall

prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel container animal or aircraft was lawfuly acquired possessed and used then the court may order the same returned or delivered to the claimant [by him] [or] but if it [appearing] appears that the property was unlawfully used [by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise] it shall be destroyed or [sold] be turned over to the board (as the case may be) as hereinbefore provided

[(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived]

(e) The provisions of this section shall apply to the disposition of any liquor alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act.

ARTICLE VII

Disposition of Moneys

Section 701 License Fees to Be Returned to Municipalities All license fees collected by the board under the provisions of this act except fees for public service liquor licenses sacramental wine and importers licenses shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund" Fees for public service licenses sacramental wine [and] importers licenses permit fees and compromise penalties in connection with the suspension of licenses shall be paid into the State Stores Fund The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the respective municipalities and townships in which the respective licensed places are situated in such amounts as represent the aggregate license fees collected from licensees in such municipalities during the preceding period

Section 702 [Application] Filing Fees Forfeitures Penalties and Receipts from Pennsylvania Liquor Stores to Be Retained by the Commonwealth All [application] filing fees and moneys accuring from sales of liquor and alcohol at Pennsylvania Liquor Stores and all forfeitures and compromise penalties collected received or recovered under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund" All moneys in such fund shall be available for the purposes for which they are appropriated by law.

Section 703 Taxes All taxes collected or received by the board on sales of taxable alcohol under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into the General Fund.

Section 704 The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or over-charge on a liquor license fee In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and townships the board shall have the authority to deduct from the next semi-annual payment to the respective municipalities and townships the amount of any over-payment previously refunded by the board to any person on account of an over-charge or over-payment on a liquor license fee.

ARTICLE VIII

Effective Date and Repeal

Section 801 Effective Date This amendment and re-enactment shall become effective [immediately upon it final enactment] on the first day of July one thousand nine hundred and thirty-seven except the board may adopt and circulate its regulations at any time after the final enactment of this act and the board may receive and collect additional amusement and entertainment permit fees prior to July first one thousand nine hundred and thirty-seven in order that such permits may be kept in effect for the entire license year.

Section 802 Repeal The following acts are hereby repealed The act approved the twenty-seventh day of March one thousand nine hundred twenty-three (Pamphlet Laws thirty-four) entitled "An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic license laws.

The act approved the fourteenth day of April one thousand eight hundred and sixty-three (Pamphlet Laws three hundred eighty-nine) entitled "An act to prohibit the use of deleterious drugs in the manufacture and sale of intoxicating malt or alcoholic liquors".

The act approved the twentieth dav of May one thousand nine hundred and thirteen (Pamphlet Laws 229) entitled "An act defining and regulating public amusements and places used therefor requiring and regulating the licensing thereof restricting the scope of certain acts of Assembly relating thereto and providing penalties for violation of this act" is hereby repealed in so far as it purports to impose a tax upon the licensees herein.

All other acts and parts of acts including special or local acts inconsistent herewith are hereby repealed.

Section 2 [The board shall have power to extend existing licenses granted under the act to which this is an amendment for such period of time as to it may appear proper and to provide for the payment of license fees for such period on the schedule of fees provided in this act in order to put into effect the system of staggered license dates provided for in this act and shall have power to determine such extensions in any licensing district at any time when arrangements have been completed and licenses issued in such district.

In the event the board shall establish license districts in any of which the license year for a district shall begin prior to January first one thousand nine hundred and thirty-six all holders of hotel restaurant or club licenses in such districts shall file written applications with the board for licenses for the ensuing license year in accordance with board regulations and those to whom licenses are issued shall be given credit on the license fee for the ensuing license year for the unsued portion of the license fee paid by such licensee for the year one thousand nine hundred thirty-five In the event any license shall be refused a license by the board for the ensuing license year for the district in which his licensed place is located his license shall continue in force for the remainder of the calendar year one thousand nine hundred and thirty-five unless revoked or suspended In the event that any person who at the time of the final enactment of this act is the holder of a hotel restaurant or a club liquor license shall fail to apply for a license at a time to be fixed by the board for the ensuing license year for the district in which such a licensed place may be located the holder of such license shall unless his license shall be revoked or suspended continue to operate until the expiration of the license year for which his license issued but shall not be eligible to apply for a license for such location until after the expiration of one year from the first day of January one thousand nine hundred and thirty-six] All amusement and entertainment permits issued under this act prior to the effective date of these amendments shall be effective for the remainder of the license year for which issued (unless sooner revoked) if the increased permit fees provided for by these amendments shall be paid to the board before July first one thousand nine hundred and thirty-seven If such increased permit fees are not so paid such permits shall expire on June thirtieth one thousand nine hundred and thirty-seven The increased permit fees so payable shall be determined as follows The permit fee fixed by this act for a yearly amusement or entertainment permit shall be divided by twelve and one-twelfth of

the total yearly permit fee shall be due and payable for each and every month of the remainder of the license year commencing with the month of July one thousand nine hundred and thirty-seven less a credit against each such monthly fee of two dollars and eight and one-third cents ($2.08 1/3) theretofore paid by the permittee prior to the commencement of the license year.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McFall,	Simon,
Alexander,	Flinchbaugh,	McGee,	Skale,
Allen,	Ganser,	McKinney,	Sloan,
Allmond,	Gerard,	McShane,	Smith, James A.,
Arnold,	Gillette,	Melchiorre,	Smith, John A.,
Atkins,	Gorski,	Mellott,	Snyder,
Aukerman,	Habbyshaw,	Mihm,	Sollenberger,
Baine,	Haberlen,	Moomaw,	Spengler,
Baker, F. T.,	Hagerty,	Mooney,	Sproul,
Baker, J. T.	Hall,	Moran,	Stackpole,
Balthaser,	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boies,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hetrick,	Ominsky,	Toole,
Bradley,	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Coakley,	Keenan,	Readinger,	Wampole,
Cohen, H. B.,	Kelso,	Reese,	Watkins,
Cohen, R. E.,	Kilroy,	Reising,	Webster,
Coleman,	Kline,	Richter,	Weidemann,
Coolahan,	Kroll,	Robinson,	Weiss, D. H.,
Corrigan,	LaRue,	Rothenberger,	Weiss, S. A.,
Costanzo,	Leisey,	Royer,	Welliver,
Davies,	Levy,	Ruffennach,	Welsh,
Decker,	Lewis,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Longaker,	Scanlon,	Whitenight,
Donohoe,	Lopresti,	Schor,	Wilson,
Dougherty,	Lovett,	Schrock,	Winner,
Downey,	Lyons,	Schrope,	Wood,
Dubbs,	Marino,	Schumacher,	Woodside,
Dyson,	Matthews, H. T	Shaw,	Wright,
Eckels,	Matthews, J. F.	Shea,	Yanoshat,
Elpern,	McArdle,	Shepard,	Yeakel,
Falkenstein,	McCullough,	Shoemaker,	Yourishin,
Finnerty,	McDermott,	Shugarts,	Zappala,
Fitch,	McDevitt,	Siegel,	Furman,
Flanagan,	McElroy,		

NAYS—3

Fiss,	O'Connor,	Serrill,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASON FOR VOTE

Mr. FALKENSTEIN filed the following reason for his vote:

I am voting for this bill because it is a very good bill, outside of the section pertaining to signs, which reduces the prices on signs, and in my opinion, this would reduce employment in that industry.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2505, (Senate Bill No. 342), entitled:

An Act to re-enact and amend the act approved the nineteenth day of February one thousand nine hundred twentysix (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further regulating the manufacture sale use and traffic in alcohol and alcoholic liquids conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board further regulating those licensed under this act imposing filing fees changing the method of calculating certain license fees providing for the use of the word "license" instead of "permit" regulating and providing the procedure for the granting suspension and revocation of licenses and for compromises in certain cases providing for the disposition of fees compromise penalties and forfeitures regulating the jurisdiction of courts and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Keefe,	Thompson,
Boyer,	Hetrick,	Ominsky,	Toole,
Bradley,	Hindman,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holland,	Patterson, C. S.,	Tumelty,
Broad,	Holmes,	Patterson, J. W.,	Turner,
Brown,	Holstrom,	Peale,	Valibus,
Brownfield,	Hontz,	Pearson,	VanAllsburg,
Burrows,	Horting,	Perry,	VanSickle,
Cadwalader,	Huntley,	Pershing,	Vogt,
Caesar,	Imbrie,	Piole,	Wagner,
Caputo,	Jirolanio,	Powers,	Wall,
Chervenak,	Kane,	Preston,	Walsh,
Coakley,	Keenan,	Readinger,	Wampole,
Cohen, H. B.,	Kelso,	Reese,	Watkins,
Cohen, R. E.,	Kilroy,	Reising,	Webster,
Coleman,	Kline,	Richter,	Weidemann,
Coolahan,	Kroll,	Robinson,	Weiss, D. H.,

Corrigan,	LaRue,	Rothenberger,	Weiss, S. A.,
Costanzo,	Leisey,	Royer,	Welliver,
Davies,	Levy,	Ruffennach,	Welsh,
Decker,	Lewis,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Longaker,	Scanlon,	Whitenight,
Donohoe,	Lopresti,	Schor,	Wilson,
Dougherty,	Lovett,	Schrock,	Winner,
Downey,	Lyons,	Schrope,	Wood,
Dubbs,	Marino,	Schumacher,	Woodside,
Dyson,	Matthews, H. T	Serrill,	Wright,
Eckels,	Matthews, J. F.	Shaw,	Yanoshat,
Elpern,	McArdle,	Shea,	Yeakel,
Falkenstein,	McCullough,	Shepard,	Yourishin,
Finnerty,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,
Flanagan,	McElroy,		

NAYS—3

Fiss,	O'Connor,	Strode,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2506, (Senate Bill No. 343), as follows:

An Act to r enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed plates permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Poard quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" defining and further defining and regulating licensees application for licenses and sales by licensees and fixing fees for amusement permits regulating the granting suspension revocation and transfer of licenses and the procedure therefo. and conferring jurisdiction on certain courts providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer and prescribing the powers and duties of said board providing for compromises where licenses are suspended and for the disposition of application license permit fees forfeitures and penalties and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as reenacted and amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1217) are hereby re-enacted and further amended to read as follows

An Act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon [county treasurers] The Pennsylvania Liquor Control Board Quarter Sessions Courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt or brewed beverage" means any beer lager beer ale porter or similar fermented malt [liquor] or brewed beverage containing one-half of one per centum or more of alcohol by volume by whatever name such [liquors] malt or brewed beverage may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons holding licenses issued by the board to engage in the manufacture [bottling] transportation and sale of malt or brewed beverages also all persons engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States outside the Commonwealth of Pennsylvania

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages except to importing distributors and distributors in the original sealed [packages] containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(e) The term "importing [distributors] distributor" means and includes persons licensed by the board to engage in the purchase from anufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers and importing distributors under this act and the re-sale of malt or brewed beverages in the original sealed [packages] containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(f) The term ["retailer" means and includes persons licensed by the treasurer to engage in the retail sale of malt or brewed beverages classified and defined as follows] "retail dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee with the privilege of selling malt or brewed beverages in quantities not in excess of seventy-two fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

(g) The term "original containers" means and includes bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the name and address of the manufacturer permanently affixed to the

bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(h) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(i) "Eating place" means a premise where food is regularly and customarily prepared and sold having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(j) ["Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired] "Club" means any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of malt and brewed beverages shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a club-house or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to grant a license if it appears that the charter is not in possession of the original incorporators or their direct and legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board may prescribe

(k) "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(l) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

(m) The term "manufacture" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(n) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least [eight] ten and in any other place at least [four] six permanent bedrooms for the use of guests and a public dining room or [eating place] rooms operated by the same management accommodating at least thirty persons at one time and a kitchen in which food is regularly prepared for the public apart from the public dining room or [eating place] rooms

(o) The term "sale" or "sell" shall include any transfer of malt or brewed beverages for a consideration

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold any malt or brewed beverages unless such persons holds a valid retail dispenser license issued under this act [by the treasurer] or a valid license issued under any other act authorizing the sale of spiritous and vinous liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another except as herein otherwise provided in the case of retail dispensers or as may be otherwise authorized by law any malt or brewed beverages not for consumption upon the premises where sold unless such person holds a valid license issued under this act permitting such sale

Section 5 Manufacturers' Distributors'. and Importing Distributors' Licenses

(a) It shall be unlawful for any person to manufacture malt or brewed beverages unless such person holds a valid manufacturers' license issued by the board The board shall issue to any person a resident of this Commonwealth of good repute who applies therefore pays the license fee hereinafter prescribed and files the bond hereinafter required a manufacturer's license to produce and manufacture malt or brewed beverages and to transport sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original [packages] containers in quantities of not less than two hundred eight-eight fluid ounces anywhere within the Commonwealth Each individual applicant for manufacturer's license and in the case of partnerships and associations each member thereof shall be a citizen of the United States and have been residents of this Commonwealth at least two years prior to the date of their respective applications In the case of corporations organized or registered under the laws of this Commonwealth it must appear that all of the officers and directors and the owners of at least fifty-one per centum of the capital stock of the corporation are citizens of the United States and have for a period of at least two years prior to the date of application been residents of this Commonwealth Licenses for places of storage shall be limited to those maintained by manufacturers on July 18 1935 and thereafter the board shall issue no licenses for places of storage in addition to those maintained on July 18 1935 The application for such license shall be in such form and contain such information as the board shall require All such licenses shall be granted for the calendar year Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof

(b) The Board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original [packages] containers as prepared for the market by the manufacturer at the place of manufacture Such licenses shall be issued only to reputable individuals partnerships and associations who are or whose members are citizens of the United States and have for two years prior to the date of their application been residents of the Commonwealth of Pennsylvania or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania Such licenses shall be issued to corporations duly organized or registered under the

laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania which in the case of distributors have been purchased only from persons licensed under this act as manufacturers or importing distributors and in the case of importing distributors have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from [persons] manufacturers or importing distributors licensed under this act

Section 6 Malt and Brewed Beverages [Retailers'] Retail Licenses

(a) Subject to the restrictions hereinafter provided [the treasurer shall issue to a person who conducts a reputable hotel or any reputable incorporated club or reputable bona fide eating place where food is regularly and customarily prepared and sold and who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the bond hereinafter required a retail dispensers license for such place] in this act and upon being satisfied of the truth of the statements in the application that the premises and the applicant meet all the requirements of this act and the regulations of the board that the applicant seeks a license for a reputable hotel eating place or club as defined in this act the board shall in the case of a hotel or eating place grant and issue and in the case of a club may in its absolute discretion grant and issue to the applicant a retail dispenser's license

[Such] In the case of hotels and eating places license shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania all of whose officers and directors are citizens of the United States In the case of incorporated clubs licenses shall be issued only to those incorporated under the laws of Pennsylvania

No retail dispensers license shall be granted in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt or brewed beverages may be sold for consumption on the premises where sold

(b) Subject to the restrictions provided in this act and upon being satisfied of the truth of the statements in the application that the premises and the applicant meet all the requirements of this act and the regulations of the board that the applicant is a person of good repute and actually conducts on the premises for which a package retail license is applied a bona fide retail business in groceries food or delicatessen the board shall grant and issue to the applicant a package retail license The applicant shall be required to prove to the board before issuance or renewal of license that his principal business is the retail sale of groceries food or delicatessen and shall thereafter before each renewal of his license satisfy the board by such evidence as it shall require that in municipalities having a population of less than one million his gross receipts from the retail sale of groceries food or delicatessen were not less than at the rate of five-thousand dollars ($5,000) a year and in municipalities having a population of one million or more were not less than at the rate of ten thousand dollars ($10,000) a year

(c) In the case of any new license or the transfer of any license to a new location the board shall in its discretion grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil The board shall not issue new licenses except as herein otherwise provided in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the applicant therefor is filed at least thirty days before the effective date of the license Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post for a period of at least fifteen days beginning with the day the application is filed with the board in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied a notice of such application in such form of such size and containing such provisions as the board may require by its regulations Proof of the posting of such notice shall be filed with the board

Section 7 License Hearings Appeals from Refusal of Licenses The board may of its own motion and shall upon the written request of any applicant for license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application Such hearing shall be before the board a member thereof or an examiner designated by the board At such hearing the board shall present it reasons for its refusal or withholding of license renewal or transfer thereof The applicant may appear in person or by counsel may cross-examine the witness for the board and may present evidence which shall likewise be subject to cross-examined by the board Such hearing shall be stenographically recorded The examiner shall thereafter report to the board upon such hearing The board shall thereupon grant or refuse the license renewal or transfer thereof If the board shall refuse such license renewal or transfer following such hearing notice in writing of such refusal shall be mailed to the applicant at the address given in his application In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order Any person aggrieved by the refusal of the board [or treasurer] to issue renew or transfer a license may appeal to the Court of Quarter Sessions of the county in which the premises applied for are located within twenty days of date of refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board [or treasurer] [whereupon] [a hearing shall be held upon said petition by the court upon thirty days' notice to the board or treasurer which shall be represented in the proceeding by the Department of Justice or the district attorney as the case may be At said hearing testimony may be presented by the applicant and the board or treasurer after the consideration of which] The court shall hear the application de novo at such time as it shall fix of which notice shall be given to the board The court shall either sustain the refusal of the board [or treasurer] or order an issuance of the license to the applicant There shall be no further appeal any appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise

Section 8 Public Service Licenses The board may issue public service malt and brewed beverage licenses to a railroad pullman or steamship company permitting malt or brewed beverages to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited Such licenses shall

only be granted to reputable persons and for fit places The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated The board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee Any person aggrieved by the decision of the board in refusing suspending or revoking any such license [may within twenty days thereafter appeal to the Court of Common Pleas of Dauphin County which shall fix a time for hearing of which notice shall be given to the board as the court may provide The court shall hear the appeal de novo and shall make such affirming modifying or reversing the order of the board as to it shall appear just The action of the court shall be final] may appeal to the Court of Quarter Sessions of Dauphin County in the same manner as provided in this act for appeals from refusals of license

Section 9 License Year Mercantile License Exemption

(a) Licenses issued under this act to distributors importing distributors and retail dispensers [licensees] shall unless revoked in the manner provided in this act be valid for the license year which [in the case of retail dispensers shall begin on the first day of June of each year and in the case of distributors and importing distributors shall be for such license year as] may be established by the board for the particular license district in which the license issues [Retail dispenser's licenses may be issued at any time during the license year]

(b) Licenses issued under this act to manufacturers and public service companies shall unless revoked in the manner provided in this act be valid for the calendar year for which they are issued Licenses to manufacturers and public service companies may be issued at any time during a calendar year.

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt or brewed beverages and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt or brewed beverages from his gross income from all sources in making his returns for mercantile license tax purposes.

Section 10 Filing of Applications for Distributors' Importing Distributors' and [Retailers'] Retail Dispensers' Licenses Every person intending to apply for a distributors' importing distributor's or retail dispenser's license as aforesaid in any municipality or township of this Commonwealth shall file with the board [or treasurer as the case may be] his or its application [In the case of distributors and importing distributors] All such applications shall be filed at a time to be fixed by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act The applicant shall at the time of filing the application and bond pay said board [or treasurer as the case may be] the filing fee of ten dollars as specified in this act

Section 11 Application for Distributors' Importing Distributors' Package Retailers' and [Retailers'] Retail Dispensers' Licenses Application for distributors' importing distributors' and [retailers] retail dispensers' licenses shall contain the following information and statements

(a) The name and residence of the applicant and how long he has resided there and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application.

(b) The particular place for which the license is desired and a detailed description thereof.

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director all of whom shall be citizens of the United States if the application is for a distributor's importing distributor's license and the applicant therefor is a corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that at least fifty-one per centum of the capital stock of the corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of all stockholders

(d) Name of owner of premises and his residence.

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter permitted.

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter permitted.

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof.

(h) A full description of that portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution of malt or brewed beverages a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location and such additional information as the board may require.

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The [treasurer] board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club or if incorporated it was not incorporated in Pennsylvania.

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt or brewed beverages are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe that each and all the statements contained in the petition are true and they therefore believe that the application should be granted and that the license should issue.

The application must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of the crime of prejury A license shall not be granted by the board [or treasurer as the case may be] unless the application contains the information herein required and the premises meet such reasonable sanitary requirements as the board by regulation shall prescribe.

Section 12 Prohibitions Against the Grant of Licenses

(a) Any retail dispenser may be granted licenses to maintain operate or conduct any number of places for the sale of malt or brewed beverages but a separate license

must be secured for each place where malt or brewed beverages are sold.

(b) No person shall possess or be issued more than one distributor's importing distributor's license no person shall possess or be issued more than one class of license No distributor [or] or importing distributor shall maintain or operate any place where sales are made other than that for which the license is granted No distributor [or] or importing distributor shall maintain any place for the storage of malt or brewed beverages except in the same municipality or township in which the licensed premises is located and unless the same has been approved by the board In the event there is no place of cold storage in the same municipality or township the board may approve for an importing distributor or distributor a place of cold storage in the nearest municipality or township No distributor's [or] importing distributor's or package retailer's license shall be issued fo any premises in any part of which there is operated any retail license for the sale of liquor or malt or brewed beverages

(c) Licenses shall be granted by the board [or treasurer] only to reputable individuals or to associations partnerships and corporations whose members or officers and directors are reputable individuals.

A retail dispenser license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident of the county wherein his place of business is or is to be located

No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or any of the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any manufacturer's importing distributor's distributor's or retail dispensers license nor shall such a person have any interest directly or indirectly in any such license

Section 13 Revocation and Suspension of Licenses

(a) After a license has been granted by the treasurer upon petition of the Attorney General the board the treasurer the district attorney or fifteen or more taxpayers residents of the ward borough or township where the place of business is located to the Court of Quarter Session and upon sufficient cause being shown or proof being made to the court that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of malt or brewed beverages or relating to the manufacture sale or transportation of alcohol or other alcoholic beverages it may upon due notice and proper hearing being given to the person so licensed suspend or revoke the said retail license issued by the treasurer The court shall assess or remit the costs in its discretion.

Any licensee whose retail license is revoked shall be ineligible to have a license or permit under this act or under another act relating to the manufacture sale or distribution of malt liquor or other alcoholic liquors until the expiration of three years from the date his license was revoked.

(b) The board upon sufficient cause being shown or proof being made that any licensee holding a license issued by the board or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the manufacture sale possession or transportation of malt or brewed beverages alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed suspend or revoke the license issued by the board under the provisions of this act In all cases where the board shall suspend or revoke a license it shall set forth its finding of fact the evidence from which such findings of fact are made and the reasons upon which its action is based Any licensee whose license is revoked by the board shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any person aggrieved by the suspension or revocation of a license issued by the board under this act may within twenty days after such suspension or revocation appeal to the Court of Quarter Sessions of the county in which the premises in which said license was conducted are located Such appeal shall be upon the petition of the person aggrieved who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court after ten days notice to the board which shall be represented in the proceedings by the Department of Justice At such hearing testimony may be presented by the applicant and the board after the consideration of which the court shall either sustain the suspension or revocation of the license modify or beverse the order of the board In all such cases of appeal the Court of Quarter Sessions shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

(c) An person aggrieved by the action of the Court of Quarter Sessions shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence presented to it The action of the Superior Court shall be final] Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulations of the board adopted pursuant to such laws or any intentional violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages by any licensee his officers servants agents or employes or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occured or for other sufficient cause the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the license or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within the said year In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the Court of Quarter Sessions in the same manner as herein provided for appeals from refusals to grant licenses In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of a manufacturer the offer in compromise shall be at the rate of one hundred dollars ($100) for each day of suspension in the case of an importing distributor thirty dol-

lars ($30) and a distributor twenty dollars ($20) for each day of suspension and in the case of a retail dispenser or transporter for hire ten dollars ($10) for each pay of suspension No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred days

Section 14 Licenses Not Assignable Transfers

(a) Licenses issued under this act may not be assigned The board upon payment of the transfer filing fee and the execution of a new bond [or treasurer as the case may be] is hereby authorized to transfer any license issued by it [or him] from one person to another or from one place to another or both within the same municipality or township as the board [or treasurer] may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally nor except as herein provided to a place as to which a license has been revoked [within one year of the date of application] Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the board [or treasurer] may determine such circumstances to justify its [or his] action transfers of licenses may be made only at times fixed by the board [or the treasurer] In the case of the death of a license the board may transfer the license to the surviving spouse or personal representative or to a person designed by him From any refusal to grant a transfer the person aggrieved shall have the right to grant a transfer the person aggrieved shall have the right to appeal to the Court of Quarter Sessions of the county in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses.

(b) In the event that any person to whom a license shall have been issued under the [terms] provisions of this act by the board shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action [or shall have a receiver appointed by any court whether by voluntary or involuntary action] the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In all such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted.

Section 15 Applications for Transfers Fee Every applicant for a transfer of a license shall file a written application together with a filing fee of ten dollars with the board [or treasurer as the case may be] in such form as the board [or treasurer] shall prescribe and at such time as the board [or treasurer] shall fix and shall also file a bond as required on original applications for licenses.

Whenever any license is transferred no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year except the filing fee of ten dollars ($10).

Section 16 Renewal of Licenses [All applicants for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter Unless within one month of the date of filing of such application for renewal the applicant shall have been notified by the board or treasurer as the case may be of objections to the granting thereof filed by persons authorized so to do upon the payment of the license fee and the filing of a bond as in the case of an original application for license the board or treasurer shall issue such renewal of license Objections to the granting of the renewal of the license shall be limited to those filed by persons authorized to file petitions for the revocation or suspension of licenses as provided in section thirteen hereof] All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless the applicant shall have been formally notified by the board of objections to the renewal of his license based upon violation by the licensee or his servants agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act or the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new bond and shall pay the requisiste filing fee and license fee specified in this act.

(c) In case where a licensee or his servants agents employes are arrested charged with violating any of the laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board the board may in its discretion renew the license notwithstanding such alleged violations but such renewal license may be revoked by the board in the manner herein provided for the revocation of licenses if and when the licensee or any of his servants agents or employes are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked.

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited.

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no license shall authorize sales until this section has been complied with.

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor importing distributor or [retailer] retail dispenser or to any railroad pullman or steamship company until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed Bonds of all applicants except manufacturer's shall have sufficient sureties either personal or as surety a surety company authorized to do business in this Commonwealth or shall have deposited therewith as collateral security cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds In all cases where cash or securities in lieu of other surety have been deposited with the board the depositor shall be permitted to continue the same deposit from year to year on each renewal of license but in no event shall he be permitted to withdraw his deposit during the time he holds said license or until six months after the expiration of the license held by him or while revocation proceedings are pending against such license All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board After notice from the board that such a bond has been forfeited the State Treasurer shall immediately pay into the State Stores Fund all cash deposit-

ed as collateral with such bond and when securities have been deposited with such a bond the State Treasurer shall sell at private sale at not less than the prevailing market price any such securities so deposited as collateral with any such forfeited bond The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities except that if the amount so realized after deducting proper costs and expenses is in excess of the penal amount of the bond such excess shall be paid over by him to the obliger on such forfeited bond Bonds with personal surety shall be executed by not less nor more than two individuals as sureties each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2000) or more Bonds of manufacturers shall have as surety a surety company authorized to do business in this Commonwealth Such bonds shall not be accepted until approved by the board [or treasurer as the case may be] All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to [the] alcohol alcoholic liquors and malt or brewed beverages and the regulations of the board [the manufacture sale possession or transportation of malt or brewed beverages or alcohol or any other alcoholic beverages] All bonds shall be filed with and retained by the board [or treasurer as the case may be] The penal sum of bonds filed by the manufacturers shall be ten thousand dollars ($10,000) for each place at which the licensee is authorized to manufacture The penal sum of bonds filed by distributors shall be one thousand dollars ($1,000) and for importing distributors two thousand dollars ($2,000) The penal sum of bonds filed by all other licensees shall be one thousand dollars ($1,000) for each place at which the licensee is authorized to sell malt or brewed beverages except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand dollars ($1,000) irrespective of the number of licensed cars or ships operated by such companies Every such bond may be forfeited when a license is revoked and shall be turned over to [the district attorney or] the Attorney General [as the case may be to be sued out] for collection if and when the licensee's license shall have been revoked and his bond forfeited as herein provided.

Section 19 License Fees Distribution of Revenues No License shall be issued to any manufacturer distributor importing distributor or retail dispenser and no public service licenses shall be issued until the licensee shall have first paid an annual license fee [for such grant] as follows

(a) In the case of a manufacturer the license fee shall be one thousand dollars ($1,000.00) for each place of manufacture and shall be paid to the board The fee for all such licenses when applied for and issued on or after April 1 But prior to July 1 shall be three-fourth of the annual fee July 1 but prior to October 1 shall be one-half of the annual fee October 1 but prior to January 1 shall be one-quarter of the annual fee.

(b) In the case of a distributor the license fee shall be four hundred dollars ($400.00) and shall be paid to the board.

(c) In the case of an importing distributor the license fee shall be nine hundred dollars ($900.00) and shall be paid to the board.

(d) In the case of a retail dispenser except clubs the license fee shall be graduated according to the population of the municipal unit or ownership in which the place of business is located and shall be paid to the [treasurer] board as follows

	[Retail] [Dispenser]
[(a)] (1) Less than 10,000	$100
[(b)] (2) 10,000 and more but less than 50,000	150
[(c)] (3) 50,000 and more but less than 100,000	200
[(d)] (4) 100,000 and more but less than 150,000	250
[(e)] (5) 150,000 and more	300

(e) In the case of [an incorporated] a club the fee shall be twenty-five dollars in all cases and shall be paid to the [treasurer] board.

[(f)] (f) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board.

[(g)] (g) In the case of a public service license for the sale of malt or brewed beverages on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board.

[(h)] (h) The fee for filing applications for licenses and for renewals shall be ten dollars which together with fees for transfers shall be paid to the board [or treasurer issuing the licenses]

[(i)] (i) The license fees fixed by this section shall be paid before the license or renewal is issued.

[(j)] (j) The license fees for manufacturers distributors importing distributors and public service licenses and all filing fees for such licenses and all permit fees forfeitures and compromise penalties collected received or recovered under the provisions of this act shal be transmitted to the State Treasurer by the Board and shall be paid into the State Stores Fund Fees paid for retail dispensers licenses shall be paid into the State Treasury through the Department of Revenue into the special fund known as the "Liquor License Fund" The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the [treasurer] board to the municipalities and townships in which the licensed places are located in such amounts as represent the aggregate license fees collected from retail dispenser licensees in such municipalities and townships during the preceding period [Filing fees collected by the treasurer shall be for the use of the county].

(k) The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and townships the board shall have the authority to deduct from the next semi-annual payment to the respective municipalities and townships the amount of any over-payment previously refunded by the board to any person on account of an over-charge or over-payment on a license fee.

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken.

Section 21 Sales by Distributors and Importing Distributors No distributor or importing distributor shall purchase receive or re-sell any malt or brewed beverages except in the original containers as prepared for the market by the manufacturer at the place of manufacture No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces Provided That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor or in any place provided for such purposes by such distributor or importing distributor.

Section 22 Sales by [Retailers] Retail Dispensers (a) No [retailer] retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premsies so licensed Provided however That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of seventy-two fluid ounces and provided further That no club

licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club.

No [retailer] retail dispenser shall sell any malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a retail dispenser [licensee] from selling malt or brewed beverages in a hotel or club house in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same.

(c) The board may with the approval of the Governor temporarily close all licensed premises within any municipality or township during any period of emergency proclaimed to be such by the Governor.

Section 23 Unlawful Acts It shall be unlawful

[(a)] (I) For any maufacturer or the servants agents or employes of the same to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in th forenoon of the following Monday or for any distributor or importing distributor or the servants agents or employes of the same to sell trade or barter in malt or brewed beverages between the hours of nine o'clock post meridian of any Saturday and two o'clock ante meridian of the following Monday except in municipalities having a population of one million or more importing distributors and distributors may sell trade or barter in malt or brewed beverages until twelve o'clock midnight of any Saturday

[(b)] (II) For any hotel [restaurant] or eating place holding a retail dispenser's license or public service licensee or the servants agents or employes of such licensees to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day Provided however That any municipality or township may by ordinance prohibit the sale of malt or brewed beverages between twelve o'clock midnight and seven o'clock ante meridian of any week day and where any ordinance has been so enacted it shall be unlawful and constitute a violation of this act to sell malt and brewed beverages between said hours

[(c)] (III) For any licensee or his servants agents or employes to sell furnish or give any malt or brewed beverages to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

[(d)] (IV) For any hotel [restaurant] or eating place holding a retail dispenser's license or public service licensee or his servants agents or employes to sell furnish or give any malt or brewed beverages to any person after two o'clock antemeridian or until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

[(e)] (V) For any licensee or his servants agents or employes to sell or offer to sell or purchase or receive any malt or brewed beverages except for cash excepting credits extended by a hotel or club to bona fide registered guests or members No rights of action shall exist to collect any claims for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for [packages or] original containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on such containers when title is retained by the vendor if such containers [or packages] have been returned to the manufacturer distributor importing distributor or other vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth provided however that as to all transactions affecting malt or brewed beverages to be re-sold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces

[(f)] (VI) For any licensee or his servants agents or employes to sell offer to sell or furnish any malt or brewed beverages to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

[(g)] (VII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or for any licensee or his servants agents or employes except a manufacturer on his own premises to hereafter lease purchase or receive for display or to [advertise] display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part any advertisement whatsoever relating to malt or brewed beverages [by trade name trade-mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any beverage] unless the actual value of such [advertising device] advertisement shall be not more than [seventy-five dollars ($75.00)] twenty-five dollars ($25.00) No sign or advertisement furnished leased or sold by any manufacturer importing distributor or distributor shall contain any thing except the trade name trade-mark or place of manufacture of the malt or brewed beverage manufactured or sold by him

[(h)] (VIII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or for any other licensee or his servants agents or employes to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular malt or brewed beverage or the manufacturer producer or place of manufacture or production of any malt or brewed beverages unless the actual value of such advertising device including all displays in connection therewith shall not exceed ten dollars ($10) It shall be unlawful for any licensee to display or permit to be displayed any window advertising except in accordance with the regulations of the board

[(i)] (IX) For any licensee or his servants agents or employes to advertise or hold out for sale any malt or brewed beverage by trade name or other designation which would indicate the manufacturer or place of production of the said malt or brewed beverage unless he shall actually have on hand and for sale a sufficient quantity of the particular malt or brewed beverage so advertised to meet requirements to be normally expected as a result of such advertisement or offer

[(j)] (X) For any retail dispenser or his servants agents or employes to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

[(k)] (XI) For any licensee or his [or its] servants agents or employes to transport sell deliver or purchase any malt or brewed beverage upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverages was produced This clause shall not be construed to prohibit a manufacturer from designing upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the

alcoholic content of the malt or brewed beverage must be stated upon the package

[(l)] (XII) For any [retail] licensee his servants agents or employes except clubs to permit in any licensed premises dancing theatricals floor show or moving picture exhibitions of any sort unless the licensee shall have first received from the board a special permit to provide such entertainment or for any retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The board shall have power to provide for the issue of such special permits and to require a fee [of twenty-five dollars] for permits [authorizing theatricals floor shows or moving picture exhibitions] equal to one-fifth of the annual license fee but not less than twenty-five dollars All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places Any violation of this clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his license

[(m)] (XIII) For any distributor or importing distributor or his servants agents or employes without the approval of the board and then only in accordance with board regulations to engage [on the licensed premises] in any other business whatsoever except the business of distributing malt or brewed beverages [or non-intoxicating beverages]

[(n)] (XIV) For any distributor importing distributor or retail dispenser or his servants agents or employes to have in his possession or to permit the storage of on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises [of] any spirituous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages

[(o)] (XV) For any licensee or his servants agents or employes except a manufacturer to manufacture import sell transport store trade or barter in any spirituous vinous or other alcoholic liquors or alcohol except malt or brewed beverages

[(p)] (XVI) For any licensee or his servants agents or employes to issue publish or post or cause to be issued published or posted any advertisement of [a] malt or brewed beverages including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

[(q)] (XVII) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

[(r)] (XVIII) For any licensee or his servants agents or employes to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties of nominal value which the board shall define

[(s)] (XIX) For any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages or any other commodity manufactured or sold by the licensee

[(t)] (XX) For any importing distributor distributor retail dispenser or his servants agents or employes to fail to keep on the licensed premises for a period of at least two years such complete and truthful records as the board may prescribe covering the operation of his licensed business and particularly showing the date of all purchases of malt or brewed beverages the actual price paid therefor and the name of the vendor or for any licensee his servants agents or employes to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

[(u)] (XXI) For any licensee or his servants agents or employes to refuse the board or any of its authorized employes the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business

[(v)] (XXII) For any retail dispenser or his servants agents or employes to furnish give or sell below a fair cost any lunch to any customer except such articles of food as the board may authorize and approve

[(w)] (XXIII) For any person to hawk or peddle malt or brewed beverages

[(x)] (XXIV) For any licensee or his servants agents or employes to be directly or indirectly employed by any person engaged in the manufacture storage transportation or sale of spirituous or vinous liquors alcohol or malt or brewed beverages

[(y)] (XXV) For any licensee or his servants agents or employes to knowingly sell any malt or brewed beverages to any person engaged in the business of illegally selling liquor or malt or brewed beverages

[(z)] (XXVI) For any person to transport within or import any malt or brewed beverages into this Commonwealth except in accordance with the rules and regulations of the board or for any person to transport malt or brewed beverages into or within this Commonwealth unless there shall be affixed to the original containers in which such malt or brewed beverages are transported stamps or crowns evidencing the payment of the malt liquor tax to the Commonwealth Provided however That this clause shall not be construed to prohibit transportation of malt or brewed beverages through this Commonwealth and not for delivery therein if such transporting is done in accordance with the rules and regulations of the board

(XXVII) For any manufacturer importing distributor or distributor or his servants agents or employes except with board approval to deliver or transport any malt or brewed beverages in any vehicle in which any other commodity is being transported

XXVIII For any importing distributor distributor package retailer or retail dispenser or the servants agents or employes of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell malt or brewed beverages except in the interior of the licensed premises where the display cannot be seen from the outside the price at which malt or brewed beverages will be sold by him

XXIX For any package retailer or retail dispenser to employ any minor or to permit any minor to render any sevice whatsoever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth

XXX For any licensee his servants agents or employes to cash payroll checks except in accordance with board regulations

XXXI For any retail dispenser his servants agents or employes to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connected there-

with except minors accompanied by parents guardians or under proper supervision

XXXII For any licensee his servants agents or employes to give furnish trade barter serve or deliver any malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling malt or brewed beverages

XXXIII For any club retail dispenser or its servants agents or employes to sell malt or brewed beverages between the hours of three o'clock ante meridian and seven o'clock ante meridian on any day

XXXIV For any importing distributor or distributor or package retailer engaged in the same of products other than malt or brewed beverages to fail to keep such complete separate records covering in every respect his transactions in malt or brewed beverages as the board shall by regulation require

XXXV For any licensee or any officer director stockholder servant agent or employe of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to importing distributors distributors or retail dispensers licensed under this act or to hotel restaurant or club licensees licensed under any other act of this Commonwealth relating to liquor or malt or brewed beverages provided however that the provisions of this subsection shall not apply to such a conflicting interest if it has existed for a period of not less than three years prior to January first one thousand nine hundred and thirty-seven and the board shall approve

(XXXVI) For any importing distributor or distributor except in municipalities having a population of one million or more to sell or deliver any malt or brewed beverages after the hour of seven o'clock post meridian of any day in which they may legally sell malt or brewed beverages except that on Saturdays and days preceding National holidays sales and deliveries may be made until nine o'clock post meredian

Section 24 Things of Value Not to Be Offered It shall be unlawful for any person licensed to sell malt or brewed beverages or his servants agents or employes to offer or give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt or brewed beverages or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of such malt or brewed beverages or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 25 Unlawful to Fortify Adulterate or Contaminate Malt or Brewed Beverages It shall be unlawful to fortify adulterate contaminate or in any wise to change the character or purity of the malt or brewed beverages from that as originally marketed by the manufacturer at the place of manufacture

Section 26 Transportation in Original Packages It shall be unlawful for any [licensee or transporter for hire] person to transport any malt or brewed beverages except in the original containers It shall be unlawful for any [transporter for hire] person to transport for another any malt or brewed beverages within this Commonwealth unless such [transporter] person shall hold a permit issued by the board and shall have paid to the board such permit fee not exceeding one hundred dollars and shall have filed with the board a bond in the penal sum of not more than two thousand dollars as may be fixed by the rules and regulations of the board any other law to the contrary nothwithstanding

Section 27 Delivery Vehicles to Bear Name and Address of [Distributor Importing Distributor or Manufacturer] Licensee It shall be unlawful of a [manufacturer importing distributor or distributor] licensee to deliver or transport any malt or brewed beverages excepting in vehicles bearing the name and address and license number of such [distributor importing distributor or manufacturer] licensee painted or affixed on each side of such vehicle in letters no smaller than four inches in height

Section 28 Interlocking Business Prohibited

(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor importing distributor or retail dispenser or an officer director or stockholder or creditor of any distributo impoting distributor or retail dispenser nor except as hereinafter provided be the owner proprietor or lessor of any place [covered directly or indirectly by any distributor's importing distributor's malt or brewed beverage or liquor license] for which a license has been issued for any importing distributor distributor or retail dispenser under this act or for which a hotel restaurant or club liquor license has been issued under any other act of this Commonwealth

(b) No distributor or importing distributor and no officer or director of any distributor or importing distributor shall at the same time be a manufacturer [or] a retail dispenser or a liquor licensee or be an officer director stockholder or creditor of a manufacturer [or] a retail dispenser or a liquor licensee or directly or indirectly own any stock of o have any financial interest in or be the owner proprietor or lessor of any place covered by any other malt or brewed beverage or liquor license

(c) No licensee licensed under this act and no officer or director of such licensee shall directly or indirectly own any stock of or have any financial interest in any other class of business licensed under this act

(d) Excepting as hereinafter provided no manufacturer importing distributor or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage against the same for which a liquor or retail dispenser's license is granted nor shall a manufacturer importing distributor or distributor either directly or indirectly lend any moneys credit or equivalent thereof to or guarantee the payment of any bond mortgage note or other obligation of any liquor licensee or retail dispenser in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business operated under a liquor or retail dispenser's license exceeding only the usual and customary credits allowed for returning [packages or] original containers in which malt or brewed beverages were packed for market by the manufacturer at the place of manufacture

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a distributor's or importing distributor's license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or their equivalent to or guarantee the payment of any bond mortgage not or other obligation of any distributor or importing distributor in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business where malt or brewed beverages are licensed for sale by a distributor or importing distributor excepting only the usual credits allowed for the return of [packages or] original containers in which malt or brewed beverages were originally [packages] packaged for the market by the manufacturer at the place of manufacture

(f) No distributor importing distributor or retail dispenser shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any officer director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institution in which another licensee or any officer director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establishment or business operated under a distributors importing distributor's or retail dispenser's license excepting only the usual and customary credits allowed for the return of [packages or] original containers in which malt or brewed beverages were [packed] packaged for the market by the manufacturer at the place of manufacture

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or

indirectly evade the provisions of this section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a distributor importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July 18 1935

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth

Section 29 Malt or Brewed Beverages Manufactured Outside This Commonwealth In addition to compliance with all other provisions of this act the board shall require each person desiring to sell any malt or brewed beverages manufactured outside this Commonwealth to Pennsylvania licensees and shall require each Pennsylvania licensee who desires to purchase and re-sell any such malt or brewed beverages to pay to the board the same fees as are required to be paid by Pennsylvania licensees or by persons or licensees in any state territory or country outside of Pennsylvania who desire to sell malt or brewed beverages manufactured in Pennsylvania to licensees in such other state territory or country of origin of such malt or brewed beverages not manufactured in Pennsylvania and to observe and comply with the same regulations prohibitions and restrictions as are required of or enforced against Pennsylvania licensees or persons who desire to purchase and resell malt or brewed beverages manufacturer in Pennsylvania in such other state territory or county of origin In all cases where the board shall have issued any reciprocal regulations or orders concerning malt or brewed beverages manufactured in any state territory or country other than Pennsylvania no Pennsylvania licensee shall purchase any such malt or brewed beverages if their importation has been prohibited or if not entirely prohibited unless such regulations or orders have been observed and complied with by the Pennsylvania licensee and by the person from or through whom the Pennsylvania licensee desires to purchase Any malt or brewed beverages manufactured outside of Pennsylvania which are sold transported or possessed in Pennsylvania contrary to any such regulations or orders of the board or without the payment of the fees herein required shall be considered contraband and shall be confiscated by the board and disposed of in the same manner as any other illegal liquor or malt or brewed beverages

Upon learning of the commission by a manufacturer of malt or brewed beverages whose principal place of business is outside this Commonwealth or by any servant agent employe or representative of such manufacturer within or partly within and partly outside this Commonwealth of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulation of the board adopted pursuant thereto or of any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment or liquor or malt or brewed beverages the board shall cite such manufacturer to appear before it or its examiner not less than ten nor more than fifteen days from the date of mailing such manufacturer at his principal place of business wherever located by registered mail or notice to show cause why the further importation into this Commonwealth of malt or brewed beverages manufactured by him should not be prohibited Upon such hearing whether or not an appearance was made by such outside manufacturer if satisfied that any such violation has occurred the board is specifically empowered and directed to immediately issue an order prohibiting the importation of malt or brewed beverages manufactured by such manufacturer into this Commonwealth for a period of not less than six months nor more than three years Notice of such board action shall be given immediately to such manufacturer and to all persons licensed to import malt or brewed beverages within this Commonwealth by mailing a copy of such order to such manufacturer at its principal place of business wherever located and to such licensees at their licensed premises Thereafter it shall be unlawful for any person licensed to import malt or brewed beverages within this Commonwealth to purchase or sell any malt or brewed beverages manufactured by such outside manufacturer during the term of such prohibition Any violation of such prohibitory order shall be a misdemeanor and shall be punished in the same manner as herein provided for any other violation of this act and shall also constitute grounds for revocation or suspension of a license to import malt or brewed beverages In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons or the ruling or order Any outside manufacturer aggrieved by the action of the board may appeal to the Quarter Sessions Court of Dauphin County in the same manner as herein provided for appeals from refusals to grant licenses

Section [29] 30 Penalty (a) Any person copartnership association or corporation or any officer director servant employe or agent of any copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine [not exceeding] of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) and on failure to pay such fine to imprisonment for not less than one month nor more than three months for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine [not exceeding] of not less than three hundred dollars ($300) nor more than five hundred dollars ($500) [Any such person or the members agents servants or employes of any such partnership or association or the officers directors agents servants or employes of any such corporation responsible for any violation of any of the provisions of this act in addition to the fines hereinbefore prescribed may upon a first conviction be sentenced to imprisonment for a term not exceeding six months and upon a second or subsequent conviction] and shall be sentenced to imprisonment for a term of not less than three months nor more than one year

(b) Upon proof being made that any licensee or any servant agent or employe of such licensee under this act has violated any of the provisions of this act or regulations of the board or any of the laws of the Commonwealth relating to liquor alcohol or malt or brewed beverages or the payment of tax thereon or the laws of the United States of America relating to the payment of tax on liquor alcohol or malt or brewed beverages the board [or the Court of Quarter Sessions of the proper county as the case may be] may in its discretion revoke or suspend any license issued under this act to any such licensee The right to suspend or revoke licenses as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this section

Section [30] 31 Nuisance (a) Any room house building boat vehicle structure or place where malt or brewed beverages are manufactured sold transported offered for sale bartered or furnished in violation of this act and all such beverages and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General [of the State] or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary

for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no beverage shall be manufactured sold offered for sale transported bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that malt or brewed beverages will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section [31] 32 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of the primary election immediately preceding any municipal election to determine the will of the electors with respect to the granting of licenses to retail dispensers under the provisions of this act Provided however where an election was theretofore held at the municipal election in any year another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election Whenever electors equal to at least [ten] twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the county commissioners of the county for a referendum on the question of granting such licenses the said county commissioners shall cause a question to be submitted at the primary immediately preceding the municipal election occurring at least sixty days thereafter on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Dou you favor the granting of malt and brewed beverages retail dispenser licenses for consumption on premises where sold in of ?	Yes	
	No	

In case of a tie vote or if a majority of the persons voting on such question vote "yes" then malt and brewed beverage retail dispenser licenses shall be granted by the [treasurer] board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the [treasurer] board shall thereafter have no power to grant or to renew upon their expiration any retail dispenser's licenses in such municipality or township under the provisions of this act

No such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) and its amendments voted prior to the adoption of this amendment against the granting of retail [beverage] dispenser licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section [32A] 33 Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section [32B] 34 [(a) All licenses or permits issued to manufacturers and railroad pullman and steamship companies prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the first day of January one thousand nine hundred and thirty-six

(b) All licenses issued to distributors for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall be in force subject to adjustment as hereinafter provided for such period of a whole license year as the amount of license fee paid to the county treasurer bears to the amount of the license fee payable for a distributor's license under this act but no such license shall be deemed to expire prior to July first one thousand nine hundred and thirty-five notwithstanding the amount of the license fee paid The board shall have power without hearing to issue to the holders of such distributor's licenses new licenses under the provisions of this act to expire on the date fixed by the board as the expiration date of licenses in the district in which granted for which license a fee shall be paid equal to one-twelfth of the fee fixed by this act for each month such license is to be in force In fixing the expiration dates of existing licenses granted to distributors by county treasurers and the dates when licenses issued by the board shall become effective the board shall not divide any calendar month but shall have full discretion to adjust the time for which credit shall be given for the license fee paid to county treasurers except as above excepted

(c) Upon final enactment of this act the board is authorized to issue importing distributors' licenses to those who qualify without hearings for such period of time as the board determines will expire between such date and the beginning of the license year for the district in which the licensed place is located upon payment of a license fee at the schedule of rates herein set forth said fee to be determined on a monthly basis] All licenses heretofore granted by county treasurers for the license year ending May thirty-first one thousand nine hundred and thirty-seven and in force when this act becomes effective and all licenses and amusement permits granted by the board shall remain in force and effect (unless sooner revoked) until the end of the license year for which issued and no additional license or permit fees shall be required to be paid by such licensees for such license year In the event that any county treasurer shall have received under the provisions of the act hereby re-enacted and amended from any person an application for the issuance or the renewal of a retail dispenser license together with a filing fee and or a license fee for such license which has become effective for the license year beginning June first one thousand nine hundred and thirty-seven Such license or renewal thereof issued by a county treasurer shall confer upon any person the right to sell malt or brewed beverages for the license year for which issued in the same manner and subject to the terms and conditions of this act as if issued under this act by the board The first licenses and amusement permits issued by the board under the provisions of this act shall be issued for license years or fractions thereof according to the license districts in which issued and applications for all such licenses and permits shall be filed at such time as may be specified by the board The board shall have power to grant the first licenses and permits under this act in any district for a period of one year or any period more or less than one year in order to provide a staggered system of license dates in the various districts and in such cases the fees for such licenses and amusement permits shall be one-twelfth of that fixed by this act multiplied by the number of months the first license or permit shall be effective

Section 35 General Power to Make Regulations The

board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the board subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

Section 2 This act and the amendments thereto shall become effective immediately upon final enactment.

Section 3 The act approved the twentieth day of May one thousand nine hundred and thirteen (Pamphlet Laws 229) entitled "An act defining and regulating public amusements and places used therefor requiring and regulating the licensing thereof restricting the scope of certain acts of Assembly relating thereto and providing penalties for violation of this act" is hereby repealed in so far as it purports to impose a tax upon the licensees herein The act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled "A Supplement to the act approved the twenty-seventh day of March one thousand nine hundred and twenty-three (Pamphlet Laws thirty-four) entitled 'An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture hereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic liquor license laws' providing for the registering of Federal permits also regulating under permit through a Pennsylvania Alcohol Permit Board created in the Department of Welfare the manufacture production distillation development use in manufacture denaturization redistillation recovery re-use holding in bond holding in storage by bailees for hire sale at wholesale and transportation for hire of any alcohol or alcoholic liquid by certain persons also providing for fees and the disposition thereof also authorizing the inspection of the records of permittees and purchasers of said alcohol or alcoholic liquid also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" and the amendments thereto are hereby repealed in so far as the same relate to the manufacture and sale of malt and brewed beverages and malt liquors and in so far as the same are inconsistent with the provisions of this act relating to the transportation of malt or brewed beverages

On the question,

Will the House agree to the bill on third reading?

Mr. VAN SICKLE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1 (sec. 6), page 13, line 27, by inserting a heavy-face bracket before the letter "(b)" thus: "H ["

Amend sec. 1 (sec. 6), page 13, line 29, by inserting a heavy-face bracket after the word "applicant" thus: "H]"

Amend sec. 1 (sec. 6), page 14, line 1, by inserting a heavy-face bracket before the word "meet" thus: "H ["

Amend sec. 1 (sec. 6), page 14, line 17, by inserting a heavy-face bracket after the word "year" thus: "H]"

Amend sec. 1 (sec. 11), page 20, line 7, by striking out with heavy-face brackets the following: "H Package Retailers' "

Amend sec. 1 (sec. 23), page 42, line 24 by striking out at the end of the line the following: "H [HC Provided however That any municipality]"

Amend sec. 1 (sec. 23), page 42, by striking out lines 25 to 28, inclusive.

Amend sec. 1 (sec. 23), page 43, by striking out lines 1 and 2.

Amend sec. 1 (sec. 23), page 52, line 13, by striking out with heavy-face brackets the following: "H "HC package retailer"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. SCHUMACHER. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection.

Mr. VAN SICKLE. Mr. Speaker, may I explain for the benefit of the gentleman that these amendments are merely strike-out amendments to carry out the will of this House, when it voted last evening to strike out the provision relating to package sales. At that time, due to the heavy schedule and the overwork that the Legislative Reference Bureau was laboring under, they inadvertently omitted striking out several words in one section, and these strike-out amendments are merely to carry out the intention of the House last evening. May I ask the gentleman if he will withdraw his objection.

The SPEAKER. Will the gentleman withdraw his objection?

Mr. SCHUMACHER. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

On the question recurring,

Will the House agree to the bill on third reading?

MOTION FOR COMMITTEE OF THE WHOLE

Mr. VAN SICKLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the purpose of considering amendments to House Bill No. 343, Printer's No. 874.

On the question,

Will the House agree to the motion?

Mr. HERBERT B. COHEN. Mr. Speaker, I might say that there are other amendments that this bill will require. I would suggest that the bill be passed in its present form and that when it goes to the Senate a Conference Committee be appointed in order to rectify the differences, and I ask the House to vote down the motion to resolve the House into the Committee of the Whole.

Mr. VAN SICKLE. Mr. Speaker and members of the House, last evening this House voted upon certain amendments, with the intention that they accomplish a certain purpose. These amendments are merely carrying out the desires of this House, and before this bill goes into a Conference Committee I think it is our duty to carry out the intention of this House as recorded by the vote of the House last night. I therefore ask the members of the House to vote in favor of resolving this House into the Committee of the Whole, for the purpose of considering this bill on third reading.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, there are amendments that are required to this bill, in addition to the strike-out amendments, which should be offered. There are also other strike-out amend-

ments which should be considered. It will be necessary to reprint this bill, and it will further necessitate, when the bill comes out of the Conference Committee, an additional reprint. Therefore, in order to expedite the printing, I suggest that the bill be passed in its present form in order that but one reprint will be required.

Mr. JIROLANIO. Mr. Speaker, and members of the House, I am very surprised that the floorleader should make such a statement because if my memory serves me correctly, he agreed last night that this particular feature in which we are interested was to be taken care of. I ask all of the members of this House sincerely to vote to resolve this House into the Committee of the Whole in order that we may express our wish and our desire in the matter.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for five minutes. Are there objections? The Chair hears none and the Chair declares a recess for five minutes.

AFTER RECESS

The SPEAKER, (Roy E. Furman), in the Chair.

The time of recess having expired the House was called to order.

MOTION FOR COMMITTEE OF THE WHOLE WITHDRAWN

Mr. VAN SICKLE. Mr. Speaker, I desire to withdraw my motion to resolve the House into the Committee of the Whole and also for the return of the amendments submitted by me, and then, Mr. Speaker, I ask for recognition.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. VAN SICKLE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1 (sec. 6), page 13, line 27, by inserting a heavy-face bracket before the letter "(b)" thus: "H ["

Amend sec. 1 (sec. 6), page 13, line 29, by inserting a heavy-face bracket after the word "applicant" thus: "H]"

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Amend sec. 1 (sec. 11), page 20, line 7, by striking out with heavy-face brackets the following: "H Package Retailers' "

Amend sec. 1 (sec. 23), page 42, line 24, by striking out at the end of the line the following: "H [HC Provided however That any municipality]"

Amend sec. 1 (sec. 23), page 42, by striking out lines 25 to 28, inclusive.

Amend sec. 1 (sec. 23), page 43, by striking out lines 1 and 2.

Amend sec. 1 (sec. 23), page 52, line 13, by striking out with heavy-face brackets the following: "H "HC package retailer"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Northampton, Mr. Van Sickle.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. VAN SICKLE. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Northampton explain the effect of these amendments?

Mr. VAN SICKLE. Mr. Speaker, there are two sets of amendments that have been presented. The one set of amendments carries into force and effect the action of this House last night in striking out the package sale section. The next set of amendments strikes out the right of a municipality—

Mr. TURNER. Mr. Speaker, on your first set of amendments which you say strikes out the package sale section, why was it necessary for the House last night to take such action?

Mr. VAN SICKLE. Mr. Speaker, because in the hurry and because of the over-work which the Legislative Reference Bureau is burdened with, unfortunately last night in going over the bill they did not strike out all of the necessary words and sections. The second set of amendments relates to the right of a municipality by ordinance to fix the closing hour at twelve o'clock, striking that out.

Mr. TURNER. Mr. Speaker, is the gentleman from Northampton striking that out?

Mr. VAN SICKLE. That is correct.

Mr. TURNER. Mr. Speaker, does that mean that the closing hour is after twelve o'clock?

Mr. VAN SICKLE. That is correct, Mr. Speaker. It means that the municipality cannot by ordinance change the hour as stated in the bill.

The SPEAKER. Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Mr. VAN SICKLE asked and obtained unanimous consent to proceed with the final passage of the bill, the amendments being strike-out amendments.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Alexander,	Gorski,	Melchiorre,	Skale,
Allen,	Habbyshaw,	Mellott,	Sloan,
Allmond,	Haberlen,	Mihm,	Smith, James A.,
Baine,	Hagerty,	Moomaw,	Smith, John A.,
Baker, F. T.,	Hall,	Mooney,	Snyder,
Baker, J. T.	Hamilton, F. P.,	Moran,	Sollenberger,
Balthaser,	Hamilton, R. S.,	Moul,	Spengler,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Hays,	Munley,	Stank,
Boies,	Hering,	Murrin,	Stewart,
Boltz,	Hess,	Nagel,	Stockham,
Boose,	Hindman,	O'Brien,	Thomas,
Boyer,	Hirsch,	O'Keefe,	Thompson,
Bradley,	Holland,	Ominsky,	Toole,
Brancato,	Holmes,	O'Neill,	Tronzo,
Brigerman,	Holstrom,	Ostroff,	Trout,
Broad,	Hontz,	Patterson, C. S.,	Tumelty,
Brown,	Horting,	Patterson, J. W.,	Turner,
Burrows,	Huntley,	Peale,	Vallbus,
Cadwalader,	Jirolanio,	Pearson,	VanAllsburg,
Caesar,	Kane,	Perry,	VanSickle,

Capozzo,	Kreman,	Pershing,	Vogt,
Chervenak,	Kelso,	Piole,	Wagner,
Coakley,	Kilroy,	Powers,	Wall,
Coleman,	Kline,	Readinger,	Walsh,
Coolahan,	Kroll,	Reese,	Watkins,
Costanzo,	Leisey,	Reising,	Webster,
Decker,	Levy,	Richter,	Weidemann,
DeNote,	Lewis,	Robinson,	Weiss, D. H.,
Dickinson,	Long,	Royer,	Weiss, S. A.,
Donohoe,	Longaker,	Ruffennach,	Welliver,
Dougherty,	Lopresti,	Rush,	Welsh,
Downie,	Lovett,	Sarraf,	Westrick,
Dubbs,	Lyons,	Scanlon,	Whalen,
Dyson,	Marino,	Schor,	Whitenight,
Elpern,	Matthews, J. F.	Schrock,	Wilson,
Falkenstein,	McArdle,	Schrope,	Wood,
Finnerty,	McCullough,	Serrill,	Woodside,
Fitch,	McDermott,	Shaw,	Wright,
Flanagan,	McDevitt,	Shea,	Yanoshat,
Flannery,	McElroy,	Shepard,	Yeakel,
Flinchbaugh,	McFall,	Shoemaker,	Yourishin,
Ganser,	McGee,	Shugarts,	Zappala,
Gerard,	McKinney,	Siegel,	Furman,
Gillette,	McShane,	Simon,	

NAYS—8

Eckels,	Imbrie,	Preston,	Schumacher,
Hetrick,	O'Connor,	Rothenberger,	Strode,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with informatoin that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASON FOR VOTE

Mr. FALKENSTEIN filed the following reason for his vote:

I am voting for this bill because it is a very good bill, outside of the section pertaining to signs which reduces the prices on signs, and in my opinion, this would reduce employment in that industry.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2462, (Senate Bill No. 744), as follows:

An Act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the Workmen's Compensation Security Fund Act"

Section 2 As hereafter used in this act unless the context or subject matter otherwise require

"Stock Fund" means the stock workmen's compensation security fund

"Mutual Fund" means the mutual carrier and reciprocal exchange workmen's compensation security fund created by this act

"Funds" means the stock workmen's compensation security fund and the mutual carrier and reciprocal exchange workmen's compensation security fund

"Fund" means either the stock fund or the mutual carrier and reciprocal exchange fund as the context may require

"Fund year" mean the calendar year

"Stock Company" means any stock corporation authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent stock company

"Mutual carrier" means any corporation or association organized and operating on the mutual plan including the State Workmen's Insurance fund authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent mutual carrier

"Reciprocal exchange" means any association or group of persons exchanging contracts of insurance or indemnity on the reciprocal or inter-insurance plan authorized to transact the business of workmen's compensation insurance in this Commonwealth except an insolvent reciprocal exchange

"Carrier" means either a stock company a mutual company a reciprocal exchange or the State Workmen's Insurance Fund as the context may require

"Insolvent stock company" "insolvent mutual carrier" or "insolvent reciprocal exchange" means a stock company a mutual company a reciprocal exchange or the State Workmen's Insurance Fund as the case may be which has been determined to be insolvent or for which or for the assets of which a receiver or liquidator howsoever entitled has been appointed by a court or public officer of competent jurisdiction and authority after the effective date of this act

"Commissioner" means the Insurance Commissioner of this Commonwealth

"Workmen's Compensation Law" means the Workmen's Compensation Act of 1915 or any supplement and amendment thereto or revision thereof

Section 3 There is hereby created a fund to be known as "The Stock Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the workmen's compensation law for employments insured in insolvent stock companies Such fund shall be applicable to the payment of valid claims for compensation heretofore or hereafter made pursuant to the workmen's compensation act and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent stock company Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by stock companies as herein defined all property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 4 Every stock company shall on or before the first day of September one thousand nine hundred and thirty-eight file with the Treasurer o fthe Commonwealth and with the commissioner identical returns under oath on a form to be prescribed and furnished by the commission stating the amount of net written premiums for the year's period ending June thirtieth one thousand nine hundred and thirty-eight on policies issued renewed or extended by such company to insure payment of compensation pursuant to the Workmen's Compensation Law For the purposes of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken and on policies cancelled Thereafter on or before the first day of September of each year each such company shall file similar identical returns stating the amount of such net written premiums for the year's period ending on the preceding June thirtieth on policies issued renewed or extended by such company

Section 5 For the privilege of carrying on the business of workmen's compensation insurance in this Commonwealth every stock company shall pay into the stock fund on the first day of September one thousand nine hundred and thirty-eight a sum equal to one per centum of its net written premiums as shown by the return hereinbefore prescribed for the period ending June thirtieth one thousand nine hundred and thirty-eight and thereafter each such stock company upon filing each annual

return shall pay a sum equal to one per centum of its net written premiums for the period covered by such return When the aggregate amount of all such payments into the stock fund together with accumulated interest thereon less all its expenditures and known liabilities becomes equal to five per centum of the loss reserves of all stock companies for the payment of benefits under the Workmen's Compensation Act as of June thirtieth next preceding no further contributions to said fund shall be required to be made provided however that whenever thereafter the amount of said fund shall be reduced below five per centum of such loss reserves as of said date by reason of payments from and known liabilities of said stock fund or by reasons of an increase of the loss reserves of all stock companies then such contribution to said fund shall be resumed from such date as the commissioner shall prescribe and shall continue until such fund over and above its known liabilities shall be equal to five per centum of such reserves

Section 6 There is hereby created a fund to be known as "The Mutual Carrier and Reciprocal Exchange Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the Workmen's Compensation Law for employments insured in insolvent mutual carriers or insolvent reciprocal exchanges Such fund shall be applicable to the payment of valid claims for compensation heretofore or hereafter made pursuant to law and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent mutual carrier or of an insolvent reciprocal exchanges Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by mutual carriers and reciprocal exchanges as herein defined all property and securities acquired by and through the use of moneys deposited or invested as herein provided The fund shall be administered by the commissioner in accordance with the provisions of this act

Section 7 Every mutual carrier and reciprocal exchange shall on or before the first day of September one thousand nine hundred and thirty-eight file with the Treasurer of the Commonwealth and with the commissioner identical returns under oath on a form to be prescribed and furnished by the commissioner stating the amount of net written premiums for the year's period ending June thirtieth one thousand nine hundred and thirty-eight on policies issued renewed or extended by such carrier and such reciprocal exchange to insure payment of compensation pursuant to the Workmen's Compensation Law during said period For the purposes of this act "net written premiums" shall mean gross written premiums less return premiums on policies returned not taken and on policies cancelled Thereafter on or before the first day of September of each year each such carrier and each such reciprocal exchange shall file similar identical returns stating the amount of such net written premiums for the year's period ending on the preceding June thirtieth on such policies issued renewed or extended by such carrier and by such reciprocal exchange

Section 8 For the privilege of carrying on the business of workmen's compensation insurance in this Commonwealth every mutual carrier and reciprocal exchange shall pay into the mutual fund on the first day of September one thousand nine hundred and thirty-eight a sum equal to one per centum of its net written premiums as shown by the return hereinbefore prescribed for the period ending June thirtieth one thousand nine hundred and thirty-eight and thereafter each such mutual carrier and each such reciprocal exchange upon filing each annual return shall pay a sum equal to one per centum of its net written premiums as shown for the period covered by such return When the aggregate amount of all such payments into the mutual fund together with accumulated interest thereon less all its expenditures and known liabilities becomes equal to five per centum of the loss reserves of all mutual carriers and reciprocal exchanges for the payment of benefits under the Workmen's Compensation Act as of June thirtieth next preceding no further contributions to said fund shall be required to be made provided however that whenever thereafter the amount of said fund shall be reduced below five per centum of such loss reserves as of said date by reason of payments from and known liabilities of said mutual fund or by reason of an increase of the loss reserves of all mutual carriers and reciprocal exchanges then such contributions to said fund shall be resumed from such date as the commissioner shall prescribe and shall continue until such fund over and above its known liabilities shall be equal to five per centum of such reserves

Section 9 The commissioner may adopt amend and enforce rules and regulations necessary for the proper administration of such funds In the event any carrier shall fail to file any return or make any payment required by this act or in case the commissioner shall have cause to believe that any return or other statement filed is false or inaccurate in any particular or that any payment made is incorrect he shall have full authority to examine all the books and records of the carrier for the purpose of ascertaining the facts and shall determine the correct amount to be paid and may proceed in any court of competent jurisdiction to recover for the benefit of the funds any sums shown to be due upon such examination and determination Any carrier which fails to make any statement as required by this act or to pay any contribution when due shall thereby forfeit to the fund entitled to its contribution a penalty of five per centum of the amount of unpaid contribution determined to be due as provided by this act plus one per centum of such amount for each month of delay or fraction thereof after the expiration of the first month of such delay The commissioner shall revoke the certificate of authority to do business in this Commonwealth of any carrier which shall fail to comply with the provisions of this act or to pay any penalty imposed in accordance with this act

Section 10 Each fund created by this act shall be separate and apart from any other fund so created and from all other Commonwealth moneys The State Treasurer shall be the custodian of said funds and all disbursements from said funds shall be made by the State Treasurer upon vouchers signed by the commissioner as hereinafter provided The moneys of said funds may be invested by the State Treasurer and commissioner only in bonds and securities which are the direct obligations of or which are guaranteed as to principal and interest by the United States or of this Commonwealth The State Treasurer and commissioner may sell any of the securities in which said funds are invested if advisable for their proper administration or in the best interest of such funds and all earnings from the investment of such funds shall be credited to such funds If at any time any contributing stock or mutual carrier as herein defined shall upon due notice to the Insurance Commissioner cease to transact the business of workmen's compensation insurance the contributions of such carrier at the time such carrier ceases to transact the business of workmen's compensation insurance shall be refunded provided that all its outstanding liability on workmen's compensation insurance shall have terminated

Section 11 A valid claim for compensation or installments thereof heretofore or hereafter made pursuant to the Workmen's Compensation Law which has remained or shall remain due and unpaid for sixty days by reason of default after the effective date of this act by an insolvent carrier shall be paid from the proper fund in the manner provided in this act Any person in interest may file with the commissioner an application for payment of compensation from the proper fund on a form to be prescribed and furnished by the commissioner A certified copy of the award must accompany the application The commissioner shall thereupon certify to the State Treasurer such award for payment according to the terms of the same whereupon payment shall be made by the State Treasurer on warrant of the Auditor General and on requisition of the commissioner

The commissioner shall be entitled to recover the sum

of all liabilities of such insolvent carrier assumed by such stock or mutual fund from such carrier its receiver liquidator rehabilitator conservator or trustee in bankruptcy employer and all others liable under any of the terms of the Workmen's Compensation Law and may prosecute an action or other proceeding therefor All moneys recovered in any such action or proceeding shall forthwith be placed to the credit of the stock or mutual fund which has assumed such liability by the State Treasurer to reimburse the stock or mutual fund which has assumed such liability to the extent of the moneys so recovered and paid If and when all liabilities of all stock or of all mutual carriers for workmen's compensation losses in this Commonwealth shall have been fully liquidated distribution shall be made to all contributing stock companies or to all contributing mutual carriers of the remaining balance of such funds in the proportion in which each carrier made contribution to its respective fund provided however that an insolvent carrier shall be entitled to share in the said distribution of its respective fund only to the extent that its distributive share of said fund is in excess of any losses paid out of said fund for its account by the Treasurer in accordance with the terms of this act

Section 12 After the effective date of this act upon any carrier becoming an insolvent stock company an insolvent mutual carrier or an insolvent reciprocal exchange as the case may be the commissioner shall so notify the Workmen's Compensation Board which shall immediately advise the commissioner (a) of all claims for compensation pending or thereafter made against every employer insured by such insolvent carrier or against such insolvent carrier (b) of all unpaid or continuing awards made upon claims for compensation prior to or after the date of such notice from the commissioner and (c) of all appeals from or applications for modification recision or review of such awards

Section 13 The commissioner or a representative committee of interested carriers which the commissioner may from time to time appoint or both may investigate and defend before the Workmen's Compensation Board or any court any and all claims for compensation against an employer insured by an insolvent carrier or against an insolvent carrier and may prosecute any pending appeal from or may appeal from or make application for modification revision or review of any agreement award or decision against any such employer or carrier Until all such claims for compensation are closed and all awards are paid the commissioner as administrator of the funds shall be a party in interest in respect to all such claims agreements and awards For the purpose of this section the commissioner shall have exclusive power to select and employ such clerks and assistants as may be deemed necessary and to fix and determine their powers and duties

Section 14 The expenses of administering each fund shall be paid out of such fund The commission shall serve as administrator of each fund without additional remuneration but may be allowed and paid from either of the funds expenses incurred in the performance of his duties in connection with each fund The compensation of persons employed by the commissioner for the purposes of this act in connection with either of the funds shall be deemed administration expenses payable out of each such fund in the manner provided in Section ten of this act The commissioner shall include in his regular report to the Governor a statement of the expenses of administrating each of such funds during the period covered by such report

Section 15 Other than the obligation to contribute to a fund as provided in this act no deposit bond or other security shall be required of any carrier as a condition to authorization to transact the business of workmen's compensation insurance in this Commonwealth

Contributions to the funds created by this act at the rates fixed by this act shall be allowed in full as expenses of the business of workmen's compensation insurance by the Commissioner in fixing and approving rates for such insurance

Section 16 If any part of this act be adjudged unconstitutional it shall not invalidate the remainder of the act All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 17 This act shall take effect on the first day of June one thousand nine hundred and thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House, this bill provides that insurance companies having workmen's compensation shall set up a fund to take care of defunct companies. I think the bill is clearly unconstitutional, because it would be and is exactly the same idea as the AAA was in the Federal Government, and the Supreme Court found it unconstitutional. It is an unfair burden upon a going concern, that they have to contribute to the weak and the unsound and the insolvent concerns. Therefore I think the bill is bad, and should be defeated.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I just wish to call to the attention of the membership the fact that I remember a certain investigating committee appointed by the Republicans, that investigated the Insurance Department in connection with the taking down of certain bonds of the Continental Casualty and other Workmen's Compensation insurance companies that had gone defunct. I happen to know the facts of the investigation rather accurately, as I followed it for some time. If the membership of the House could have placed before it the great number of incidents that were presented to the committee from injured claimants, widows and orphans, who were deprived of their rights to participate in Workmen's Compensation benefits, they would with one accord vote in favor of this bill. I think this is a forward step in insuring to injured claimants in Workmen's Compensation cases, participation in the funds that are justifiably due them. This, I am advised, is very similar to the Federal Deposit Insurance Fund now participated in by means of the National law, and I ask the membership of the House to vote for this measure.

Mr. WILSON. Mr. Speaker, it is not my purpose to intrude upon the very deliberate proceedings of the members of this House this evening, but when such assertions are made as have been made by the Democratic floor-leader, as to what this bill intends to do, knowing what I do about this work, I do not feel it would be fair to the other members of the House if I did not ask the gentleman a question. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. WILSON. Mr. Speaker, I would like to ask the gentleman if this bill does not apply to self-insurance. Many companies only have self-insurance today.

Mr. HERBERT B. COHEN. No, Mr. Speaker, as I read the bill, I understand that it provides for insurance carriers to provide a fund whereby in case of insolvency of any insurance carrier carrying Workmen's Compen-

sation, that the injured claimants will be able to participate in that fund and receive the benefits of the fund under the act, after the bankruptcy or insolvency of such a company.

Mr. WILSON. Mr. Speaker, does it take in all insurance companies carrying Workmen's Compensation?

Mr. HERBERT B. COHEN. Mr. Speaker, the intention of the bill is to include all of the insurance carriers writing Workmen's Compensation in the Commonwealth of Pennsylvania.

Mr. WILSON. Mr. Speaker, does it take in the State Workmen's Compensation fund?

Mr. HERBERT B. COHEN. It does, Mr. Speaker.

Mr. WILSON. It also takes in self-insurance, does it not, Mr. Speaker?

Mr. HERBERT B. COHEN. Mr. Speaker, we passed another bill that provided a fund whereby the self-insurers would contribute to that fund in case of the insolvency of the self-insurers.

Mr. WILSON. Mr. Speaker, I desire to ask the gentleman from York one more question as to the statement that the gentleman made about the dependents and the people who are injured being deprived of their money, whether any part of that portion applies to self-insurers of this State.

Mr. HERBERT B. COHEN. Mr. Speaker, I directed my remarks entirely to the insurance companies that were controlled by the Hanscomb group, who were able to take down over one million dollars, and thereby depriving the injured claimants of their right to participate in those funds. My remarks and reflections are not made in any manner against the self-insurers.

Mr. WILSON. Mr. Speaker, I thank the gentleman. I just want to say to this House that in the past twenty-two years there has only been one failure of a self-insurer in this State. The bill in the first place was directed against self-insurers, and I thought that such a statement as that should not go by unchallenged.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Jefferson, Mr. Wilson.

The SPEAKER. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. WILSON. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman from Jefferson, Mr. Wilson, who is an expert in Workmen's Compensation insurance, having for years been one of the ablest and most competent referees in the Commonwealth, inform the membership of the House how many millions of dollars were lost by claimants due to the insolvency of Workmen's Compensation insurance carriers.

Mr. WILSON. Mr. Speaker, so far as other Workmen's Compensation carriers are concerned, I would not be prepared to say, because that is another branch. The statement that I just made related to self-insurers in this State.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman's reply indicate that he does not know how much money was lost by claimants in Workmen's Compensation, where the insurance was carried by insurance companies?

Mr. WILSON. Mr. Speaker, I say that the insurance end of it, so far as the companies are concerned, and so far as the State Workmen's compensation is concerned, or the fund is concerned, that I do not have figures with me, but I want to make the statement that the 450 self-insurers of this State carry almost one-half in dollars and cents of that fund, and there has been no loss as far as has come to my attention, as to their management of it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—156

Achterman,	Elpern,	Matthews, H. T	Sarraf,
Alexander,	Falkenstein,	McArdle,	Scanlon,
Allen,	Finnerty,	McCullough,	Schor,
Allmond,	Fitch,	McDermott,	Schrope,
Arnold,	Flanagan,	McElroy,	Shaw,
Aukerman,	Flannery,	McFall,	Shea,
Baine,	Flinchbaugh,	McGee,	Shepard,
Baker, J. T.	Ganser,	McShane,	Shoemaker,
Balthaser,	Gerard,	Melchiorre,	Shugarts,
Bierly,	Gorski,	Mellott,	Siegel,
Blank,	Haberlen,	Mihm,	Simon,
Bohn,	Hagerty,	Moomaw,	Skale,
Boies,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Boltz,	Harkins,	Moran,	Smith, John A.,
Bradley,	Harmuth,	Moul,	Spengler,
Brancato,	Hays,	Munley,	Stank,
Brigerman,	Hering,	Murrin,	Thomas,
Broad,	Hess,	Nagel,	Thompson,
Brown,	Hetrick,	O'Brien,	Toole,
Brownfield,	Hindman,	O'Connor,	Tronzo,
Burrows,	Hirsch,	O'Keefe,	Tumelty,
Caesar,	Holland,	Ominsky,	Valibus,
Caputo,	Holmes,	O'Neill,	VanSickle,
Chervenak,	Holstrom,	Ostroff,	Vogt,
Coakley,	Hontz,	Patterson, C. S.,	Wagner,
Cohen, H. B.,	Horting,	Patterson, J. W.,	Walsh,
Cohen, R. E.,	Jirolanio,	Pearson,	Watkins,
Coleman,	Keenan,	Pershing,	Weiss, D. H.,
Coolahan,	Kelso,	Piole,	Weiss, S. A.,
Corrigan,	Kilroy,	Powers,	Welliver,
Costanzo,	Kline,	Preston,	Welsh,
Decker,	Kroll,	Readinger,	Westrick,
DeNote,	LaRue,	Reese,	Whalen,
Dickinson,	Levy,	Reising,	Whitenight,
Donohoe,	Lewis,	Richter,	Wright,
Dougherty,	Long,	Robinson,	Yanoshat,
Downey,	Lopresti,	Rothenberger,	Yourishin,
Dubbs,	Lovett,	Ruffennach,	Zappala,
Dyson,	Marino,	Rush,	Furman,

NAYS—49

Atkins,	Imbrie,	Schrock,	Trout,
Baker, F. T.,	Kane,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Sloan,	Wall,
Cadwalader,	Lyons,	Snyder,	Wampole,
Davies,	Matthews, J. F.	Sollenberger,	Webster,
Eckels,	McDevitt,	Sproul,	Weidemann,
Fiss,	McKinney,	Stackpole,	Wilson,
Gillette,	Muir,	Stewart,	Winner,
Habbyshaw,	Peale,	Stockham,	Wood,
Hall,	Perry,	Strode,	Woodside,
Hamilton, R. S.,	Royer,	Terry,	Yeakel,
Huntley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2231, (Senate Bill No. 158), as follows:

An Act to further amend the act approved the eighteenth day of May on thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for health rooms altering the provisions regulating light area floor space and cubical contents of school buildings providing for enumeration of minors in certain cases requiring enumeration of illiterate children and alien residents providing for home and school visitors in lieu of or in addition to other attendance officers and for their compensation making further provision for transportation of pupils and State reimbursement therefor changing provisions relating to employment of children providing for the education of physically and mentally handicapped children and for the care of uneducable children authorizing school districts to provide care and treatment of defective ears of pupils making uniform for all districts the required number of days school shall be kept open and authorizing school districts of the fourth class to provide medical inspection at their own expense.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred and eighteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 618 All public school buildings hereafter built or rebuilt shall [comply with the following conditions] conform to standards established by the State Council of Education as to light area floor space and cubical contents

[In every school building the total light area must equal at least twenty per centum of the floor space and the light should not be admitted thereto from the front of seated pupils

Every school room shall have not less than fifteen square feet of floor space and not less than two hundred cubic feet of air space per pupil]

Every public school building of ten class rooms or more hereafter erected shall contain a room to be known as the Health Room which shall be not less than twenty-one feet in length and which shall be furnished and equipped for us as quarters in which regular school medical inspections may be given and as a first aid room for pupils requiring medical attention while attending classes

Section 2 That section one thousand four hundred and three of said act as amended by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1403 Unless otherwise directed by the board of school directors the admission of beginners to the public schools shall be confined to [two periods namely during] the first two weeks of the annual school term [and during the first two weeks of school following the first day of January in any school year] Provided That beginners becoming six years of age after the beginning of the school term and before the first day of [January] February of any year shall be admitted during the first two weeks of the annual school term [the period at the beginning of the school term and beginners becoming six years of age between the first day of January and the close of the term shall be admitted during the period following the first day of January] Provided further That the board of school directors in any school district may fix such additional periods for the admission of such beginners as it may determine

The term beginners as used in this section shall mean any child that should enter the lowest grade of the primary school or the lowest primary class

Section 3 Section one thousand four hundred and thirteen of said act as amended by section eight of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1152) is hereby further amended to read as follows

Section 1413 It shall be the duty of the secretary of the school board teachers school enumerators and attendance officers in every school district in this Commonwealth in accordance with rules of procedure prescribed by the Superintendent of Public Instruction to secure information and report [to the medical inspector of the school district and] to the district or county superintendent of schools on or before the fifteenth day of October of each year and thereafter as cases arise every child within said district between the ages of eight (8) and sixteen (16) years who is gravely retarded in his or her school work or any child between the ages of six (6) and sixteen (16) who because of apparent exceptional physical or mental condition is not being properly educated and trained and as soon thereafter as possible the child shall be examined by a mental clinic approved by the State Council of Education or by a person certified by the Department of Public Instruction as a public school psychologist or psychological examiner and a report shall be made concerning his fitness for special education [the medical inspector shall examine such child in accordance with rules of procedure prescribed by the Secretary of Health and report whether such child is a fit subject for special education and training] In school districts of the first second and third class having a district superintendent of schools said report shall be made to the superintendent of the district In all other districts the report shall be made to the [Secretary of Health and by him reported to the] superintendent of schools of the county

[Pupils may also be designated as candidates for special education by mental clinics approved by the Council of Education or by a psychologist or a psychological examiner who has been certified by the Superintendent of Public Instruction and is employed by any school district]

The county or district superintendent of schools shall submit to the board or boards of school directors plans for establishing and maintaining special classes in the public schools or special public schools for the proper education and training of all such children reported to him as fit subjects for special education and training and except as herein otherwise provided it shall be the duty of the board of directors of any district having such children to provide and maintain or to jointly provide and maintain with neighboring districts such special classes or schools Provided however That if it is not feasible to form a special class with a minimum attendance of ten children in any district or if for any other reason it is not feasible to provide such education for any such child in the public schools of the district the board of school directors of that district shall except as herein otherwise provided unless approved provision for the education of such child is made by the parents or guardian secure such proper education and training outside the public schools of the district or in special institutions or by providing for teaching the child in his home in accordance with rules and regulations prescribed by the Department of Public Instruction on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children

[If in any district in which ten or less feeble-minded children between the ages of eight and sixteen have their legal residences the board of school directors shall be of the opinion that it is not feasible to establish a special class for such children such board shall report such feeble-minded children to the Department of Welfare for enrollment in a school for feeble-minded children] Any child who is reported by an approved mental clinic or by a person who is certified as a public school psychologist or psychological examiner as being uneducable in the public schools may be reported by the board of school directors to the Department of Welfare in accordance with regulations approved by the State Council of Education After any such board shall have been thus reported any child[ren] it shall be relieved of the obligation of providing education for such child[ren] The Department of

Welfare shall thereupon [provide adequate facilities] arrange for the education and training of such child[ren]

Any physically or mentally handicapped child who is regularly enrolled in a special class that is approved by the Department of Public Instruction may be furnished with free transportation by the school district The Commonwealth shall reimburse any school district furnishing such transportation in the same manner and amounts as provided for in this act for the transportation of pupils from closed schools

When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided that in no case shall the State's share of the cost exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week

School districts maintaining special classes in the public schools or special public schools or providing special education a hereinafter specified in this section shall receive reimbursement as provided by law so long as such classes such schools and such special education are approved by the State Council of Education as to location constitution and size of classes condition of admission and discharge of pupils equipment courses of study methods of instruction and qualifications of teachers

The State Superintendent of Public Instruction shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act

On or before the first day of October of each year the secretary of the board of school directors in each district in which special education for physically or mentally handicapped children is provided shall make such reports in regard to such special education maintained during the previous school year and that for which the approval of the State Council of Education for the current year is desired as may be required by the Department of Public Instruction When any child between the ages of six (6) and twenty-one (21) years of age resident in this Commonwealth who is blind or deaf is enrolled with the approval of the Department of Public Instruction as a pupil in any of the schools or institutions for the blind or deaf under the supervision of and approved by the Department of Public Instruction the school district in which such child is resident shall pay twenty-five per centum (25%) of the cost of tuition and maintenance of such child in such school or institution as determined by the Department of Public Instruction and for the tuition and maintenance of such children the Commonwealth shall pay out of funds appropriated to the department for special education seventy-five per centum (75%) of the cost of their tuition and maintenance as determined by the department When any person less than six (6) or more than twenty-one (21) years of age resident in this Commonwealth who is blind or deaf is enrolled with the approval of the Department of Public Instruction as a pupil in any of the schools or institutions for the blind or deaf under the supervision of and approved by the Department of Public Instruction the Commonwealth shall pay to such school or institution out of moneys appropriated to the department for special education the cost of tuition and maintenance of such person as determined by the Department of Public Instruction To facilitate payments by the several school districts to the schools or institutions in which deaf or blind children are enrolled of amounts due by such districts for their proportion of the cost of tuition and maintenance of such children the Superintendent of Public Instruction shall withhold from any moneys due to such districts out of any State appropriation for the assistance as reimbursement of school districts the amounts due by such districts to such schools or institutions for the blind or the deaf and amounts so withheld shall be paid to such schools or institutions by warrant of the Auditor General upon the State Treasurer after requisition of the Superintendent of Public Instruction for which purpose all amounts so withheld are hereby specifically appropriated to the Department of Public Instruction Payments of the Commonwealth's proportion of the cost of tuition and maintenance of blind or deaf pupils enrolled in schools or institutions for the blind or for the deaf as hereinbefore provided shall be made quarterly out of moneys appropriated to the Department of Public Instruction for special education by warrant of the Auditor General upon the State Treasurer after requisition by the Superintendent of Public Instruction For the purpose of enabling the Department of Public Instruction to determine from time to time what amounts are due to schools for the blind or for the deaf hereunder such schools shall forward to the department at such times and in such form as the department shall prescribe sworn statements setting forth the names ages and residences of all pupils enrolled hereunder specifying the school districts liable for a part of the cost of tuition and maintenance of any such pupils the per capita cost of and maintenance of pupils and such other information as the Department shall require.

Section 4 Section one thousand four hundred and fourteen of said act as last amended by section thirty-five of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

[Every child having a legal residence in this Commonwealth as herein provided between the ages of eight and sixteen years and every migratory child between such ages] is required to attend a day school in which the [common English branches provided for in this act] subjects and activities prescribed by the State Council of Education are taught in the English language and every parent guardian or other person in this Commonwealth having control or charge of any child or children [between the ages of eight and sixteen years] is required to send such child or children to a day school in which the common English branches are taught in the English language and such child or children shall attend such school continuously through the entire term during which the public elementary schools in their respective districts shall be in session or in cases of migratory children during the time the schools are in session in the districts in which such children are temporarily domiciled Provided that the certificate of any principal or teacher of a private school or of any institution for the education of children in which the common English branches are taught in the English language setting forth that the work of said school is in compliance with the provisions of this act shall be sufficient and satisfactory evidence thereof And provided further That the term "Migratory child" wherever used in this act shall include any child domiciled temporarily in any school district for the purpose of seasonal employment but not acquiring residence therein and any child accompanying his parent or guardian who is so domiciled Regular daily instruction in the English language for the time herein required by a properly qualified private tutor shall be considered as complying with the provisions of this section if such instruction is satisfactory to the proper county or district superintendent of schools

Every parent guardian or other person in this Commonwealth having control or charge of any child between the ages of six and sixteen years who is deaf or blind or is so crippled or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident shall allow such child to be sent to some school where proper provisions is made for the education of the deaf or of the blind or of crippled children or shall provide for the tuition of such child by a legally certified private tutor

Section 5 Section one thousand four hundred and sixteen of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1034) is hereby further amended to read as follows

Section 1416 The provisions of this act requiring regular attendance shall not apply to any child between the ages of [fourteen and sixteen years who has completed a course of study equivalent to six yearly grades of the public school and] is regularly engaged in any useful and lawful employment or service during the time the public schools are in session and who holds an employment certificate issued according to law or who has been examined

by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner and has been found to be unable to profit from further school attendance and who has been reported to the board of school directors and excused in accordance with regulations prescribed by the State Council of Education nor shall the said provisions apply to any child between the ages of [fourteen and sixteen] years engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe

Section 6 Section one thousand four hundred and seventeen of said act is hereby amended to read as follows

Section 1417 Every principal or teacher in [every] any public school and every principal teacher or tutor in any school other than a public school and in every institution for children and every private teacher in every school district in this Commonwealth shall immediately after their admission to such school or institution or at the beginning of such private teaching furnish to the district superintendents supervising principals attendance officers home and school visitors or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside lists of the names and residences of all children between [eight and sixteen] six and eighteen years of age enrolled in such school or institution or taught by such private teacher and shall further report at once to such district superintendent supervising principal or secretary of the board of school directors the name and date of withdrawal of any such pupil withdrawing from any such school or institution or from such private instruction if such withdrawal occurs during the period of compulsory attendance in said district Any every principal or teacher in a school other than a public school and every private teacher shall also report at once to the superintendent supervising principal attendance officer home and school visitor or secretary of the board of school directors of the district any such child who has been absent three days or their equivalent during the term of compulsory attendance without lawful excuse

Section 7 Section one thousand four hundred and eighteen of said act as last amended by section one of the act approved the twenty-ninth day of March one thousand nine hundred and twenty-seven (Pamphlet Laws 75) is hereby further amended to read as follows

Section 1418 In case there is no public school in session within two miles by the nearest public highway of the residence of any child such child shall be exempt from the provisions of this act relating to compulsory attendance unless proper free transportation be furnished to such child to and from school Provided If proper free transportation is furnished to any such child under sixteen years of age to and from school the Commonwealth shall reimburse any school district of the fourth class furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools

After the first day of July one thousand nine hundred and thirty-nine in case there is no public school in session within two miles by the nearest public highway of the residence of any child in a school district of the fourth class or in a school district of the third class which is located wholly within the boundary lines of a township such child shall be furnished free transportation to and from school from and to a point on a public highway not more than two miles distant from the residence of such child All vehicles used for the transportation of pupils whether owned or hired by the school district shall conform to standards prescribed by the State Council of Education For such proper free transportation furnished to any child to and from school the Commonwealth shall reimburse any school district of the fourth class or any school district of the third class which is located wholly within the boundary lines of a township furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools

When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child Provided That in no case shall the State's share of the cost exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is in attendance at school not exceeding five days in any one week

Section 8 Sections one thousand four hundred and nineteen and one thousand four hundred and twenty of said act are hereby amended to read as follows

Section 1419 Every person firm association or corporation in this Commonwealth accepting service from or employing a child or children between the ages of fourteen and [sixteen years during the hours when the public schools are in session shall on or before the first day of September in each year and quarterly thereafter during the period of compulsory attendance] eighteen years shall semi-annually on the first day of January and on the first day of July in each year furnish to the superintendent of schools supervising principal or secretary of the board of school directors of the district in which such child or children reside the name age place of residence and name of parent or guardian of every such child in his or its employ or service Such report shall be made upon blanks to be furnished by the Superintendent of Public Instruction at the expense of the Commonwealth.

Section 1420 Every person firm association or corporation in this Commonwealth accepting service from or employing a child or children between the ages of fourteen and [sixteen] eighteen years during the hours when the public schools are in session and during the period of compulsory attendance in any school district shall make a true and correct list of all such children giving their name ages places of residence names of parents or guardians the dates of and names of the persons issuing the employment certificates and the time of beginning and ending of service with him or it which list shall be clearly written or printed and kept publicly posted at the place of employment of such child where the same may be inspected by any member of the board of school directors or the secretary thereof by the district superintendent the supervising principal or the attendance officer of any school district at any time during the business hours

Section 9 Section one thousand four hundred and twenty-one of said act as amended by section one of the act approved the twenty-third day of April one thousand nine hundred and fifteen (Pamphlet Laws 174) is hereby further amended to read as follows

Section 1421 No person in this Commonwealth either for himself or for any firm association or corporation shall [during the term of compulsory attendance as fixed by the board of school directors in any school district and] during the hours the public schools are in session accept service from engage or employ any child [or children between eight and fourteen years of age nor shall he accept service from engage or employ any child or children between the ages of fourteen and sixteen years] unless [such child shall first furnish and deliver to] such employer shall have on file an employment certificate or farm or domestic service permit issued according to law Provided however That any male minor over sixteen years of age employed in the distribution sale exposing or offering for sale of any newspaper magazine periodical or other publication shall not be required to procure an employment certificate under this act

If the child leaves such employment or is absent from such employment five days the employer shall immediately in writing notify accordingly the school official who issued the certificate.

Section 10 Section one thousand four hundred and twenty-two of said act as last amended by section thirty-six of the act aproved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1422 Any person or persons accepting service from or engaging or employing any child between eight and [fourteen] eighteen years of age [during the term of compulsory attendance and] while the public schools are in session [or accepting service from engaging or employing any child during the same period of time between the ages of fourteen and sixteen years] without [being first

furnished by] having on file for such child [with] an employment certificate or farm or domestic service permit or failing to furnish to the district superintendent of schools supervising attendance officer or secretary of the board of school directors the information required by this act concerning the children employed by him or them or shall fail to post for inspection at the place of employment of such children the list of children engaged by him or them as required by the provisions of this act who shall fail to notify the proper school official as required by the last preceding section of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished for first offense by a fine of not less than ten dollars ($10.00) or more than twenty-five dollars ($25.00) or ten days' imprisonment in the county jail or either or both at the discretion of the court and for a subsequent offense shall be punished by a fine of not less than twenty dollars ($20.00) or more than fifty dollars ($50.00) or ninety days' imprisonment in the county jail or either or both at the discretion of the court

Section 11 The first paragraph of section one thousand four hundred and twenty-three of said act is hereby amended to read as follows

Section 1423 Every parent guardian or person in parental relation in this Commonwealth having control or charge of any child or children [between the ages of eight and sixteen years] who shall fail to comply with the provisions of this act regarding compulsory attendance shall be guilty of a misdemeanor and on conviction thereof before any alderman magistrate or justice of the peace shall be sentenced to pay a fine for the benefit of the school district in which such offending person resides not exceeding two dollars ($2.00) for the first offense and not exceeding five dollars ($5.00) for each succeeding offense together with costs and in default of the payment of such fine and costs by the person so offending shall be sentenced to the county jail for a period not exceeding five days Provided That any person sentenced to pay any such fine may at any time within five days thereafter appeal to the Court of Quarter Sessions of the proper county upon entering into a recognizance with one or more proper sureties in double the amount of penalty and costs And provided That before any proceedings are instituted against any parent guardian or person in parental relation for failure to comply with the provisions of this act such offending person shall have three days' written notice given him by the superintendent of public schools supervising principal attendance officer or secretary of the board of school directors of such violation and if after such notice has been given the provisions of this act regarding compulsory attendance are again violated by the persons so notified at any time during the term of compulsory attendance such person so again offending shall be liable under the provisions of this act without further notice

Section 12 Section one thousand four hundred and twenty-four of said act is hereby amended to read as follows

Section 1424 Whenever the board of school directors or the attendance officer home and school visitor superintendent supervising principal or secretary of any board of school directors in this Commonwealth ascertains that any child between eight and sixteen years of age who is by the provisions of this act required to attend the public schools in the district over which such board of school directors has control is unable to do so on account of lack of necessary clothing or food such case shall be promptly reported to any suitable relief agency operating in the school district or if there be no such suitable relief agency to which the case can be referred it shall be reported to the proper directors or overseers of the poor for investigation and relief

Section 13 Section one thousand four hundred and twenty-five of said act as amended by section one of the act approved the third day of May one thousand nine hundred and fifteen (Pamphlet Laws 238) is hereby further amended to read as follows

Section 1425 The board of school directors in every school district in this Commonwealth shall between [April] March first and September first of each year cause to be made by the attendance officers teachers or other persons employed for this purpose a careful correct and accurate enumeration on census cards provided by the district at the expense of the district or in a substantial book or books provided by the Superintendent of Public Instruction at the expense of the State for that purpose of all ... children between the [age of six and sixteen] ages of six and eighteen years within their district giving the full name date of birth age sex nationality place of residence in such school district name and address of parent or persons in parental relation the name and location of the school where the child is enrolled or belongs and the name and address of the employer of any child under [sixteen] eighteen years of age who is engaged in any regular employment or service Such enumeration shall be made by careful inquiry at the residence of each family in the district and the person making the same upon completion thereof shall make a proper oath or affirmation as to its correctness Such enumeration shall also include the names and addresses of all persons firms or corporations employing or accepting service from children under eighteen years of age The board of school directors in any school district in the Commonwealth shall have authority to cause to be made an enumeration of all minors residing within the district and the Superintendent of Public Instruction may at his discretion require such enumeration

Beginning in the year one thousand nine hundred and thirty-eight and thereafter in the year one thousand nine hundred forty the year one thousand nine hundred forty-five and each fifth year following said board of school directors shall and at more frequent intervals may also cause to be recorded in the same or separate books or on the same or separate census cards in like manner to and in conjunction with said enumeration of children an enumeration of all persons ten years of age or over resident within their district who are unable to write the English language according to standards hereinafter provided giving the full name age sex race nationality place of residence in such school district whether able to write English whether able to read English and whether able to speak English and of all persons twenty-one or more years of age resident within their district who are not citizens of the United States of America giving their full name age sex nationality place of residence in school district whether declarants and whether petitioners for naturalization

The standards used in determining whether residents are able to speak English able to read English and able to write English shall be formulated by the State Council of Education for the purpose of recording the facts of said enumeration.

Such enumeration shall be made by careful inquiry at the residence of each family in the district and the persons making the same upon completion thereof shall make a proper oath or affirmation as to its correctness If any person shall hinder or prevent or attempt to hinder or prevent any attendance officer or teacher or other person from performing any duty provided for in this section he shall on conviction thereof before any alderman or justice of the peace of the county be sentenced to pay a fine not exceeding five dollars or to undergo an imprisonment not exceeding five days

Section 14 Section one thousand four hundred and twenty-six of said act is hereby amended to read as follows

Section 1426 The secretary of each board of school directors or such other person as is directed by the board shall at or before the opening of the school term furnish to the principal or teacher of each school a correct list of the names and residences of all aliens of all residents over ten years of age unable to read or write the English language and of children assigned to such school who are subject to the provisions of this act The said secretary or other person shall also forward on or before the first day of October of each year to the county or district superintendent to be by him forwarded on or before the first day of November of each year to the Superintendent of Public Instruction a summary of such statistics regarding the children in each district as is required by the Superintendent of Public Instruction on blanks provided by him for that purpose

Section 15 Section one thousand four hundred and

twenty-seven of said act is hereby amended to read as follows

Section 1427 The cost and expense of making a proper enumeration of the children and of aliens and of persons unable to write English of each school district as herein provided shall be paid per diem or by the name or in such other manner as the board of school directors may [see] deem proper out of the funds of the district Provided That the attendance officer the superintendent of schools supervising principal or the secretary of the board of school directors shall have the power to add to this enumeration the names of any children and of any aliens and of persons unable to write English whose names do not appear thereon together with other information required by this act

Section 16 Section one thousand four hundred and twenty-eight of the said act is hereby amended to read as follows

Section 1428 It shall be the duty of every principal or teacher of a public school to report immediately to the attendance officer superintendent of schools supervising principal or secretary of the board of school directors the names of all children in the list furnished to him who have not appeared for enrollment and he shall also properly report from time to time to the attendance officer superintendent of schools supervising principal or secretary of the board of school directors the names of all children who having enrolled have subsequently withdrawn from school or who have been absent three days or their equivalent [during the term of compulsory attendance] without lawful excuse Such person shall thereupon serve upon the parent guardian or other person in parental relation to such children unlawfully absent from school the written notice hereinbefore provided and if it shall appear that within three days thereafter any child parent guardian or other person in parental relation shall have failed to comply with the provisions of this act the superintendent supervising principal attendance officer or secretary of the board of school directors in the name of the school district shall proceed against the person so offending in accordance with the provisions of this act.

Section 17 Section one thousand four hundred and thirty-two of said act as amended by section six of the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 497) is hereby further amended to read as follows

Section 1432 The board of school directors of every school district in this Commonwealth of the first second or third class shall and in any school district of the fourth class may employ one or more persons to be known as attendance officers or home and school visitors whose duties shall be to enforce the provisions of this act regarding compulsory attendance Such attendance officers or home and school visitors shall in addition to the duties imposed upon them by the provisions of this act have full police power without warrant and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act or who is incorrigible insubordinate or disorderly during attendance at school or on his way to or from school Provided That all home and school visitors shall be legally certified as such by the Department of Public Instruction upon meeting such requirements as shall be prescribed by the State Council of Education and when so certified any district employing such home and school visitors shall be reimbursed for their salaries on the same basis as they are now reimbursed for elementary school teachers

Section 18 Section one thousand four hundred and thirty-five of said act is hereby amended to read as follows

Section 1435 Any officer director superintendent manager employe or other person at any place where any child between fourteen and sixteen years of age is engaged who refuses to permit or in any way interferes with the entrance therein of the attendance officer any member of the board of school directors the secretary thereof the district superintendent or supervising principal of any school district as provided for in this act shall be guilty of a misdemeanor and on conviction thereof before any magistrate alderman or justice of the peace shall be sentenced to pay a fine of not less than five dollars ($5.00) or more than twenty-five dollars ($25.00) in default of which he may be sentenced to imprisonment not exceeding thirty days Provided That any person sentenced to pay any such fine may upon giving proper surety in double the amount of penalty and costs at any time within five days thereafter appeal to the Court of Quarter Sessions of the proper county

Section 19 Section one thousand four hundred and thirty-six of said act as last amended by section one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1087) is hereby further amended to read as follows

Section 1436 Such attendance officers or home and school visitors may be employed for the full calendar year and shall be paid such amounts and in such manner as the board of school directors appointing them may decide and they shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them Provided That in districts of the first class the compensation [shall not be less than twelve hundred dollars ($1.200) per annum] of attendance officers shall be according to the same salary schedule as for elementary teachers of such districts Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof in such details as said Superintendent of Public Instruction shall request

Section 20 Section one thousand five hundred and three of said act as amended by section two of the act approved the twenty-third day of June one thousand nine hundred and nineteen (Pamphlet Laws 572) and section three of the act approved the seventeenth day of July one thousand nine hundred and nineteen (Pamphlet Laws 997) is hereby further amended to read as follows

Section 1503 In every school district of the fourth class in this Commonwealth the State Department of Health shall provide in such manner as it may determine medical inspection for all the pupils in the public schools by proper medical inspectors to be appointed by the State Commissioner of Health at the expense of said department In the event that such department because of lack of funds is unable to provide adequate medical inspection at its expense the school district may at its own expense provide such medical inspection or additional medical inspection All such medical inspectors shall be legally qualified physicians who have had not less than two years' experience in the practice of their profession Such medical inspection shall be made in the presence of the parent or guardian of the pupil when so requested by parent or guardian

Section 21 Section one thousand five hundred and eleven of said act as added by section one of the act approved the seventeenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1032) is hereby amended to read as follows

Section 1511 Any school district may provide for the care and treatment of defective eyes ears and teeth of all pupils of its public schools

Section 22 Section one thousand six hundred and one of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 983) is hereby further amended to read as follows

Section 1601 [All the public elementary and high schools in the school district of the first second and third class in this Commonwealth shall be kept open each year as follows For the school year beginning the first Monday of July one thousand nine hundred and twenty-one and each school year thereafter one hundred eighty (180) days All the public elementary and high school of school districts of the fourth class in this Commonwealth shall be kept open each year as follows For the school year beginning the first Monday of July one thousand nine hundred twenty-one not less than one hundred fifty (150) days for the school year beginning the first Monday of July one thousand nine hundred and twenty-two and each school year thereafter not less than one hundred sixty (160) days] During the school year beginning the first Monday of July one thou-

sand nine hundred and thirty-nine and each school year thereafter each public elementary and high school in all of the school districts of this Commonwealth shall be kept open at least one hundred and eighty (180) days each year Unless otherwise provided by this act the board of school directors in any district may keep such other schools or departments as it may establish open during such time as it may direct

Section 23 Except as hereinbefore otherwise specifically and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 24 Except as hereinbefore otherwise specifically provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

On the question,

Shall the bill pass finally?

Mr. NAGEL. Mr. Speaker, I would like to interrogate the gentleman from Fayette, Mr. Brownfield.

The SPEAKER. Will the gentleman from Fayette permit himself to be interrogated?

Mr. BROWNFIELD. I will, Mr. Speaker.

Mr. NAGEL. Mr. Speaker, on page 25 of this bill it provides for a census or an enumeration of the residents of our State over the age of ten years and upwards, with the idea of determining who can write and read and speak the English language. Those over and above the school age, those enumerated, what advantage would that be to education in Pennsylvania?

Mr. BROWNFIELD. Mr. Speaker, I will have to answer the gentleman at length, but I will do so as quickly as possible. Machinery for the enumeration of school children is already set up. Therefore, the enumeration of adults will require but little additional effort and action on the part of the census enumerators. Therefore, the expense will be negligible. The reason for this is that there must be an effort made to determine the number of adults who cannot read and write. While education in this country now is on a very strong and firm foundation, yet adults who cannot read or write are in a critical situation, as they have to make their way through life without such qualifications. There are many such people, and if this enumeration can get the information that is necessary to form classes here and there, with Federal and State funds which will be provided to take care of the census, it is certainly worth while.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Fiss,	McCullough,	Shoemaker,
Alexander,	Fitch,	McDermott,	Shugarts,
Allen,	Flanagan,	McDevitt,	Siegel,
Allmond,	Flannery,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McFall,	Skale,
Atkins,	Ganser,	McGee,	Sloan,
Aukerman,	Gerard,	McShane,	Smith, James A.,
Bahle,	Gillette,	Melchiorre,	Smith, John A.,
Baker, F. T.,	Gorski,	Mellott,	Sollenberger,
Baker, J. T.	Haberlen,	Mihm,	Spengler,
Balthaser,	Hagerty,	Moomaw,	Sproul,
Bierly,	Hall,	Mooney,	Stackpole,
Blank,	Hamilton, F. P.,	Moran,	Stank,
Bohn,	Hamilton, R. S.	Moul,	Stockham,
Boles,	Harkins,	Munley,	Strode,
Boltz,	Harmuth,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hetrick,	Ominsky,	Toole,
Brancato,	Hindman,	O'Neill,	Tronzo,
Brigerman,	Hirsch,	Ostroff,	Trout,
Brown,	Holland,	Patterson, C. S.,	Tumelty,
Brownfield,	Holmes,	Patterson, J. W.,	Turner,
Burrows,	Holstrom,	Peale,	Valibus,
Cadwalader,	Hontz,	Pearson,	VanAllsburg,
Caesar,	Horting,	Pershing,	VanSickle,
Caputo,	Huntley,	Piole,	Vogt,
Coakley,	Imbric,	Powers,	Wagner,
Cohen, H. B.,	Jirolanio,	Preston,	Wall,
Cohen, R. E.,	Kane,	Readinger,	Walsh,
Coleman,	Keenan,	Reese,	Wampole,
Coolahan,	Kelso,	Reising,	Watkins,
Corrigan,	Kilroy,	Richter,	Webster,
Costanzo,	Kline,	Robinson,	Weidemann,
Davies,	Kroll,	Rothenberger,	Weiss, D. H.,
Decker,	LaRue,	Royer,	Weiss, S. A.,
DeNote,	Leisey,	Ruffennach,	Welliver,
Dickinson,	Levy,	Rush,	Welsh,
Donohoe,	Lewis,	Sarraf,	Whalen,
Dougherty,	Long,	Scanlon,	Whitenight,
Downey,	Longaker,	Schor,	Winner,
Dubbs,	Lovett,	Schrope,	Wright,
Dyson,	Lyons,	Schumacher,	Yanoshat,
Eckels,	Marino,	Serrill,	Yeakel,
Elpern,	Matthews, H. T	Shaw,	Yourishin,
Falkenstein,	Matthews, J. F.	Shea,	Zappala,
Finnerty,	McArdle,	Shepard,	Furman,

NAYS—15

Broad,	Lopresti,	Schrock,	Wilson,
Chervenak,	McKinney,	Snyder,	Wood,
Habbyshaw,	Muir,	Stewart,	Woodside,
Hays,	O'Connor,	Westrick,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 1270.

An Act to amend sections one and three of the act approved the eighteenth day of March one thousand eight hundred and seventy-five (P. L. 32) entitled "An act requiring recorders of deeds to prepare and keep in their respective offices general direct and ad sectum indexes of deeds and mortgages recorded therein prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons" by further regulating the preparation and keeping of indexes of deeds and mortgages by recorders of deeds; and prescribing the effect thereof.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 4, 1937.

Resolved, (if the Senate concur), that House Bill No. 918, Printer's No. 1111, entitled "An act to amend section five hundred forty-seven as amended and sections

eight hundred two and nine hundred two of and to add section nine hundred two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto, providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs requiring the auditors to file an annual financial report with said department conferring jurisdiction of certain cases upon justices of the peace and providing penalties", be recalled from the Governor for further consideration.

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 911.

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits certain debts and interest on certain debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint-stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

SENATE BILL No. 153.

An Act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by including display or placard advertising and changing the penalties prescribed and the manner of providing violations

SENATE BILL No. 308.

An Act fixing the hours of rest each calendar week and the vacation period of members of the Pennsylvania Motor Police Motor Police and Patrolmen and Guards in State Parks

SENATE BILL No. 1072.

An Act to fix the number of Senators in the General Assembly of the State to apportion the State into Senatorial districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators

SENATE BILL No. 1119.

An Act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties

SENATE BILL No. 1157.

An Act authorizing and empowering cities of the second class to erect and construct water-works as herein defined within and without their corporate limits to acquire property as herein defined within and without their corporate limits by purchase lease gift and the power of eminent domain and to use purchase sell dispose and supply water within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

SENATE BILL No. 1237.

An Act authorizing the Secretary of Property and Supplies with the approval of the Governor and the Secretary of Forests and Waters to convey to the Pennsylvania State College subject to certain reservations and conditions the Mont Alto State Forest School and to accept a conveyance from said college of a tree nursery tract

SENATE BILL No. 1251.

An Act to amend section one of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (Act Number 108) entitled "An act providing for the appointment and filling of vacancies in the office of members of the board of revision of taxes in counties of the first class" by making further provisions relative to the appointment of members of the said board

SENATE BILL No. 1269.

An Act to further amend Article VI of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," by adding thereto a new sub-division (h) consisting of Sections 685 (six hundred and eighty-five) to 696 (six hundred and ninety-six) inclusive defining the specific powers and financial requirements of title insurance companies providing for the regulation and supervision thereof prohibiting the guaranteeing of mortgages by such companies providing for reserves and limiting the amount of liability permissible under policies of title insurance for a single transaction

SENATE BILL No. 1311.

An Act providing for the erection construction and equipment of buildings for a new State sanatorium or new buildings at existing sanatoria designating the manner of acquiring or setting aside of land for the erection and construction of such buildings by The General State Authority the Commonwealth to lease such new sanatorium or building or buildings and the grounds connected therewith from The General State Authority upon their completion and the Department of Health to manage and operate the same and conferring powers and imposing duties upon certain State departments

SENATE BILL No. 1314.

An Act to amend section two hundred seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 789),

entitled as amended "An act relating to insurance establishig an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" prescribing certain penalties

SENATE BILL No. 222.

An Act to amend sections five hundred and fifty-nine and five hundred and sixty-two of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the collection of taxes for which collectors have been exonerated and other delinquent taxes; and authorizing the appointment of collectors of delinquent taxes therefor.

SENATE BILL No. 214.

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases and defining the powers of the court in such cases.

SENATE BILL No. 606.

An Act to amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for sabbatical leaves of absence for certain employes of school districts

SENATE BILL No. 629.

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of Common Pleas prothonotaries of such courts recorders of deeds and certain state departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" further regulating and extending and restricting in certain cases the rights responsibilities authority and powers of non-profit corporations and of the members thereof and the certain rights and qualifications of the officers thereof further providing for and regulating the dissolution of such corporations and providing penalties further providing for and regulating the revocation of certificates of authority of foreign non-profit corporations.

SENATE BILL No. 654.

An Act fixing the salary and compensation of the stenographer to the President of the Senate the clerk to the President Pro Tempore of the Senate the reading clerk of the House of Representatives and the Parliamentarian of the House of Representatives and authorizing the Speaker of the House of Representatives to appoint a secretary and fixing his salary.

SENATE BILL No. 879.

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven.

SENATE BILL No. 880.

An Act appropriating to the Department of Public Assistance for public assistance all restitutions and overpayments collected by or for such department.

SENATE BILL No. 1139.

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in five equal annual instalments and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending inconsistent legislation.

SENATE BILL No. 1208.

An Act to amend sections twelve as amended of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" granting certain retirement rights to persons who have withdrawn from and returned to school service

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1801.

An Act to amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and

making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1086.

An Act to fix the compensation of the assistant custodians of the Senate chamber and the hall of the House of Representatives.

HOUSE BILL No. 1238.

An Act to validate certain debts and obligations of school districts.

HOUSE BILL No. 2452.

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by making a further provision for the payment of the tax.

With the information that the Senate has passed the same without amendment.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 348

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 348.

An Act making an appropriation to The Glen Mills Schools situate in Delaware County Pennsylvania

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 947

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 947.

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1157

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1157.

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending said act to motor boats on boundary waters; increasing license fees; providing for new license plates each license year, and fixing license years; and regulating the installation and use of mufflers.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1835.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1835.

An Act to authorize subject to certain conditions the acquisition improvement construction operation and maintenance of electric light and gas systems by cities of the third class and boroughs authorizing the issuance of revenue bonds of such cities and boroughs payable solely from earnings to pay the cost of such systems providing for the fixing of rates and collection of charges for the payment of such bonds and for the cost of maintenance operation and repair of such systems providing for condemnation authorizing the issuance of revenue refunding bonds and providing subject to certain conditions that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numered and entitled as follows:

HOUSE BILL No. 1433.

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended permitting State institutions and sanatoria to supply water to individuals

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 856.

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 856, entitled:

An Act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners.

And has appointed Messrs. SHAPIRO, FREY and MALLERY, a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 877.

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 877, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and for all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Public Assistance and a State Board of Public Assistance and defining their powers and duties providing for the employment and removal of all persons employed by the Department of Public Assistance by the State Board of Public Assistance and by any board established by law and authorized to provide assistance in one or more counties only and by changing the powers of the Department of Welfare.

And has appointed Messrs. SHAPIRO, THOMPSON and SCARLETT, a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 883.

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 883, entitled:

An Act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board.

And has appointed Messrs. SHAPIRO, THOMPSON and SCARLETT, a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houss in relation to said bill.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 918.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate recalling from the Governor, House Bill No. 918, Printer's No. 1111, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. MOOMAW. Mr. Speaker, I move that House Bill

No. 918, together with the message from the Governor be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2002.

An Act to amend section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1083) entitled "An act requiring all persons contracting with the Commonwealth or any department or officer thereof or any municipal corporation division or subdivision of the Commonwealth to accept the provisions of the State Workmen's Compensation Act and to insure the said contractor's liability thereunder or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract" by making the Commonwealth or municipality or division or subdivision thereof liable for payment of compensation to persons injured while employed under a contract executed in violation of the provisions of this act.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out in lines 10 to 14 as follows: "the Commonwealth or municipality or division or subdivision thereof liable for payment of compensation to persons injured while employed under"; also same page, line 15, by inserting at the end of the line the word "voidable."

Amend section 1, page 2, by striking out in lines 14 to 19 inclusive as follows: "the Commonwealth or any municipal corporation division or subdivision of the Commonwealth being a party thereto shall be regarded as the employer and shall become liable to pay compensation to any person entitled to compensation under the laws of the Commonwealth as the result of employment pursuant to such contract" and inserting in lieu thereof the following: "it shall be voidable at the option of the Commonwealth or municipal corporation as the case may be."

On the question,

Will the House concur in the amendments made by the Senate?

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 2002.

Mr. WRIGHT. Mr. Speaker, I move that the House non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 708.

An Act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendment the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 9, page 10, line 28, by inserting after the word "department" the words "according to the quantity of explosives which are to be."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond	Gerard,	McShane,	Sloan.
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Soltzberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boies,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Vallbus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGES

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2037.

An Act to re-enact a part of section one of Article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" providing for the removal and dismissal of policemen in cities of the second class

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by inserting after the word "re-enact" the words "and amend."

Amend section 1, page 1, line 9, by inserting after the word "re-enacted" the words "and amended"; also same page, line 10, by striking out the words "or fireman"; also page 2, line 2, by striking out the words "city recorder" and inserting in lieu thereof the word "mayor"; also same page line 3, by inserting before the word "persons" the words "not less than three and not more than five"; also same page, line 4, by striking out the words "or fire"; also same page, line 29, by inserting after the word "service" the words "The right of appeal of the decision of the Trial Board shall be made within five days to the Civil Service Board."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.	Moul,	Stackpole,
Bierly,	Hamilton, R. S.	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffenach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1246.

An Act to prohibit the recruiting or the securing or offering to secure employment for persons to take the places of employes where a labor strike is pending or a lock-out exists

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "prohibit" the word "the" and inserting in lieu thereof the words "any person firm or corporation not directly involved in a labor strike or lock-out"; also in same line by striking out after the word "or" the word "the"; also in last line by striking out after the word "strike" the words "is pending."

Amend section 1, page 1, line 4, by striking out after the word "person" the words "for himself or as agent or servant of any"; also in line 5 by inserting after the word "corporation" the words "not directly involved in a labor strike or lock-out"; also on page 2, line 3, by striking out after the word "place" the word "of" and inserting in lieu thereof the word "in"; also in line 5 by striking out after the word "strike" the words "is then pending"; also in line 6 by inserting after the word "exists" the following: "provided that this act shall not apply to any employment agent licensed as such under the Department of Labor and Industry or to the Pennsylvania or the United States Employment Service."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,

Baker, J. T.	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1785.

An Act to further amend section sixteen of the act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws 208) entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words 'drug' and 'poison' and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity" by providing for special registration of veterans in certain cases

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend title, page 1, last line by inserting after the word "veterans" the words "and certain other persons."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T	Schumacher,	Woodside,
Eckels,	Matthews, J. F.	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 843.

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 3 by striking out after the word "assignees" the words "executors administrators"; also in line 5 by inserting after the word "water" the words "in cities and certain boroughs of this Commonwealth."

Amend section 1, page 1, line 4 by striking out after the word "of" the word "May" and inserting in lieu thereof the word "July"; also in line 6 by inserting after the word "in" the words "the cities of"; also in line 7 by inserting after the syllables "monwealth" the words "and in boroughs having a population of more than two thousand five hundred inhabitants"; also in same line by inserting after the word "to" the words "advertise or"; also in same line by inserting after the word "out" the words "by any means"; also on page 2, line 1, by striking out after the word "merchandise" the words "in any city borough or township"; also in line 3 by striking out after the syllables "signees" the words "executors administrators"; also in line 6 by inserting after the word "city" the word "or borough"; also in same line by striking out as follows: "borough or township of the first class."

Amend section 4, page 3, line 15 by striking out at the beginning of said line the word "and" and inserting in lieu thereof the word "of"; also in same line by inserting after the word "of" the words "not exceeding."

Amend section 5, page 3, line 21 by inserting after the word "city" the words "or borough"; also by striking out in line 22 the words "borough or township of the first class"; also in line 25 by striking out after the word "which" the words "in cities of the first second and second A classes shall be one hundred dollars ($100) in cities of the third class"; also in line 28 by striking out after the word "the" the words and figures "fifty dollars ($50)" and inserting in lieu thereof the words and figures twenty-five dollars ($25)"; also in same line by striking out as follows: "and in boroughs and townships of the first class shall be twenty-five dollars ($25)."

Amend section 6, page 4, line 9 by striking out after the word "companies" the words "when such sales are not conducted at retail."

Amend section 7, page 4, line 12 by striking out after the word "of" the word "May" and inserting in lieu thereof the word "July."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Ackerman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Skale,
Allmond,	Gerard,	McShane,	Sloan,
Arnold,	Gillette,	Melchiorre,	Smith, James A.,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. T.,	Hall,	Moran,	Sprout,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Hotland,	Ostroff,	Troutt,
Broad,	Holmes,	Patterson, C. S.,	Tunelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffenach,	Welsh,
DeNoie,	Long,	Rush,	Westrick,
Dickinson,	Lonsaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Feinberg,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,			

NAYS—0

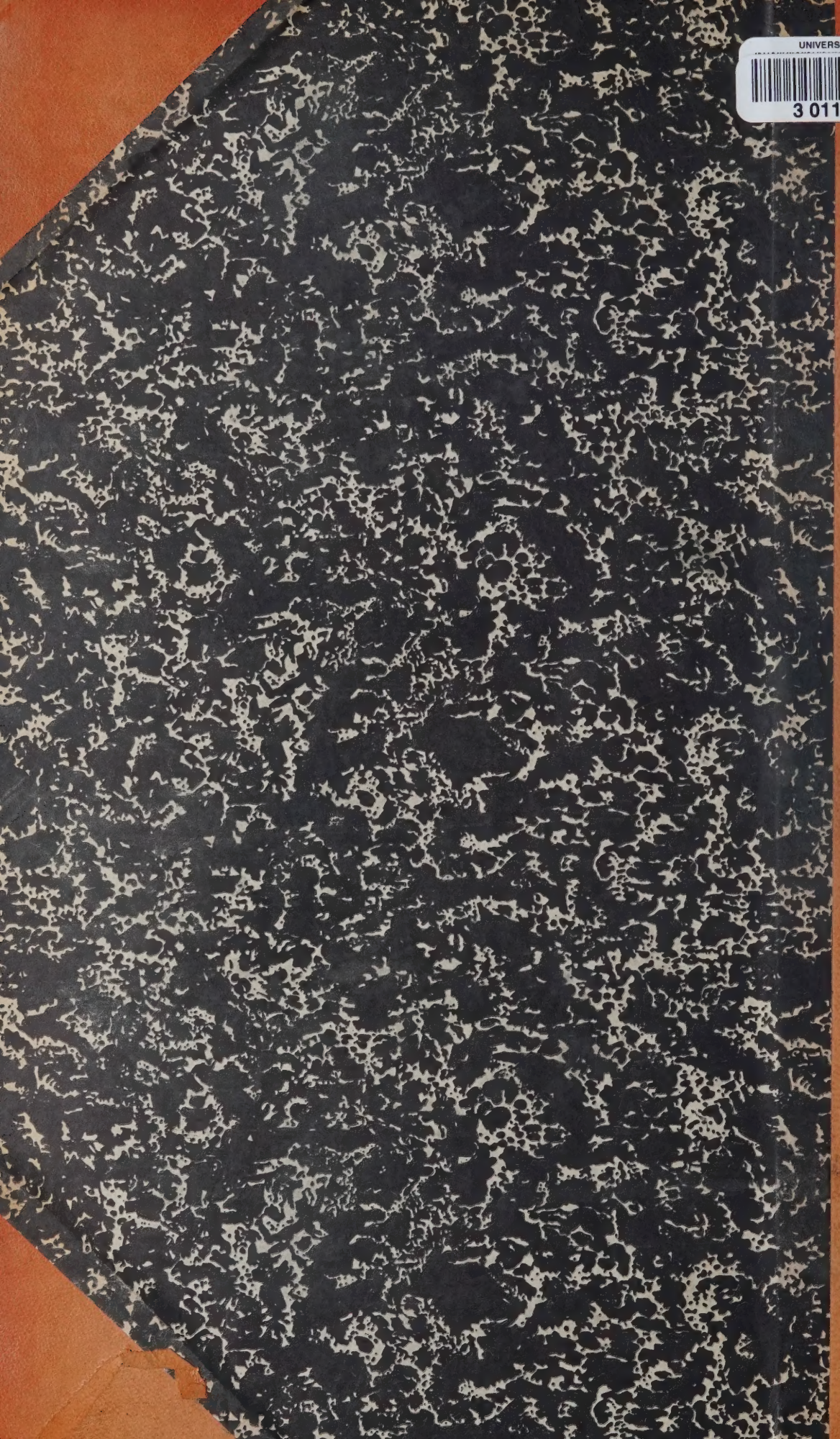
The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ADJOURNMENT

Mr. JAMES W. PATTERSON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 4:40 a. m.) the House adjourned until Saturday, June 5, 1937, at 1:00 p. m.



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